



WESTMINSTER
COLORADO

OCTOBER 13, 2003
7:00 P.M.

CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 5) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. Pledge of Allegiance - Cub Scout Troop 405 Den #6
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Presentations
 - A. Proclamation re Red Ribbon Week
 - B. Proclamation re Westminster Window Appreciation Day
 - C. Excellence in Design and Development and Excellence in Landscaping Design Award Presentations
5. Citizen Communication (5 minutes or less)
6. Report of City Officials
 - A. City Manager's Report
7. City Council Comments

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 citizen wishes to have an item discussed. Citizens then may request that the subject item be removed from the Consent Agenda for discussion separately.

8. Consent Agenda
 - A. 2003 Wastewater Collection System Improvements
 - B. Special Legal Services Contract for the *City of Westminster v. Centric-Jones* Appeal
 - C. Contract Amendment for Lowell Boulevard Design Services to Entranco, Inc.
 - D. City Employee Health Insurance Renewals
 - E. Carroll Butts Park Contract Award
 - F. Purchase of Self-Checkout Units at the Irving Street and College Hill Libraries
 - G. Concessionaire Agreement – Golf Course Restaurants
 - H. CB 50 re Adoption of 2003 Model Traffic Code (Dixon-McNally)
 - I. CB 51 re Indoor Entertainment Establishments (Atchison-Hicks)
9. Appointments and Resignations
 - A. Resolution No. 42 re Boards & Commission Appointment
10. Public Hearings and Other New Business
 - A. Councillor's Bill No. 52 re 88th and Pierce Business Center LLLP Business Assistance Package
 - B. Human Services Board Funding
 - C. Councillor's Bill No. 54 re Amendments to the Adopted 2004 Budget
 - D. Councillor's Bill No. 55 re Mandatory Protection Orders
 - E. Councillor's Bill No. 56 re CDBG Supplemental Budget Appropriation
 - F. Councillor's Bill No. 57 re Conveyance of City Owned Property to Habitat for Humanity
 - G. Councillor's Bill No. 58 re Cedar Bridge Subdivision Vacation of Easement
 - H. Councillor's Bill No. 59 re Purchasing Procedures
 - I. Councillor's Bill No. 60 re Animal Sale and Possession Code Amendments
 - J. Resolution No. 43 re Reimbursement to JeffCo for Whole Foods Open Space Acquisition
 - K. Councillor's Bill No. 61 re GOCO Trust Fund Grant Supp. Approp. Open Space Land Acquisitions
 - L. Resolution No. 44 re Denver Regional Natural Hazard Mitigation Plan
 - M. Resolution No. 45 re Amended 2004 Pay Plan

- 11. Old Business and Passage of Ordinances on Second Reading**
 - A. TABLED Councillor's Bill No. 48 re Brookhill Center BAP (Dittman-Kauffman)
- 12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**
 - A. City Council
 - B. Executive Session
- 13. Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, OCTOBER 13, 2003 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Cub Scout Troop 405 led Council, Staff and the audience in the Pledge of Allegiance.

ROLL CALL

Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman and McNally were present at roll call. J. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent none.

CONSIDERATION OF MINUTES

Councillor McNally moved, seconded by Councillor Dittman to approve the minutes of the meeting of September 22, 2003 with no corrections or additions. The motion carried unanimously.

PROCLAMATION RE RED RIBBON WEEK

Councillor Dixon presented a proclamation to Cindy Jeffries and Colleen Mazzucca representing Westminster Area Community Awareness Action Team, proclaiming October 27 through November 1 as "Red Ribbon Week" in the City of Westminster.

WESTMINSTER WINDOW APPRECIATION DAY

Mayor Moss presented a proclamation to Scott Perriman of the Westminster Window proclaiming October 15 as "Westminster Window Appreciation Day" in recognition of their 25 years.

EXCELLENCE IN DESIGN AND DEVELOPMENT AND LANDSCAPING DESIGN AWARDS

Council presented Excellence in Design and Development Awards to: Chris Gallegos and Ennis Associates for Rosita's Restaurant; to the Catholic Archdiocese of Denver and Gifford-Spurck Associates for St. Mark's Parish Hall; to DRH Builders and Whitten Design Group for 2441 Ranch Reserve Ridge; to West Brothers Custom Homes and Jeff Abrams for 2671 Ranch Reserve Ridge. Excellence in Landscape Design to: Westfield Development and EDAW Inc for the Westmoor Technology Park; and S/S Landholdings LLC and Civitas Inc for the Standley Lake Marketplace Shopping Center.

CITIZEN COMMUNICATION

Nancy Conner, 860 W 132nd Ave #310, addressed Council requesting City Council support of issue 1A for Jefferson County regarding funding for persons with mental retardation.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on the awards presented as unique and show significant enhancement and worthy projects. He also stated there would be a discussion at the post meeting in reference to a mayoral run-off election timeframe and an Executive Session regarding a personnel matter.

CITY COUNCIL COMMENTS

Councillor McNally commented on the Habitat for Humanity home blessing that took place last week.

Councillor Kauffman commented on the Business Appreciation Event held last Friday at the Westin Hotel.

Councillor Dixon commented on the Ropes Course as a Teambuilding exercise, the National League of Cities updating policies.

CONSENT AGENDA

The following items were considered as part of the consent agenda: 2003 Wastewater Collection System Improvement Project with Insituform Technologies for \$333,214; Special Legal Services Contract with Hall & Evans not to exceed \$40,000; Contract Amendment for Lowell Boulevard Design Services with Entranco, Inc., for \$94,068; City Employee Health Insurance Renewals for \$5,547,580; Carroll Butts Park Contractor Contract Award with T2 Construction for \$631,177.89; Purchase of Self-Checkout Units at Irving Street and College Hill Libraries with Highsmith, Inc., for 499,800; Concessionaire Agreement with Sinks-Links for operation of Golf Course Restaurants; CB No. 50 re 2003 Model Traffic Code; and CB No. 51 re Indoor Entertainment Establishments.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. Councillor Hicks asked that the Special Legal Services Contract be removed from the consent agenda for discussion, and Mayor Pro-Tem Atchison asked that the Concessionaire Agreement be removed from the consent agenda for discussion.

Councillor Dittman moved, seconded by Atchison to adopt the remaining consent agenda items as presented. The motion carried unanimously.

SPECIAL LEGAL SERVICES CONTRACT WITH HALL & EVANS

Councillor Dixon moved, seconded by Dittman to authorize the City Manager to execute a contract with the law firm of Hall & Evans L.L.C. in substantially the same form as attached to provide legal assistance to the City in connection with the appeal of the Colorado Court of Appeals' decision in *City of Westminster v. Centric-Jones, et al.*

Mayor Pro-Tem Atchison suggested a friendly amendment, to approve the contract for the briefing the Petition for Certiorari for an amount not to exceed \$15,000. The maker and second approved the amendment.

The amended motion carried with dissenting votes from Atchison, Dittman, and Hicks.

CONCESSIONAIRE AGREEMENT – GOLF COURSE RESTAURANTS

Mayor Pro-Tem Atchison moved, seconded by Dixon to authorize the City Manager to sign a concessionaire agreement between Sinks-Links, L.L.C. and the City of Westminster for the operation of the Grill at Legacy Ridge and the Heritage Grill, located at the City's two golf courses. Ken Watson, Recreation Facilities and Golf Manager, and Kurt Sinks of Sinks-Links LLC addressed Council. The motion carried unanimously.

RESOLUTION NO. 42 RE RESIGNATION AND APPOINTMENT TO LIBRARY BOARD

Councillor McNally moved, seconded by Dixon to adopt Resolution No. 42 formally accepting the resignation of Sharon Hall from the Library Board and appointment Angela Ricker as an alternate member with term of commission to expire December 31, 2003. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 52 RE 88TH AND PIERCE BUSINESS CENTER BAP

Councillor Hicks moved, seconded by McNally, to pass Councillor's Bill No. 52 on first reading authorizing the City Manager to execute a business assistance package (BAP) between the City of Westminster and 88th and Pierce Business Center LLLP (88th and Pierce Business Center). The Business Assistance Package totals \$270,000 and includes \$90,000 in sales tax rebates per year for a total of three years. Dick Rudolph, ns present and addressed Council. Upon roll call vote, the motion carried unanimously.

HUMAN SERVICES BOARD FUNDING

Councillor Dittman moved, seconded by Dixon to accept the Human Services Board recommendations for 2004 funding, which identifies the agencies that the City of Westminster will provide financial support to during FY2004 and the associated dollar amounts. The motion carried unanimously.

COUNCILLOR'S BILL NO. 54 RE AMENDMENTS TO ADOPTED 2004 BUDGET

Councillor Dittman moved, seconded by Dixon to pass Councillor's Bill No. 54 on first reading amending the FY2004 budgets of the General, Utility, General Reserve, Utility Reserve, Golf Course, Fleet Maintenance, Property Liability, Workers Compensation, Sales & Use Tax, Open Space, and General Capital Improvement Funds. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 55 RE MANDATORY PROTECTION ORDERS

Mayor Pro-Tem Atchison moved, seconded by Hicks to pass Councillor's Bill No. 55 on first reading amending the Westminster Municipal Code concerning mandatory protection orders. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 56 RE CDBG SUPPLEMENTAL BUDGET APPROPRIATION

Councillor Dittman moved, seconded by Dixon to pass Councillor's Bill No. 56 on first reading providing for supplemental appropriation in the amount of \$29,872 to the 2003 City budget of the Community Development Block Grant Fund (CDBG). Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 57 RE CONVEYANCE OF CITY OWNED PROPERTY

Councillor Kauffman moved, seconded by Dittman to pass Councillor's Bill No. 57 on first reading conveying City owned property Habitat for Humanity of Metro Denver and to authorize the City Manager to execute all necessary documents to convey the parcel. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 58 RE CEDAR BRIDGE SUBDIVISION VACATION OF EASEMENT

Councillor Dixon moved, seconded by McNally to pass Councillor's Bill No. 58 on first reading vacating a portion of an easement recorded on the plat for Cedar Bridge Subdivision, Filing No. 1. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 59 RE FORMAL BIDDING REQUIREMENTS FOR PURCHASING

Mayor Pro-Tem Atchison moved, seconded by Hicks to pass Councillor's Bill No. 59 on first reading amending the Westminster Municipal Code concerning formal bidding requirements for purchasing. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 60 RE ANIMAL SALE AND POSSESSION CODE AMENDMENTS

Mayor Pro-Tem Atchison moved, seconded by Dittman to pass Councillor's Bill No. 60 on first reading amending Title 6, Chapter 7, of the Westminster Municipal Code concerning the sale and possession of animals. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 43 RE REIMBURSEMENT TO JEFFCO OPEN SPACE FOR WHOLE FOODS

Councillor Dittman moved, seconded by McNally to adopt Resolution No. 43 authorizing the City Manager to execute all documents required to exercise the first option and closing documents for the acquisition, and authorize the expenditure of \$1,000,000 plus interest for the acquisition of a portion of the Whole Foods/Lower Church Lake from Jefferson County and the Jefferson County Open Space Program. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 61 RE GOCO SUPPLEMENTAL APPROPRIATION FOR OPEN SPACE

Councillor Kauffman moved, seconded by McNally to pass Councillor's Bill No. 61 on first reading authorizing a supplemental appropriation in the amount of \$100,000 reflecting the City's receipt of a Great Outdoors Colorado Trust Fund for the open space acquisition of the Fairways Office Park property on the Big Dry Creek open space and trail corridor. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 44 RE DENVER REGIONAL HAZARD MITIGATION PLAN

Councillor Dixon moved, seconded by Atchison to adopt Resolution No. 44 adopting the Denver Regional Natural Hazard Mitigation Plan. The Colorado Office of Emergency Management and the Federal Emergency Management Agency will then review and adopt the plan assuring that the City of Westminster is in full compliance with The Federal Disaster Mitigation Act (P.L. 106-391). Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 45 RE 2004 PAY PLAN

Councillor McNally moved, seconded by Atchison to adopt Resolution No. 45 amending the 2004 Pay Plan previously approved by Council. Upon roll call vote, the motion carried unanimously.

TABLED COUNCILLOR'S BILL NO. 48 RE BROOKHILL CENTER BAP

Councillor Dittman moved, seconded by Dixon to remove this item from the table. The motion carried unanimously.

Councillor Dittman moved, seconded by Dixon to pass Councillor's Bill No. 48 on second reading authorizing the City Manager to execute an agreement in substantially the same form attached business assistance package (BAP) between the City of Westminster and Brookhill Center, Incorporated (BCI). Upon roll call vote, the motion carried unanimously.

EXECUTIVE SESSION

Mayor Moss stated there would be an executive session item to discuss a personnel matter.

ADJOURNMENT:

The meeting was adjourned at 8:00 P.M.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003

SUBJECT: Proclamation re Red Ribbon Week

Prepared by: Michele Kelley, City Clerk

Recommended City Council Action

Council proclaim the week of October 27 through November 1 as Red Ribbon Week in the City of Westminster.

Summary Statement

- City Council is requested to proclaim the week of October 27th as Red Ribbon Week in the City of Westminster.
- The City is supporting the Red Ribbon Campaign again this year. Locally, Westminster in conjunction with the Westminster Area Community Awareness Action Team (CAAT) formerly known as the Westminster District 50 Drug and Alcohol Resource Effort (DARE); local schools, churches and area businesses have joined together to encourage a drug-free lifestyle.
- Phil and Phyllis Aschenbrenner, Cindy Jeffries, Eleanor Scott; and Colleen Mazzucca; of the School District 50 Westminster Area Community Awareness Action Team will be present to accept this proclamation and present City Council with red ribbons for distribution to City employees to wear during week.

Expenditure Required: \$0

Source of Funds: N/A

SUBJECT: Proclamation re Red Ribbon Week – Page 2

Policy Issue

No policy issues identified.

Alternative

No alternatives identified.

Background Information

By joining with us as Ribbon by Ribbon...Neighbor by Neighbor...we become united for drug-free youth by participating in this year's Red Ribbon Campaign.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

WHEREAS, Alcohol, tobacco and other drug use by our youth is a threat to the future of our Nation; and

WHEREAS, It is imperative that a unified and visible commitment of prevention efforts by community members be continued to reduce the demand for illegal drugs; and illegal use of legal drugs; and

WHEREAS, The National Family Partnership and the Westminster Area Community Awareness Action Team (C.A.A.T.) are sponsoring the national, statewide and local Red Ribbon Campaign, offering citizens the opportunity to demonstrate their commitment toward helping children stay drug free as they grow up; and

WHEREAS, The Red Ribbon Campaign will be celebrated in communities across the nation during Red Ribbon Week, October 27 through November 1, 2003; and

WHEREAS, Westminster area school students and faculty, businesses, government, law enforcement, religious institutions, service organizations, youth, health providers, senior citizens, sports teams, and individuals will demonstrate their commitment to drug free lifestyles by wearing and displaying red ribbons during this week-long campaign; and

WHEREAS, The City of Westminster is committing its resources to ensure the success of the Red Ribbon Campaign.

NOW, THEREFORE, I, Ed Moss, Mayor of the City of Westminster, on behalf of the entire City Council and Staff do hereby proclaim October 27 through November 1, 2003 as

RED RIBBON WEEK

in the City of Westminster, and encourage our citizens to participate in drug prevention education activities, making a visible statement that we are strongly committed to a drug free community.

Signed this 13th day of October, 2003.

Ed Moss, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: Proclamation re Westminster Window Appreciation Day

Prepared By: Kimberley Jurawan, Economic Development Aide

Recommended City Council Action

Proclaim October 15 as “*Westminster Window* Appreciation Day” in the City of Westminster.

Summary Statement

The Westminster Window, the local newspaper, is celebrating 25 years of service to both businesses and residents in the City of Westminster. In appreciation of their quality coverage of business, community, municipal, and youth activities, the Mayor, on behalf of City Council, is requested to proclaim the October 15th as “*Westminster Window* Appreciation Day” in the City of Westminster.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council want to formally acknowledge the twenty-five years of community reporting that the *Westminster Window* has provided within the City of Westminster?

Alternative

City Council could choose to not proclaim October 15th as “*Westminster Window* Appreciation Day”.

Background Information

Founded by Wilbur Flachman on January 24, 1978 and today owned by Scott Perriman, the *Westminster Window* newspaper has served the community for 25 years.

Through the years, the *Window* has reported on the issues that affect the community, from City Council to school boards, from government news to school sports. Today, it is one of the last community newspapers to claim local ownership and it continues its 25-year focus on energetic, informative and responsible community journalism.

The *Westminster Window* was recognized at the Business Appreciation Event on Friday, October 10, for twenty-five years of service. Though the newspaper offices moved in January 2003 from Westminster to new offices in Thornton, Staff believes it is appropriate to recognize the *Westminster Window* by proclamation for 25 years of service to the Westminster community.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

WHEREAS, the City of Westminster recognizes the essential service that a local newspaper plays in the community; and

WHEREAS, the *Westminster Window* has been the voice of the community for both the business and residents in the City for over 25 years; and

WHEREAS, the *Westminster Window* provides quality coverage of business, municipal, community, and youth activities; and

WHEREAS, the *Westminster Window* celebrated its 25th Anniversary in January of 2003 with the opening on their new facility; and

WHEREAS, the *Westminster Window* has focused its media coverage exclusively on Westminster; and

WHEREAS, it is fitting that official recognition be given to the *Westminster Window* for their support of the community for 25 years,

NOW THEREFORE, I Ed Moss, Mayor of the City of Westminster, on behalf of the entire City Council and Staff do hereby proclaim October 15th, 2003 as

Westminster Window Appreciation Day

in the City of Westminster and encourage all citizens to support their local newspaper.

Signed this 13th Day of October, 2003

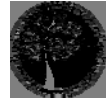
Ed Moss, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: Excellence in Design and Development and Excellence in Landscaping Design Award Presentations

Prepared By: Greg Savage, ODP Inspector

Recommended City Council Action

View the slide presentation of the projects selected to receive the annual "Excellence in Design and Development" and "Excellence in Landscaping Design" awards, and present the awards to the developer and architect of each winning project.

Summary Statement

The seventeenth annual "Award for Excellence in Design and Development" is a program to formally recognize outstanding architectural design and development taking place in Westminster. More than 100 projects (homes and buildings) were completed in 2002 and eligible for award consideration. The judging committee chose a total of four projects listed in the Background Section of this memorandum. In addition, the judges chose two projects to receive the City's "Award for Excellence in Landscaping Design."

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issues

For the purpose of presenting the annual design awards, policy issue review is not applicable.

Alternative

N/A

Background Information

Awards for Excellence in Design and Development:

Project: Rosita's Restaurant Redevelopment

Address: 8050 Federal Boulevard

Category: Commercial

Developer: Chris Gallegos

Architect: Ennis Associates

Judges' Comments: The project consisted of an addition to the existing restaurant. The landscaping and new parking arrangements made a much better streetscape. The addition of earth tone color on the new building makes a more pleasing and attractive design.

Project: St. Mark's Parish Hall

Address: 3142 West 97th Avenue

Category: Miscellaneous

Developer: Catholic Archdiocese of Denver

Architect: Gifford-Spurck Associates

Judges' Comments: Nice simple building, well proportioned. Not an expensive building, excellent use of simple materials. Good detailing of exterior insulation finish system and storefront. Good screening of ground level equipment.

Project: Custom Residence

Address: 2441 Ranch Reserve Ridge

Category: Single-Family Detached, Custom and Semi-Custom

Developer/Contractor: D. R. H. Builders

Architect: Whitten Design Group

Judges' Comments: Good use of lot with house closer to the street and garage slightly centered to make it less obvious. Good combination of materials.

Project: Custom Residence

Address: 2671 Ranch Reserve Ridge

Category: Single-Family Detached, Custom and Semi-Custom

Developer/Contractor: West Brothers Custom Homes

Architect: Jeff Abrams

Judges' Comments: The judges felt that the split garage arrangement both reduced the dominance of a 4-car garage and also provided an interesting space for outdoor activities on the patio. The second floor connection between house and garage tied the overall design together and made a pleasant combination of the garage and house, and provided additional living space.

Award for Excellence in Landscape Design:

Project: Westmoor Technology Park

Address: 108th Avenue and Westmoor Drive

Developer: Westfield Development

Landscape Architect: EDAW, Inc.

Judges' Comments: The use of several informal gathering areas and recreational spaces make this project much nicer than a typical office park. Good use of space between or adjacent to buildings through the use of seating areas and shade structures.

Project: Standley Lake Marketplace Shopping Center

Address: Church Ranch Boulevard and Wadsworth Parkway

Developer: S/S Landholdings LLC

Landscape Architect: Civitas, Inc.

Judges' Comments: A good variety of plant types, colors and textures. The inclusion of public art into overall design adds to attractiveness of center street. Furniture is well integrated into design. Landscaping is well done at a pedestrian level. Developer is to be commended for including adequate sidewalk width to allow for planters.

Every year, as part of the Excellence in Design and Development awards program, the City recognizes developers and architects of new projects that reflect the type of design and development the City encourages. To qualify for design award consideration, projects must be completed (issued Certificates of Occupancy) during that design award year. Projects eligible for consideration for the awards presented this year were completed in the year 2002.

Beginning in early fall, after most projects have been fully landscaped, Planning Division Staff photographs all eligible projects and invites a team of architects and developers familiar with the City to view the slides and choose the design award recipients. The members of this team were Will Flessig, developer of Bradburn, Mike Stahl, landscape architect and John Gwilliams, an architect with Arlo Braun and Associates. Staff then orders the awards and schedules the City Council presentation.

Last year, Staff initiated the landscaping design award and incorporated this into the architectural design and development judging process. Because landscaping design often takes years to realize the full positive effects of a good design, and years for landscaping materials to mature, Staff did not limit eligible projects to those receiving Certificates of Occupancy during the last year. Projects eligible for this award have been completed within the last five years.

Due to the high rate of 2002 building activity, the judging committee reviewed over 100 slides of new non-residential projects, housing models, and custom homes. This year, three professionals with design and development backgrounds, aided City Staff in choosing the Design and Development and Landscaping Design awards. Please note that the judges are not required to choose a project in each and every category and may select more than one project in any of the categories. The judges viewed slides and made site visits of projects they wished to see in the field. After discussion of the merits and weaknesses, they selected the projects that represent outstanding design, development and landscaping design.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: 2003 Wastewater Collection System Improvement Project

Prepared By: Richard A. Clark, P.E., Utilities Operations Manager

Recommended City Council Action

Authorize the City Manager to execute a contract with Insituform Technologies to complete the specified work as described in the project documentation; authorize a project budget of \$168,818 with a 10 percent contingency budget of \$16,882 and charge the appropriate Utilities Operations Division operating budget account. Additionally, authorize a change of scope in the original scope of work to include an additional 3,707 linear feet of sanitary sewer system improvements and rehabilitating 18 additional manholes for a cost of \$134,103 with a 10 percent contingency of \$13,410 and charge the appropriate Utilities Operations Division operating budget account. The contingency funds will be held in a separate account.

Summary Statement

- This project consists of the rehabilitation of approximately 5,087 feet of 8-inch sanitary sewer line using trenchless technology and rehabilitation of 19 manholes to improve deteriorated benches, inverts, and manhole barrel seal coatings.
- Formal bids for this project were issued and a bid opening took place on September 23, 2003. A total of three contractors bid on this project. The lowest responsible bid was submitted by Insituform Technologies.
- Due to the low bid costs for this project, Staff is requesting to change the scope of the original scope of work to include an additional 3,707 feet of cured-in-place-pipe rehabilitation work and 18 additional manholes. Total cost of the additional work would be \$134,103.
- Total project cost would increase to \$333,214 (\$302,922 plus \$30,292 contingency).
- \$383,974 was budgeted for this expense in the 2003 Utilities Division Operating Budget.

Expenditure Required: \$333,214 (\$302,922 + \$30,292 contingency)

Source of Funds: Utilities Operations Division Budget

Policy Issues

1. Should the City spend Utility Fund monies to complete needed wastewater collection system improvements using a contractor as specified in the contract/project documents?
2. Should the City take advantage of the attractive unit pricing bid on this project and utilize available funds to add approximately 3,707 feet of sewer line rehabilitation work to the initial project?

Alternatives

1. Delay this project and continue with additional maintenance costs along with assuming responsibility for any property damage that may occur due to a sewer line failure.
2. Reject Insituform Technologies bid and select one of the other two bidders for this project.
3. Prepare an additional contract and request proposals for the additional 3,707 feet.

Background Information

The original project scope of work consists of replacing approximately 5,087 feet of 8-inch sanitary sewer lines using accepted and approved trenchless technology methods (internal lining of the existing sewer pipe). Trenchless technology has proven very successful and less disruptive for residents and traffic flows. Also included in this project is rehabilitation of 180 vertical feet of manholes to reform deteriorated benches and inverts and to seal coat manhole barrel sections. This work would include a total of 19 manholes.

The locations where this project work will take place are: Grove Street, 92nd Avenue to 94th Avenue; Mowrey Place, east of Lowell Boulevard to 95th Avenue; and, 106th Avenue, west of Old Wadsworth Boulevard. This project is expected to start in November 2003 and should be completed by year-end.

The 2003 Wastewater Collection System Improvement Project was advertised on the Internet site "Demand Star" with bids being submitted by September 23, 2003. Insituform Technologies was the lowest responsible bidder for this project. This contractor has completed similar work for the City in past years and Staff has been satisfied with the quality of their work.

The results of the submitted bids are as follows:

Insituform Technologies	\$168,818
Western Slope Utilities	\$186,130
Wildcat Civil Services	\$245,645
Staff Estimate	\$300,000

Staff is also requesting that City Council allow for additional sewer rehabilitation work to be completed along with the original project due to the lower than expected costs bid for this project. The estimated cost for the original project scope was \$300,000.

With the low bid by Insituform Technologies of \$168,818, Utilities Staff recommends that the City invest the remaining budgeted funds in completing additional work on deteriorated sewer lines and manholes.

This additional work would include another 3,707 feet of sewer line rehabilitation along with another 18 manholes at the same unit prices established through the competitive bid. This would bring the total cost of the project to \$333,214 (\$302,922 plus \$30,292 contingency), which is available in the Utilities Division Operating budget. The additional work would be completed in the 94th Avenue and Grove Street Area, extending further down the street from where the original contract work is to be completed. The sewer pipe in these areas has severely deteriorated due to the non-reinforced concrete pipe material, which is wearing away and causing dips and joint breaks along the sewer lines.

Staff recommends that the City take advantage of the bid prices and invest the full amount of budgeted funds to complete as much sewer rehabilitation work as possible this year. The contractor, Insituform Technologies, has indicated that they can complete all of the sewer line and manhole rehabilitation work by the end of this calendar year.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment



**2003 Wastewater
Collection System Improvements
Project # WW-03-3**





**2003 Wastewater
Collection System Improvements
Project # WW-03-3**



Change Order



**2003 Wastewater
Collection System Improvements
Project # WW-03-3
Proposed Additional Sewer Lines**





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003



Subject: Special Legal Services Contract for the *City of Westminster v. Centric-Jones* Appeal

Prepared by: Marty McCullough, City Attorney
Jeffrey M. Betz, Assistant City Attorney

Recommended City Council Action

Authorize the City Manager to execute a contract with the law firm of Hall & Evans L.L.C. in substantially the same form as attached to provide legal assistance to the City in connection with the appeal of the Colorado Court of Appeals' decision in *City of Westminster v. Centric-Jones, et al.*

Summary Statement

- City Council is requested to authorize a contract with Hall & Evans L.L.C. to provide legal assistance in connection with the appeal of the Colorado Court of Appeals' decision in *City of Westminster v. Centric-Jones, et al.*
- Funds are available in the Clearwell Replacement Capitol Project account to cover this expense.

Expenditure Required: Not to exceed \$40,000

Source of Funds: Utility Fund Clearwell Replacement Capitol Project Account

Subject: Special Legal Services Contract for the *City of Westminster v. Centric-Jones* Appeal Page 2

Policy Issue:

Should the City retain the services of Hall & Evans L.L.C. to assist in the appeal of the Colorado Court of Appeals' decision in *City of Westminster v. Centric-Jones, et al.*

Alternatives:

1. Do not appeal the Colorado Court of Appeals' decision, in which case the trial court's decision dismissing the City's claim would become final.
2. Proceed with the appeal without the benefit of outside legal counsel.

Background Information

On January 9, 2001, the trial of the *City of Westminster v. Centric-Jones and Travelers* arising out of the Semper Water Treatment Expansion Project commenced in Jefferson County District Court. At the conclusion of the City's case, the Judge dismissed the City's claims and entered a judgment in favor of Centric-Jones and Travelers, without letting the jury decide the issues. On September 11, 2003, the Colorado Court of Appeals affirmed the trial court's judgment.

Staff believes it would be in the best interest of the City to appeal the Colorado Court of Appeals' decision to the Colorado Supreme Court. The law firm of Hall & Evans L.L.C. has the necessary experience, and the City Attorney's Office recommends that the City enter into a contract with the firm to assist in this appeal.

The appeal to the Colorado Supreme Court is conducted in two phases. The first phase consists of asking the Court to accept the appeal for consideration. The cost associated with this phase will not exceed \$15,000. If the Court accepts the appeal for consideration, it will consider briefs and oral arguments of the parties. The cost associated with this phase will not exceed \$25,000.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

CONTRACT FOR LEGAL SERVICES

THIS AGREEMENT is made this ____ day of October 2003, by and between HALL & EVANS, L.L.C. (the "Firm") and the CITY OF WESTMINSTER (the "City").

RECITALS

1. The City is desirous of contracting with the Firm for legal services.
2. The Firm and its attorneys are authorized to practice law in the State of Colorado.

AGREEMENT

1. The Firm shall represent the City and furnish special legal services for filing the Petition for Certiorari, necessary briefing and argument to the Supreme Court of Colorado in the case of the *City of Westminster v. Centric-Jones Constructors, et al.*, Jefferson County District Court Case Number 97-CV-3415.

2. Alan Epstein shall be principally responsible for the Services.

3. The Firm is acting as an independent contractor; therefore, the City will not be responsible for FICA taxes, health or life insurance, vacation, or other employment benefits.

4. The City shall pay for the Services at the hourly rate not to exceed \$175.00 per hour.

5. This Contract may be terminated by the City with or without cause.

6. The Westminster City Council authorized this contract on October 13, 2003.

7. Payments for legal services pursuant to this Contract shall not exceed \$15,000 for briefing the Petition for Certiorari and \$25,000 for briefing and oral argument if the appeal is accepted by the Supreme Court of Colorado without further written authorization by the City.

HALL & EVANS, L.L.C.

By _____
Alan Epstein

CITY OF WESTMINSTER

By _____
J. Brent McFall, City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: Contract Amendment for Lowell Boulevard Design Services to Entranco, Inc.

Prepared By: Tony Chacon

Recommended City Council Action:

Authorize the City Manager to sign a contract amendment with Entranco, Inc. in the amount of \$45,000, whereby the initial project scope is expanded to include the preparation of construction documents, and the total cost for the contracted design services would increase to \$94,068.

Summary Statement

- In the Fall 2001, the City Council authorized Staff to proceed with the preparation of plans related to improving the functional and aesthetic character of Lowell Boulevard between 72nd Avenue and 84th Avenue.
- The City Council allocated \$97,669 in 2002 CDBG funding to prepare the conceptual/schematic improvement plans.
- A request-for-qualifications (RFQ) was released in the Spring 2003 requesting design and engineering services related to the preparation of plans to improving Lowell Boulevard.
- By virtue of having submitted the lowest cost estimate and having the best experience to do the project, Staff selected Entranco, Inc., a design and engineering firm, from a pool of four respondents to the RFQ.
- Entranco, Inc. was awarded a contract in the amount of \$49,068 to prepare an inventory of the roadway conditions and prepare a conceptual/schematic improvement plan that would be used to guide preparation of future construction plans.
- Entranco, Inc. proceeded to complete the conceptual/schematic plans.
- Subsequently, City Council authorized Staff to proceed with the preparation of construction plans for Lowell Boulevard, providing an additional \$50,000 in CDBG funding to prepare the documents and initiate construction. Accordingly, City staff worked with Entranco, Inc. to prepare a contract amendment in the amount of \$45,000 to provide the required engineering services.
- The combined cost of the contracted services amounts to \$94,068 requiring City Council approval.
- Completing the construction plans will permit the City to initiate improvements in 2004.

Expenditure Required: \$94,068

Source of Funds: Community Development Block Grant Program

Policy Issue

Should the City amend the design/consulting contract based upon a significant change to the scope of work without issuance of a new request for proposals (RFP)?

Alternative

City Council may choose to not amend the contract and require Staff to issue an RFP for the required services. Staff recommends that this option not be considered as the existing consultant, by virtue of having completed the conceptual/schematic improvement plan, can provide a seamless transition to preparing the construction plans, which has built-in cost savings.

Background Information

In 2001, City staff entered into negotiations with Community Builders, Inc. to redevelop the Aspen Care site and the west side of Lowell Boulevard between 72nd Avenue and 75th Avenues. As part of the negotiations, the City agreed to proceed with the preparation of plans to improve the aesthetic appearance of Lowell Boulevard so as to enhance the marketability of the proposed townhouse development. Accordingly, in the Fall 2001, the City Council authorized the expenditure of 2002 CDBG funds to initiate plans.

In the Spring 2003 the City released a request-for-qualifications (RFQ) requesting planning and design consulting services related to the preparation of a concept/schematic improvement plan for Lowell Boulevard. Staff selected an RFQ process in accordance with federal requirements pertaining to the expenditure of federal funds. The City received four responses to the RFQ. Upon review of the qualifications packets, Staff determined that Entranco, Inc. provided the best level of experience related to the project scope. Entranco, Inc. also submitted the lowest cost estimate to do the project. Given these two factors, City staff awarded a contract to Entranco, Inc. in the amount of \$49,068. Entranco, Inc. proceeded to prepare the conceptual/schematic plan. Construction plans were not covered in the original scope of work given City staff needed to evaluate the conceptual/schematic plan to establish priorities for making the improvements, and thus preparing corresponding construction plans.

Upon completion of the concept/schematic plan, Staff determined that sufficient funds were available to proceed with construction plans for the segment of Lowell Boulevard between 73rd Avenue and 77th Avenue. As such, Staff negotiated a contract amendment with Entranco, Inc. to proceed with the preparation of the construction plans for the defined area. The additional services will cost \$45,000, thereby increasing the value of the consulting/engineering contract to \$94,068. City Council approval is required given the total project cost has exceeded \$50,000.

If the contract amendment is approved, Entranco, Inc. expects to have the plans completed within the next 30-45 days. This will allow the City to bid the contract by the end of the year and schedule the improvements to begin in early 2004.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



WESTMINSTER

Agenda Memorandum

City Council Meeting
October 13, 2003

SUBJECT: City Employee Health Insurance Renewals

PREPARED BY: Matt Lutkus, Deputy City Manager for Administration
Debbie Mitchell, Human Resources Manager

Recommended City Council Action

Authorize the City Manager to renew contracts with Great West Insurance Company, Kaiser Permanente and Delta Dental; authorize the continuation of a four-tier rate structure with the employer and employee premium rates as shown on the attachments to this memorandum; and charge the expense to the appropriate Central Charges accounts in the General, Golf, Water and Wastewater Funds.

Summary Statement

- City Council action is requested to authorize the City Manager to renew the contracts with Great West Insurance Company, Kaiser Permanente and Delta Dental for employee medical and dental coverages for 2004 and to approve 2004 medical and dental employer and employee contribution rates.
- City Staff is recommending the continuation of a three option medical benefit package for employees: the Kaiser HMO and Point of Service (POS) and Preferred Provider Organization (PPO) options provided through Great West Insurance.
- Staff is recommending increases of 20% in premiums for both the City and employees for all plan options effective January 1, 2004, as well as the continuation of a “blended” rate for all the plan options. (Attachment A)
- The City’s cost for these benefits is within the amount included in the 2004 amended budget for employee benefits.

Expenditure Required: \$5,547,580

Source of Funds:	General Fund	\$4,526,227
	Water Fund	663,658
	Wastewater Fund	225,552
	Golf Course Funds	132,143

Policy Issues

Should the City maintain the current level of medical and dental coverage with the present distribution of costs between employee and employer?

Alternatives

1. Renew the health care plans at existing levels of coverage but shift the percentage of premiums paid by employees to a higher level, reducing the cost to the City for medical/dental benefits.
2. Reduce the level of coverage provided in the health care plans, thereby reducing the overall cost of the City medical/dental benefit budget.

Both of these options may jeopardize the competitiveness of the health care benefit provided to employees in comparison to our eight city market group. The biennial benefit survey completed in 2002 demonstrated that the City of Westminster benefits were very competitive but not beyond the market. A close review of the coverage levels and the distribution of premium costs will be part of the 2004 benefit survey. Staff recommends maintaining the coverage and premium distributions throughout the 2004 budget year.

Background Information

The City currently provides all benefitted employees with an excellent medical benefit package through coverages offered by Kaiser Permanente, a Health Maintenance Organization HMO, and two options under the Great West Insurance Company– a preferred provider organization plan (PPO) and point of service plan (POS). These plan options were put in place in 2003 when the City moved to Great West from Anthem Blue Cross Blue Shield. The breakdown of enrollment in the various plans by the number of employees enrolled is as follows:

Great West PPO Plan	123
Great West POS Plan	446
Kaiser HMO	257

The City pays for approximately 83% of the total cost of the medical plans. These employer contribution levels are competitive with those provided by other entities within the City’s every-other-year salary and benefit survey.

Like employers throughout the country, the City has felt the pressures of steadily increasing medical costs. These increases are largely caused by increased hospitalization costs, increasing costs for prescription drugs, the increasing costs of physicians, and the fact that, industry wide, previous efforts to manage healthcare costs have likely run their course.

The 2003 change from Anthem Blue Cross Blue Shield PPO/Indemnity and HMO plans to Great West PPO and POS plans shifted the number of employees in self-funded plans significantly. The City now self insures a large portion of its medical benefit package as opposed to only PPO and Indemnity plan participants prior to 2003. The City has an “administrative services only” or ASO contract with Great West Insurance. This contract includes the fixed costs of the plan, that is, third party administrative services, claims management review, specific claim excess insurance beyond the threshold of \$75,000 and aggregate stop loss insurance for the claim payments in excess of 125% of estimated claims. The PPO/POS self-insured plan provides considerable advantages to the City and employees in terms of containing future cost increases and at the same time maintaining a high level of benefits.

The Kaiser option is an HMO plan that is fully insured. The Kaiser plan has a few reductions in coverage this year dictated by the plan design of Kaiser. The changes to Kaiser coverage are:

- Specialist Co-Pay from \$10 to \$20
- After Hours Urgent Care Co-Pay from \$25 to \$50
- Hospital Admission Fee from \$200 to \$250
- Outpatient Surgery Co-pay from \$50 to \$100
- MRI, CT, PET and Nuclear Medicine Scans \$100 Co-pay

City employees have the option of enrolling in the PPO, the POS Plans or the Kaiser HMO. PPOs generally have a large network of health care providers who agree to a fee structure and billing arrangements that are part of very a specific plan. Some have co-pays for office visits and prescriptions with co-insurances on other parts of the plan. Plan participants can select their health care providers with considerable amount of flexibility. A Point Of Service plan has some of the elements of both the PPO and an HMO. There is a network of health care providers who agree on fee schedules for services. This network is generally more limited than the PPO network. Participants select a primary care provider (PCP) and that provider acts as a “gatekeeper” for determining the appropriate service provision for medical services. The PCP makes referrals to specialists if they deem appropriate. In terms of benefits, this plan differs from an HMO in that plan participants can go to providers outside the POS network but at a much higher cost to the participants.

The renewal quotes from Kaiser and Great West represent an overall 20% increase over the 2003 budgeted medical costs. The current fund balance in the medical and dental fund is sufficient to cover claims run out and the 25% over estimated claims the City would be responsible for covering prior to stop loss coverage going into effect. This premium and funding level sets the rates at an estimated 104% of expected claims.

There continues to be clear advantages to remaining with a self-insured plan. This is due to the fact that the City has the ability under self-insurance plan to retain any savings that occur below the maximum liability, the City has the protection of the stop loss coverage, and it can be much more proactive with regard to controlling losses by directing wellness efforts in those areas where they are most needed.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments



WESTMINSTER
COLORADO
Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: Carroll Butts Park Contractor Contract Award

Prepared By: Becky Eades, Landscape Architect II

Recommended City Council Action:

Authorize the City Manager to execute a contract with T 2 Construction in the amount of \$573,798.89 for construction work at Carroll Butts Park, and authorize a \$57,379.00 contingency amount for a total budget of \$631,177.89, and charge the expense to the Carroll Butts Capital Improvement Project Account.

Summary Statement:

- In April of 2003, Staff received an Adams County Open Space Grant in the amount of \$250,000, with a City match for improvements to the south pond area at Carroll Butts Park. Hyland Hills paid for the pond clean up as part of their match for this grant, contributing \$150,000. Hyland Hills will renovate the ballfields complex north of the pond as well as the Sports Center outdoor pool. The cost for those improvements will amount to approximately \$1.4 million.
- Hyland Hills hired Winston Associates to prepare construction documents and assist with bidding out the project.
- The City will pay for the construction, as designated in the grant application.
- Bids were solicited from five reputable construction companies, with T 2 Construction submitting the lowest bid.
- T-2 Construction has successfully completed construction projects for the City in the past, most recently the renovations of the Sheridan Boulevard medians and landscape and irrigation replacement at the Semper Clearwell Replacement Project.
- The Grant deadline for implementation is April of 2004. Construction will begin immediately to meet the April 2004 deadline.
- Carroll Butts Park is currently on the City's reclaimed water system.
- The contingency funds will be kept in a separate account.

Expenditure Required: \$ 631,177.89 (including a \$57,379 contingency)

Source of Funds: 2003 Parks Improvement Program and Adams County Open Space Grant

Policy Issue

Should the City move forward with the Carroll Butts Park improvements per the intergovernmental agreement requiring the City's participation in this project?

Alternative

City Council could choose to not authorize the construction bid and return the grant monies. However, the improvements to the south pond area will enhance the existing park tremendously and correspond to improvements that are being designed on the north half of the park (to be funded by Hyland Hills). In addition, the City would then be in violation of the terms agreed to in the intergovernmental agreement dated August 12, 2002, between the City and the Hyland Hills.

Background Information

The Carroll Butts Park Renovation Project is based on a master plan provided by Staff and Hyland Hills Park and Recreation District. The project consists of replacing an old asphalt parking lot with landscaping behind the new Breakaway Center; concrete trail replacement of the soft trails that are currently looping the park; adding benches, boulders, a new bridge, landscaping, and improvements to reinforce the pond edge. The pond was recently dredged and increased in size, which is promoting clean water and could allow fishing in the future. Receipt of a \$250,000 Adams County Open Space grant, with a City match of \$381,668.64 and a Hyland Hills match of \$150,000, increased the project budget to \$781,668.64 in 2003 for these new improvements, including the already-completed dredging of the pond by Hyland Hills.

The City was notified in April of 2003 that the City was successful in receiving an Adams County Open Space Grant. The grant requires that the projects be complete in one year's time. The site currently utilizes the City reclaimed water system.

A bid package was sent out to five construction companies on September 12, 2003, and bids were received on September 30, 2003, as follows:

American Civil Constructors	\$ 612,475.60
Arrow J Landscape, Inc.	\$ 721,097.00
Autumn Landscape	no bid
CoCal	no bid
T-2 Construction	\$ 573,798.93

The bid received from T2 Construction is a good bid meeting the City's specifications.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: Purchase of Self-Checkout Units at the Irving Street and College Hill Libraries

Prepared By: Kathy Sullivan, Library Services Manager

Recommended City Council Action

Authorize the City Manager to sign a contract with Highsmith, Inc. in the amount of \$99,800 for the purchase of three automated self-checkout units, along with a maintenance agreement, for the Irving Street Library and College Hill Library, and to use funds from the Dynix Library Software Replacement account and Irving Street Library Furniture, Fixtures and Equipment CIP account towards the cost of purchasing the units. A fourth unit will be donated free of charge by Highsmith Inc.

Summary Statement

- Over the past five years, business has increased dramatically at the libraries while staffing levels have remained the same. The number of circulation transactions at the College Hill Library has increased by 42% since 1999. At the 76th Avenue Library, circulation transactions have increased by 17%, and are expected to increase by as much as 50% after the opening of the Irving Street Library.
- Staff was able to negotiate a price significantly lower than originally budgeted (\$150,000) for the library's new Horizon integrated library system, leaving \$54,611 of unappropriated funds in the Dynix System Replacement account. This system upgrade has improved the efficiency of many internal staff operations at the circulation desk and in the libraries' technical services work group.
- One type of labor-saving technology that is being used by many libraries across the country to address staffing shortages is the automated self-checkout unit. Similar to ATM machines, these units allow library patrons to check out their own materials without direct assistance from a staff member.
- Staff has determined that each of these units can handle about as many checkouts of library materials as 1.0 FTE Library Clerk, at a significantly reduced cost.
- Staff was planning to purchase two self-check units for the new Irving Street Library, to help address the increase in business at that facility without adding more circulation staff. In order to address the staffing shortage that already exists at the College Hill Library, Staff also recommends purchasing one unit and getting the second unit free for that facility.
- Funds for this expense are partially available in the Irving Street Library Project, the additional funds are available in the Dynix Library Software Project.

Expenditure Required: \$99,800

Source of Funds: \$54,611 from the Dynix System Replacement CIP account
\$45,189 from the Irving Street Library CIP account

Policy Issue

Should the City invest funds budgeted for a new automation system for the Library Division to purchase self-service equipment, in order to keep up with the increased levels of business at the City’s two library facilities?

Alternatives

- Do not approve the contract with Highsmith at this time for the purchase of these units, and direct Staff to select another vendor.
- Recommend an alternative source of funds for this project.

Background Information

In 2000, Front Range Community College purchased a self-checkout unit with funds received through a technology grant. This unit has been used on the first floor of College Hill since that time. The machine has handled approximately 11% of all in-house checkouts at the first floor circulation desk. Although this machine is now somewhat outdated, it would continue to be used in the Children’s area of the library if the new units are purchased.

Since the library’s existing self-checkout machine was purchased, these units have been improved and enhanced with features that allow a much greater percentage of customers to handle their own checkouts. Staff estimate that up to 50% of routine checkouts could be handled by the units, with Staff assisting patrons with more complicated transactions such as problems with their patron record, complaints, fine payments, etc.

Three vendors were identified who currently offer self-check units that are compatible with the City’s other library systems: 3M Corporation, Highsmith and Codeco, Inc. These three vendors provided the following quotes for the purchase of three units:

Vendor	Initial Cost Per unit	Annual Maintenance Cost per unit	Total Cost per unit
3M Library Systems	\$26,400	\$3,060	\$38,640
Codeco, Inc.	\$23,332	\$1,200	\$28,132
Highsmith	\$21,000* (\$15,750)	\$2,300*	\$24,950*

* Highsmith’s quote provides a fourth unit at no additional initial cost if the City purchases three machines, bringing the cost per unit down to \$15,750 per machine. The City would pay only the ongoing maintenance costs. The Highsmith annual maintenance charge is contingent on pre-purchasing a four-year maintenance agreement for all four machines. Annual maintenance without prepayment is \$3,400 per year.

The total bid from Highsmith adds up to the following:

Purchase of three units x \$21,000 each	\$63,000
Four-year Maintenance Contract	\$36,800
Four units x \$2,300 per year each x four years	
Total Cost	\$99,800

Staff reviewed product specifications and extensively checked references for all three self-check units, and is satisfied that the Highsmith product meets all of the City’s requirements. Therefore, Staff recommends purchasing the self-check units from Highsmith, the vendor who can provide the units at the overall lowest cost.

Staff also recommends pre-purchasing the four-year maintenance agreement to realize a total cost savings of \$17,600 over purchasing the maintenance each year and to avoid price increases for maintenance in future years. Each machine comes with a one-year maintenance guarantee, making this a five-year service agreement per machine.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: Concessionaire Agreement – Golf Course Restaurants

Prepared By: Ken Watson, Recreation Facilities and Golf Manager

Recommended City Council Action

Authorize the City Manager to sign a concessionaire agreement between Sinks-Links, L.L.C. and the City of Westminster for the operation of the Grill at Legacy Ridge and the Heritage Grill, located at the City’s two golf courses.

Summary Statement

- The City has accepted a separation agreement with Evergreen Alliance Golf Ltd (EAGL), the City’s current golf course restaurant concessionarie, to end their concession operations at the two golf course restaurants sometime between November 1 and December 31, 2003.
- The golf course restaurants are an important amenity to the total package offered at the City golf courses.
- The City has interviewed four concessionaires and is recommending one company be contracted as the restaurant concessionaire for both golf courses.
- The recommended concessionaire, Sinks-Links, L.L.C., is a successful restaurant operator at another local golf course, Buffalo Run, in Commerce City.
- Sinks-Links, L.L.C., is capable of a quick transition into the City golf course restaurants.
- Sinks-Links will pay monthly concession use payments of \$800 per month per restaurant for the first six months of operation. After the initial six months, the Concessionaire will pay \$2,000 per month per restaurant during peak season months (April 1 through September 30) and pay \$1,500 per month, per restaurant during the “off-peak” season (October 1 to March 31) each year.
- The term of the agreement will be for five years with the potential for a five year extension.
- The other terms and conditions are substantially the same as those approved by Council in the EAGL contract.
- Sinks-Links will also pay an additional sliding fee between 2% and 8% depending on the level of monthly gross sales, minus sales tax. This type of system will assist the concessionaire during slower business months and has the potential to reward the City with additional concessionaire payments as their business increases.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council wish to enter into a golf course restaurant concessionaire agreement with a restaurant contractor who specializes in golf course food and beverage operations?

Alternative

- City Council could reject Staff's recommendation to select Sinks-Links, L.L.C. to operate the golf course restaurant concessions and review one of the remaining applicants.
- City Council could reject all of the applicants and instruct City Staff to readvertise the golf concession operation.
- City Council could reject all the applicants and instruct Staff to create City-staffed restaurant operations.

Background Information

The City entered into a concessionaire agreement with EAGL on January 8, 2002, to operate the two golf course restaurants owned by the City. The term of the agreement was five years.

EAGL was selected through a process that resulted with four RFP finalists being interviewed. EAGL was a unanimous choice of the selection committee and City Council authorized the City Manager to sign the agreement. On August 12, 2003, EAGL notified City Staff of their intention to terminate the concession agreement. EAGL has changed many of their top-level management staff since 2002 and has recently dropped several other golf operations throughout their network.

With assistance of the City Attorney's Office, Staff has negotiated a separation agreement with EAGL that will allow continued service at the City's golf course restaurants through the end of 2003. Staff believes a new concessionaire can be selected and transitioned into the operation in this timeframe.

Staff advertised through a legal notice in the Denver Post/Rocky Mountain News. Parks, Recreation and Libraries Staff interviewed four interested applicants. The four interviewees were:

- **Sinks-Links, L.L.C.** – Current concessions operator of the Bison Grill at the Buffalo Run Golf course, Commerce City, CO
- **Mr. Tushar Patel** – New concessions operator of the Highland Grill, L.L.C. at the Highland Hills Golf Course, Greeley, CO
- **Dale and Kathie Mayer** – Concessions operator for Klodes Auto Auction and other special events.
- **Lou Iaconetti** – Owner/operator of Blue Sky Bistro at the Jeffco Airport Terminal.

After a thorough review of the qualifications and interests of the four applicants, Staff recommends Sinks-Links be considered for the City's golf restaurant concession agreement.

Staff has visited the proposed operations current business (Bison Grill) and found the food, prices and customer service to be of a standard the City desires at the Legacy Grill and the Heritage Grill. Sinks-Links is capable of transitioning into the City's restaurants within the time period agreed to with EAGL.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager



Agenda Item 8 H

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003



| **SUBJECT:** Councillor's Bill No. 50 re 2003 Model Traffic Code

Deleted: :

Prepared By: Tami Cannon, Paralegal

Recommended City Council Action

Pass Councillor's Bill No. 50 on second reading amending Chapter 1 of Title X of the Westminster Municipal Code and adopting by reference the 2003 edition of the Model Traffic Code for Colorado.

Summary Statement

- City Council action is requested to pass the attached Councillor's Bill on second reading.
- This Councillor's Bill was passed on first reading on September 22, 2003.
- The ordinance will take effect and be in force thirty (30) days following its publication in full.

| **Expenditure Required:** \$ 0

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| **Source of Funds:** N/A

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Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **50**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

Dixon-McNally

A BILL

FOR AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE CITY OF WESTMINSTER, COLORADO; ADOPTING BY REFERENCE THE 2003 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO"

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Chapter 1 of Title X, Westminster Municipal Code, is hereby amended as follows:

10-1-1: ADOPTION: Pursuant to parts 1 and 2 of Article 16 of Title 31 and part 4 of Article 15 of Title 30, C.R.S., as amended, there is hereby adopted by reference Articles I and II, inclusive, of the ~~1995~~ **2003** edition of the "Model Traffic Code for Colorado, ~~Municipalities~~" promulgated and published as such by the Colorado Department of Transportation, SAFETY AND ~~Staff~~ ~~Traffic and Safety Projects~~ ENGINEERING Branch, 4201 East Arkansas Avenue, **EP 700**, Denver, CO 80222. The subject matter of the Model Traffic Code relates primarily to comprehensive traffic control regulations for the City of Westminster. The purpose of this Ordinance and the Code adopted herein is to provide a system of traffic regulations consistent with state law and generally conforming to similar regulations throughout the state and the nation. Three (3) copies of the Model Traffic Code adopted herein are now filed in the office of the City Clerk of the City of Westminster, Colorado, and may be inspected during regular business hours.

10-1-2: DELETIONS: The ~~1995~~ **2003** edition of the Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections which are expressly deleted:

Section 235. Minimum standards for commercial vehicles – SPOT INSPECTIONS.

Section 508. Gross weight of vehicles and loads.

Section 1202. Parking or abandonment of vehicles.

Section 1408. Operation of motor vehicles on property under control of or owned by parks and recreation districts.

10-1-3: ADDITIONS OR MODIFICATIONS: The said adopted Code is subject to the additions or modifications as set forth in this Chapter 1 of Title X of the Westminster Municipal Code, including the following:

(A) ~~Section-1204.~~ **Stopping, standing, or parking prohibited in specified places.**

(2) Except as otherwise provided in subsection (4) of this Section, in addition to the restrictions specified in subsection (1) of this Section, no person shall stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device, in any of the following places:

- (a) within five feet (5') of a public or private driveway; except this subsection shall not apply to Franklin Square Subdivision nor the bulb portion of a cul-de-sac anywhere in the City.

(B) **1401. RECKLESS DRIVING – PENALTY.**

(2) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION COMMITS A TRAFFIC OFFENSE.

(C) 1402. CARELESS DRIVING – PENALTY.

(2) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION, INCLUDING A PERSON'S ACTIONS WHICH ARE THE PROXIMATE CAUSE OF BODILY INJURY OR DEATH TO ANOTHER, COMMITS A TRAFFIC OFFENSE.

Section 2. The title and purpose of this ordinance shall be published prior to its consideration on first reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

Section 3. This ordinance shall take effect thirty (30) days following its publication in full on November 15, 2003.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22nd day of September, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of October, 2003.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: Second Reading of Councillor's Bill No. 51 re Indoor Entertainment Establishments

Prepared By: John Shary, Planning Technician

Recommended City Council Action

Pass Councillor's Bill No. 51 on second reading amending the Westminster Municipal Code, Sections 11-4-8: Use by Special Permit and 11-4-9: Applications for Special Use Permits, to expand the use of Indoor Entertainment Establishments with a Special Use Permit to the M-1, Industrial District.

Summary Statement:

- The City received a request from a paint ball business wishing to locate within an existing warehouse building in an M-1, Industrial District. Currently, the Westminster Municipal Code does not allow for a paint ball facility in the M-1 district.
- Indoor entertainment establishments (the paint ball business is considered as indoor entertainment) are allowed in the more restrictive business and commercial zone districts of B-1, C-1 and C-2. Staff is recommending an amendment to the City Code to allow indoor entertainment establishments within the M-1, Industrial District with a Special Use Permit. Issues such as compatibility of adjacent uses, parking, hours of operation and security issues would be addressed through the Special Use Permit approval process.
- This amendment would also allow other indoor entertainment establishments such as amusement centers, bowling, billiards, movie theaters and gymnastics schools to be located in M-1 districts with a Special Use Permit.
- This Councillor's Bill was passed on first reading on September 22, 2003.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **51**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL
FOR AN ORDINANCE AMENDING USES BY SPECIAL PERMIT

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-4-8(B) of the Westminster Municipal Code is hereby AMENDED BY THE ADDITION OF A NEW SUBSECTION to read as follows:

5. **INDOOR ENTERTAINMENT ESTABLISHMENTS:** INDOOR ENTERTAINMENT ESTABLISHMENTS INCLUDING AMUSEMENT CENTERS, BOWLING, BILLIARDS, MOVIE THEATERS, PAINT BALL, GYMNASTICS & SIMILAR USES MAY BE PERMITTED IN THE M-1 ZONE WITH A SPECIAL USE PERMIT. INDOOR ENTERTAINMENT ESTABLISHMENTS ARE PERMITTED IN THE B-1, C-1 AND C-2 ZONES WITHOUT A SPECIAL USE PERMIT.

Section 2. Section 11-4-9(I) of the Westminster Municipal Code is hereby AMENDED to read as follows:

11-4-9: APPLICATIONS FOR SPECIAL USE PERMITS:

(I) When considering any special use permit, the Board shall consider the impact of each of the criteria listed below, insofar as each is relevant to the proposed use:

1. Pedestrian safety.
2. Traffic volume and adequacy of parking and access.
3. Essential character of the neighborhood.
4. Desires of the inhabitants of the neighborhood.
5. Peace of the neighborhood.
6. Police activity in comparable businesses.
7. ~~Architectural compatibility with the character of the neighborhood.~~ HOURS OF OPERATION.
8. Compliance of the structure with all applicable building regulations
9. Compatibility with surrounding uses.
10. The benefits from the use to the public good and the public interest.

Section 3. This ordinance shall take effect upon its passage after second reading.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22nd day of September, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of October, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003

SUBJECT: Resolution No. 42 re Resignation and Appointment to Library Board

Prepared by: Michele Kelley, City Clerk

Recommended City Council Action

Adopt Resolution No. 42 formally accepting the resignation of Sharon Hall from the Library Board and making a new appointment to the Library Board.

Summary Statement

- City Council recently appointed Sharon Hall to serve on the Library Board.
- Sharon Hall has resigned from the Library Board because of a conflict on the night the Library Board meets.
- Currently, City Council has a list of 23 persons within the “pool” to be considered when vacancies occur on the various boards during the year.
- Council action is now requested to adopt the attached resolution formally accepting the resignation of Sharon Hall from the Library Board.
- Council action is now requested to appoint a new citizen to the Library Board to fill this vacancy.

Expenditure Required: \$ 0

Source of Funds: N/A

SUBJECT: Resolution re Resignation and Appointment to Library Board - Page 2

Policy Issue

Should City Council appoint a new member to the Library Board at this time?

Alternative(s)

Council could decide not to appoint a new member to the Library Board at this time.

Background Information

Sharon Hall was appointed to the Library Board as an Alternate member on July 14, 2003. Just before Sharon was appointed to the Library Board, the Library Board members decided to change the day of the week when their meetings would be held. After Sharon was appointed, and advised of the change of meeting day, she advised the Library Board liaison that she would be unable to attend meetings on that day because of previous commitments.

Sharon Hall's name has been placed back on the list of citizens interested in being appointed to Boards and Commissions, but her selection of the Library Board has been removed.

Currently there are 23 citizens within the pool of applicants interested in vacancies on the Boards and Commissions. Council reviewed the chart of citizens within the 2003 "pool" and directed Staff to prepare the attached Resolution and the designated appointment.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments

RESOLUTION

RESOLUTION NO. **42**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

BOARDS AND COMMISSIONS RESIGNATION AND APPOINTMENT

WHEREAS, Council is requested to formally accept the resignation of Sharon Hall from the Library Board; and

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized appointees to carry out the business of the City of Westminster.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby accept the resignation of Sharon Hall of the Library Board and appoint the following individual to the City of Westminster Library Board as indicated below with the term of office to expire as stated.

<u>NAME</u>	<u>BOARD/COMMISSION</u>	<u>TERM EXPIRE</u>
Angela Ricker (Alternate member)	Library Board	December 31, 2003

Passed and adopted this 13th day of October, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003



Subject: Councillor's Bill No. 52 re 88th and Pierce Business Center LLLP Business Assistance Package

Prepared By: Becky Johnson, Economic Development Program Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 52 on first reading authorizing the City Manager to execute a business assistance package (BAP) between the City of Westminster and 88th and Pierce Business Center LLLP (88th and Pierce Business Center). The Business Assistance Package totals \$270,000 and includes \$90,000 in sales tax rebates per year for a total of three years.

Summary Statement

- 88th and Pierce Business Center LLLP is seeking to attract a new proto-type for JoAnn Stores, Inc. (JoAnn's) to fill the vacant space formerly leased by Phar-Mor, in Brookhill Towne Center III, at the northeast former of 88th Avenue and Pierce Street.
- Funding for the business assistance package to 88th and Pierce Business Center LLLP will come from sales tax collected from JoAnn Stores, Inc.
- The attraction of JoAnn Stores, Inc. will bring new revenue to Westminster, as the current location at the southeast corner of 88th Avenue and Wadsworth Boulevard in Arvada, is outside the City. No additional funding will be requested by JoAnn's Fabrics.
- The assistance is based on the City's desire to attract new tenants to existing retail centers, and will also result in an upgrade of the building façade and signage for Brookhill Towne Center III.

Expenditure Required: \$270,000 (Sales Tax Rebate)

Source of Funds: The business assistance package to 88th and Pierce Business Center will be funded through the rebate of sales tax directly generated from the new revenue produced by JoAnn Stores, Inc.

Policy Issue

Does Council desire to provide assistance to 88th and Pierce Business Center to promote the filling of existing retail space in the City and to attract a new retailer to Westminster?

Alternatives

Do Nothing: One alternative to recommended the above business assistance package is to offer nothing to this company. Though the City may not lose the project if assistance is not provided, the result would be that the City would not be supporting the goal of filling existing vacant retail space or attract new retail businesses from outside the City.

Provide Less: Another alternative is to provide less assistance than what is recommended. The recommended assistance package is what is needed for this project to proceed.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. However, it is staff's opinion that additional assistance is not needed.

Background Information

Etkin Johnson Development group, identified as 88th and Pierce Business Center LLLP, is the owner of Brookhill Phase III, also known as the Phar-Mor shopping center, located at the northeast corner of 88th Avenue and Pierce Street (map attached). A BAP was requested by the owners of the shopping center in an effort to attract JoAnn Stores, Inc. (JoAnn's), and improve the building façade and signage at the current center. Under a separate agreement between JoAnn's and the owners of the center, a rebate of up to \$216,000 will be applied directly to JoAnn's tenant improvements and moving costs. No additional funds will be requested or granted to JoAnn's. This rebate will also assist the owner of the center to finalize the lease with JoAnn's at a competitive rate. The funding for the BAP will come directly from the sale tax generated by JoAnn's.

JoAnn's, formerly known as JoAnn's Fabrics, is expanding its product line and changing its image so as not to be recognized as only a fabric store. The relocation and expansion into Westminster allows for the development of the new JoAnn's proto-type.

Estimated Revenue

It is anticipated that 88th and Pierce LLLP will generate over \$962,825 of new revenue directly to the City in the first five years of operation. This revenue is in addition to the current property tax being paid by the building owner. The revenue estimate is based on \$595,000 in tenant finish, new equipment purchases of \$1.1 million at move-in, \$100,000 in equipment annually and \$6 million in gross sales per year produced by JoAnn's.

Proposed Assistance

Based on a 5-year projection of direct City tax and fee revenue, Staff recommends the following business assistance package be provided to 88th and Pierce LLLP for the attraction of JoAnn's and the improvements to the center:

Sales Tax Rebate

50% of the Sales Tax will be rebated up to three years, not to exceed \$270,000 (excludes the City's .25% Open Space Tax)

**Approximate
Value
\$270,000**

Conclusion

This assistance package reflects the City's goal to encourage improvements to existing shopping centers and fill existing vacant space. In a down economy and at a non-prime retail location, 88th and Pierce Business Center LLLP has been aggressive in finding new tenants to fill Brookhill Towne Center III. Their success, in part, is because they have offered very moderate lease rates and have underwritten tenant improvements. If leased as anticipated, the City will generate \$900,000 in total new sales tax from JoAnn Stores, Inc. over a five year period of time. In addition, the owner has committed to improvements to the façade of the entire existing center, including paint and signage improvements in accordance to City standards.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **52**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE BETWEEN 88th AND PIERCE BUSINESS CENTER LLLP (88th and Pierce Business Center) AND THE CITY OF WESTMINSTER TO AID WITH THE UPGRADING OF BROOKHILL TOWNE CENTER III AND THE ATTRACTION OF JOANN STORES, INC.

WHEREAS, the successful attraction and retention of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, 88TH and Pierce Business Center LLLP plans to continue to improve the façade and signage at Brookhill Towne Center, located at 88th Avenue and Pierce Street in Westminster, and

WHEREAS, the assistance agreement continues to meet the goal of filling vacant retail space in the City; and

WHEREAS, the intent of this agreement is based upon the attraction and funding provided by JoAnn Stores, Inc. to the former Pharmoor space at Brookhill Towne Center III, and

WHEREAS, a proposed Assistance Agreement between the City and 88th and Pierce LLLP is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Manager of the City of Westminster is hereby authorized to enter into an Assistance Agreement with 88th and Pierce Business Center in substantially the same form as the one attached as Exhibit "A", and upon execution of the Agreement to fund and implement said Agreement.

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

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of October 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October 2003.

ATTEST:

Mayor

City Clerk

BUSINESS ASSISTANCE AGREEMENT WITH 88th AND PIERCE BUSINESS CENTER LLLP FOR THE ATTRACTION OF JOANN STORES, INC. AND THE FAÇADE AND SIGNAGE IMPROVEMENTS AT BROOKHILL TOWNE CENTER III IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this _____ day of _____, 2003, between the CITY OF WESTMINSTER (the "City"), and 88th and Pierce Business Center LLLP (88th and Pierce Business Center)

WHEREAS, the City wishes to provide certain assistance to 88th and Pierce Business Center to aid in the attraction of JoAnn Stores (JoAnn's), Inc. to the existing space formerly leased by Pharmoor in Brookhill Towne Center III, located at 88th and Pierce Street in Westminster.

WHEREAS, JoAnn's will provide new revenue to the City.

WHEREAS, 88th and Pierce Business Center has committed to building façade and signage upgrades to Brookhill Towne Center III.

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by assisting this economic development project within the City.

In consideration of the mutual promises set forth below, the City and 88th and Pierce Business Center LLLP agrees as follows:

1. Sales Tax Rebate

The City shall rebate to 88th and Pierce Business Center LLLP, 50% of the sales tax collected from JoAnn Store, Inc. Such rebate shall be payable exclusively from sales tax revenues collected by the City from JoAnn's and attributable to the imposition of the City's 3.0% general sales tax (excludes the City's .25% Open Space Tax). The rebate shall be paid by the City in quarterly installments and shall not exceed a total of \$270,000 or three years from the date on the agreement. The payment of each quarterly installment shall be made within 20 days following the close of each calendar quarter. Payments will be submitted electronically to 88th and Pierce Business Center designated financial institution.

2. Façade and Signage Improvements

It is the intent of the City to attract new retailers to the City and to improve the overall image of Brookhill Towne Center III. Therefore, 88th and Pierce Business Center agrees to improve the building façade of the entire center (to include paint and upgrades required by current City standards), and improve the current signage, within 12 months of the execution of said improvement. All façade upgrades must be in compliance to current City standards.

3. Entire Agreement

This instrument shall constitute the entire agreement between the City and 88th and Pierce Business Center and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter. In the event of sale, staff may assign the business assistance package to 88th and Pierce Business Center successor.

4. Termination

The City obligations of this agreement will terminate in the event that JoAnn Stores fails to occupy and be operational in the former Pharmoor space at Brookhill Towne Center III by October 1, 2004. In addition, JoAnn's must remain operational in the center for a minimum of 4 years following the certificate of occupancy. Any funds paid to 88th and Pierce Business Center must be repaid to the City upon termination of the agreement

The City obligations of this agreement will terminate in the event that the owners of 88th and Pierce Business Center fail to receive an approved administrative amendment for the building façade and signage on or before July 1, 2004, with work completed on or before December 31, 2004. Any funds paid to 88th and Pierce Business Center must be repaid to the City upon termination of the agreement.

5. Subordination.

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

6. Annual Appropriation

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

7. Governing Law: Venue

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

88TH AND PIERCE BUSINESS CENTER LLLP

CITY OF WESTMINSTER

By _____
Bruce Etkin, President

J. Brent McFall
City Manager

ATTEST:

ATTEST:

Title

Richelle Work
Acting City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: Amendments to the Adopted 2004 Budget and Councillor's Bill No. 54

Prepared By: Steve Smithers, Assistant City Manager
Barbara Gadecki, Assistant to the City Manager
Emily Moon, Management Analyst

Recommended City Council Action

- Accept the Human Services Board recommendations for 2004 funding, which identifies the agencies that the City of Westminster will provide financial support to during FY2004 and the associated dollar amounts.
- Pass Councillor's Bill No. 54 on first reading amending the FY2004 budgets of the General, Utility, General Reserve, Utility Reserve, Golf Course, Fleet Maintenance, Property Liability, Workers Compensation, Sales & Use Tax, Open Space, and General Capital Improvement Funds.

Summary Statement

The 2003 and 2004 Proposed Budgets mark the City of Westminster's inaugural two-year adopted budget. In November 2000, Westminster voters approved a ballot initiative that amended the City Charter to enable the City to adopt a two-year budget. One of the foremost benefits of biennial budgeting is the shift in focus towards the long-term and strategic aspects of budgeting. In October 2002, City Council adopted the first officially adopted two-year budget for fiscal years 2003 and 2004.

As part of the budget development process with City Council during 2002, City Council directed Staff to return in the fall of 2003 with a financial update/budget review to review any recommended modifications to the 2004 budget, review any new citizen requests, and address any miscellaneous financial issues that Staff or Council wishes to raise. Staff conducted this Budget Review at City Council's September 29 Study Session.

This Agenda Memorandum includes a summary of the items discussed at the Budget Review and highlights the significant changes to the 2004 Adopted Budget. The most significant change recommended is the elimination of the Utility Fund split and replacing it with one transfer payment from the Utility Fund into the General Fund for associated services provided from General Fund departments to Utility Fund departments. As a result of the successful passage of the deBrucing City ballot measure last November, the City no longer must account for Utility Fund associated expenditures directly within the Utility Fund and therefore may reflect the total budgets of departments within the General Fund. This is significant because City Council, the public, and Staff will now be able to look at an operating budget in the General Fund and see the full amount that a department has rather than having to know to add the Utility Fund amount back in to determine what funds are truly available for expenditure. Additional information on this change is included within this Agenda Memorandum.

Two actions are requested of City Council:

1. Staff is asking for official approval of the Human Services Board (HSB) recommended funding for 2004, which was reviewed and concurred with by City Council.
2. Staff is asking for official action to amend the FY2004 budgets of the General, Utility, General Reserve, Utility Reserve, Golf Course, Fleet Maintenance, Property Liability, Workers Compensation, Sales & Use Tax, Open Space, and General Capital Improvement Funds as outlined within this document. The attached Councillor's Bill is lengthy due to the amendment requirement within the City Code, which requires a line item amendment to the adopted budget. It is lengthy in significant part due to the elimination of the Utility Fund Split, which requires showing the old Water and Wastewater accounts that were charged for expenses incurred by the General Fund departments.

Expenditure Required: \$129,167,838, plus \$16,770,011 in reserves and \$2,417,581 in contingency accounts

Source of Funds: General, Utility, General Reserve, Utility Reserve, Golf Course, Fleet Maintenance, Property Liability, Workers Compensation, Sales & Use Tax, Open Space, and General Capital Improvement Funds

Policy Issues

Does City Council support the amendments recommended to the Adopted 2004 Budget as presented?

Alternatives

Not pass the attached Councillor's Bill amending the Adopted 2004 Budget. This is not recommended as reductions were necessary in order to balance the 2004 Budget based on revised projected revenues and not amending the budget would result in an over expenditure situation in 2004.

Background Information

The City Council is required by the City Charter to adopt the annual budget no later than the fourth Monday in October. However, this requirement does not apply to the 2004 Budget since City Council officially adopted a two-year budget (i.e., two 12-month budgets) for 2003 and 2004 in October 2002. Per City Council direction, a financial update/budget review was conducted on September 29 to review any recommended modifications to the 2004 budget, review any new citizen requests, and address any miscellaneous financial issues that Staff or Council wanted to raise.

City Council conducted a 2004 Adopted Budget Review at the September 29 Study Session and did the following:

- reviewed the current state of revenue collections and revisit revenue projections for 2004, especially in light of the economic challenges the City continues to face,
- reviewed the 2004 Pay Plan, proposed position reclassifications and benefit costs revised for 2004,
- reviewed modifications proposed to the Adopted 2004 Operating Budget, which include addressing unanticipated major expenses as well as reviewing items that were eliminated in the Adopted 2003 Budget and proposed to be returned in the Adopted 2004 Budget,
- reviewed the Vendors' Fee Cap implemented with the Adopted 2003 Budget but requested to be revisited by City Council with the review of the Adopted 2004 Budget,
- reviewed modifications proposed to the Adopted 2004 Capital Improvement Program Budget, which include projects that may be postponed and those that need to be addressed immediately,
- reviewed the Human Services Board recommendations for 2004 funding, and
- reviewed any Citizen Requests for the Adopted 2004 Budget received.

A public meeting on the Adopted 2004 Budget was held on Monday, September 8, providing the public an opportunity to receive a financial update and make any requests of Council for the 2004 budget year. At that meeting, City Council received three requests from citizens that are included in this document.

The Budget Review focused on modifications necessary to the Adopted 2004 Budget; a summary of all proposed modifications follows.

PROPOSED MODIFICATIONS TO THE ADOPTED 2004 CITY BUDGET

Overall, the total City budget including all funds for 2004 is recommended to be modified from the Adopted total of \$147,029,971 which includes \$16,780,972 in contingencies and reserves, to \$148,355,430 which includes \$19,187,592 in contingencies and reserves.

The modifications recommended are summarized below by fund.

General Fund

All Departments:

- Elimination of the Utility Fund split. Since the Taxpayers' Bill of Rights (TABOR) was passed in 1992, the City has had to account for expenditures made by General Fund operations that benefit the Utility Fund, line by line in the Utility Fund. For example, the General Fund's Human Resources Division provides employee recruitment and benefits administration services for Departments and Divisions that are in the Utility Fund and therefore the Utility Fund is charged for those services, which more accurately reflects the cost of services within the fund. As a result of the successful passage of the deBrucing City ballot measure last November, the City no longer must account for Utility Fund associated expenditures directly within the Utility Fund and therefore may reflect the total budgets of departments within the General Fund. The City is now in position to return to the process utilized in the years prior to 1992 by simply reflecting a transfer payment from the Utility Fund into the General Fund for services rendered. This is significant because City Council, the public, and Staff will now be able to look at an operating budget in the General Fund and see the full amount that a department has rather than having to know to add the Utility Fund amount back in to determine what funds are truly available for expenditure. The department budgets that were previously split now reflect the full amount allocated, resulting in a net increase in the General Fund operating budget of +\$2,338,099 but no change in the Utility Fund since this is simply one transfer payment reflected. Although this transfer payment now makes the General Fund operating budget look larger, the reality is that departments' budget did not increase as a result of this change; in actuality, the departments reduced their budgets through a variety of measures described in this Staff Report by -\$1,135,578 for 2004. Eliminating the Utility Fund Split simply permits a department's expenses to be budgeted all within one location now whereas previously they were budgeted within two locations (i.e., the General and Utility Funds).
- Modification to departments' regular salary accounts based on actual salary adjustments made in 2003. Human Resources projects regular salaries for every full-time equivalent (FTE) employee within the City for both years of the two-year budget in June 2002. These projections are based on the following assumptions: the employee currently filling the position remains in that position and the employee currently filling the position receives the maximum salary increase available. However, turnover may occur during the year with the vacancy being filled with someone at a lower entry level salary and/or an employee may not receive the maximum salary increase available during that year. Human Resources provided updated salary projections for 2004 based on salary adjustments that actually occurred in 2003, thus resulting in modifications necessary in the Adopted 2004 Budget. Most changes are reductions; however, in some cases increases are necessary. (Net change is -\$455,836)

Central Charges:

- As discussed with City Council briefly at a post City Council meeting, Staff is recommending no across-the-board (ATB) adjustments to the City's Pay Plan. Based on market research Human Resources has conducted, five of the eight cities Westminster compares to in the Denver metropolitan area are recommending 0% ATB to their pay plans as a result of the uncertain economy and the fiscal constraints reduced revenues have created. Originally, a 2% ATB was projected within the 2004 budget but it was lumped together in Central Charges accounts in each fund with the intention that the funds would be distributed via the second year budget review and amendment process; \$1,266,483 was originally budgeted in 2004. While the decision to recommend 0% ATB for City employees has not been easy, given the alternatives, Staff believes this to be the most fiscally responsible way to address the \$1.7 million anticipated difference in revenues projected for the 2004 budget to residents and employees alike. (Net change is -\$1,266,483)
- Health insurance costs continue to increase at dramatic rates. Initially, the City's health insurance providers projected increased health insurance costs for 2004 at 36% over the 2003 rates. Staff had only projected and budgeted an 8% increase in the 2004 budget over the 2003 rates. However, through negotiations, Staff was able to reduce the increase to only 20% for 2004 over the 2003 rate. This resulted in an overall increase in the medical/dental accounts of \$457,118 in the General Fund. The City now pays approximately \$5.6 million annually in medical/dental benefits. All funds combined, the total increase to medical/dental benefit costs increased \$564,772. (Net General Fund change is +\$457,118)

- As a result of the continued strategic hiring freeze, the City's retirement contribution expense is projected to be \$116,134 less than originally budgeted in 2004, however, another Central Charges account (professional services from which unanticipated studies are funded) increased by \$10,259 thus a net change of \$105,875. This savings is helping offset the decreased revenue collections' impact. (Net change is -\$105,875)
- The City retains ownership of the Westminster Conference Center, while the Westin Westminster manages and operates the facility. The Westin makes payments to the City for the lease of this facility. By contract, the City is obligated to pay any assessed property tax for the conference center. Inland Pacific received notification that the property tax due for the conference center increased dramatically over the 2001 appraisal due to changes in how the possessory interest is being calculated. The City and Inland Pacific are currently in negotiations appealing Jefferson County's assessment of the facility, but anticipate that property taxes will need to be paid on the facility that had not previously been anticipated. As a result, Staff recommends increasing a contract services account in Central Charges for the property tax payment in 2004. Staff is recommending \$88,000 be budgeted for this expense. (Net change is +\$88,000)

General Services:

- The Human Resources Division budget is proposed to increase by \$1,308 per the recommended reclassification of the Applications Specialist position to a Human Resources Analyst/HRIS per the special salary survey and audit conducted this year. Based on the survey, this title is more appropriate per the market place. (Net change is +\$1,308)
- The Organizational Support Services Division is recommending that the division's vehicle that is due for replacement in 2004 be eliminated and have staff utilize mileage reimbursement and a City pool car as needed instead. Eliminating this vehicle results in the reduction of \$1,194 in fleet maintenance expenses in the division. This also results in the same reduction in the Fleet Division's budget for services previously provided in maintaining this vehicle. (Net change is -\$1,194)

Police Department:

- The department needs a net increase of \$6,000 to offset the cost of gas and electricity for the new Public Safety Center. The actual increase to the department is \$36,000, but the department has identified savings in supplies, printing costs, and capital outlay (a radio console originally planned for 2004 was purchased in 2003 instead thanks to the use of carryover funds approved by City Council in June) totaling \$30,000 so that the department only needs an additional \$6,000 to cover the balance. The gas and electricity estimates included within the Police Department Administration's 2004 budget were projected in 2002 prior to the building being occupied. The increase is based on actual usage. (Net change is +\$6,000)
- The Investigation Services Division is proposed to increase by \$1,563 per the recommended reclassification of the Property Evidence Clerk position to a Property Evidence Technician per the special salary survey conducted this year. Based on the survey, this title is more appropriate per the market place. (Net change is +\$1,563)
- The Patrol Division is moving to a new lease program for their motorcycle unit on January 1, 2004. The new program permits the department to lease new Harley Davidson motorcycles for \$1 per month per motorcycle for a twelve-month period. At the end of the twelve-month period, the department trades in the motorcycles for new ones. The program is anticipated to save the City approximately \$36,000 that would be needed for maintaining and replacing the current Kawasaki motorcycles. The funds originally transferred to the Fleet Division for maintenance costs of the motorcycles will remain within the department budget to offset maintenance costs that will now be outsourced. This results in a reduction of \$16,800 in the Fleet Division's budget for services previously provided in maintaining the motorcycles but no overall change in the Police Department's budget. (Net change is \$0)

Fire Department:

- The department needs a net increase of \$49,000 for supplies used to stabilize and/or transport patients. These supplies were previously restocked through Centura/Saint Anthony Hospital, who in turn billed the patient. In late 2002, Staff was informed that as a result of recent Federal legislation/ruling that Centura/Saint Anthony Hospital would no longer provide this service effective July 2003. City Council approved a new \$75 supply "restocking" fee to offset an estimated \$42,000 shortage in the Emergency Medical Service (EMS) Lab Supply account in 2003. Since the 2004 Budget had already been adopted, the expenditure increase was not included within it and therefore is recommended with this amendment process. The revenues from the fee increase are reflected in the 2004 revised revenues. (Adopted 2004 budget = \$22,966; revised 2004 = \$71,966) (Net change is +\$49,000)

Community Development:

- The department is recommending a reduction in funding in the Administration Division of \$7,650 in the professional services account. These funds are typically utilized for technical assistance on miscellaneous development, land use, and other special projects. Staff will work to keep more of these technical reviews in-house or seek other funding as appropriate should the need arise. This reduction was made in efforts to assist the General Fund. (Net change is -\$7,650)
- A net increase of \$4,570 is proposed in the Economic Development Division. The increase is the result of a special salary survey conducted for the Economic Development Manager position, which found that the position's salary range is approximately 15% under market. Human Resources is recommending a change to this position's salary, which is offset partially by a reduction in the special promotions account. The funds were eliminated in the Adopted 2003 Budget and returned in the Adopted 2004 Budget for hosting the annual Showcase and Business Appreciation Events. In 2003, the Division was successful in garnering more than \$7,300 in support from businesses in the form of sponsorships for these events. Staff will pursue these sponsorships again in 2004. (Net change is +\$4,570)
- The Engineering Division proposes deferring the painting of traffic poles in 2004, saving the City \$10,000. It is anticipated that deferring the painting of the traffic poles will not have a significant impact on the useful life of these poles. (Net change is -\$10,000)

Public Works & Utilities:

- An increase in the costs associated with the streetlights throughout the City can no longer be absorbed within the Street Division's budget. Rate increases from Xcel Energy in electricity costs as well as the costs associated with repairing damaged light poles continue to increase. In the past several years, the Division has worked to absorb these costs via savings in various accounts but it no longer has that ability. (Net change is +\$60,000)

Parks, Recreation & Libraries:

- The Park Division is proposed to increase the gas and electricity account budget by \$25,000 for costs associated with operating Christopher Fields lights and other ball fields. The ball fields' demand continues to grow and the rate increases from Xcel Energy have pushed up electricity costs. Much of this expense can be covered via adult softball program fees and are reflected in the revised revenue projections. However, the corresponding expenditure needs to be budgeted. (Net change is +\$25,000)
- The Library Division has received notice from Front Range Community College that operating expenses are increasing for 2004. The City has a joint operating agreement for the College Hill Library whereby basic operating expenses are shared, such as gas, electricity, custodians and security. The amount has remained constant for six years; however, the costs will be increasing by \$15,000 in 2004. The amount budgeted in 2004 for this expense is \$110,523 and is projected to cost \$125,523. (Net change is +\$15,000)
- In the Standley Lake budget, \$4,100 is proposed to be reduced in the building and grounds materials account. Staff had anticipated a continuation of the drought from 2002 into 2003, thus anticipating the need for additional ground materials to replenish damaged plants around the Standley Lake Regional Park. However, in light of the end of the drought in 2003, the damage to plants around the park was not as severe. (Net change is -\$4,100)
- In the Recreation Facilities Division, an increase of \$15,000 in the facilities' gas and electricity accounts is proposed. The rising cost of gas and electricity has impacted the facilities and needs to be addressed in the 2004 budget. (Net change is +\$15,000)

- In the Recreation Facilities Division, \$7,699 is proposed to be reduced associated with the change of a 0.5 FTE Custodian being converted into a 0.5 FTE Recreation Specialist for Marketing. The strategic citywide hiring freeze, which began in May 2002, is projected to continue through 2004. The 0.5 FTE Custodian position is currently frozen and therefore this reclassified position (reclassified by City Council with the adoption of the 2003/2004 Budget) remains frozen. (Net change is -\$7,699)
- In the Recreation Programs Division, the adult and family ski trip programs that were eliminated in 2003 are proposed to be cut again in 2004. The Adopted 2004 Budget includes \$4,300 reinstated for these programs. However, in light of the City’s revenue picture, these programs are not proposed to be funded in 2004. (Net change is -\$4,300)
- The popularity of utilizing credit cards for payments to enroll in recreation programs continues to impact program costs. The banks charge the City a fee for the use of credit cards at their facilities and are based on the volume of charges being processed. So as credit cards increase in popularity for payment, the cost to the City increases proportionately from the banking industry. The result is that an increase of \$2,500 is proposed in the Recreation Programs Division to offset these costs. (Net change is +\$2,500)
- The Senior Center’s water and sewer account has been experiencing increased costs associated with increased use at the facility. Therefore, the Recreation Programs Division is recommending that this account be increased by \$2,500 to cover utility expenses. (Net change is +\$2,500)

Below is a summary chart of the net changes made to the General Fund department budgets. Please note that this figure appears high due to the elimination of the Utility Fund Split. Without the proposed elimination of the Utility Fund Split, the total below would be -\$1,135,578.

General Fund Department	Net Change Proposed to Adopted Budget
All Departments (includes elimination of UF Split)	+\$1,844,263
City Council	\$0
City Attorney’s Office	\$0
City Manager’s Office	\$0
Central Charges	-\$827,240
Finance	\$0
General Services	+\$114
Police	+\$7,563
Fire	+\$49,000
Community Development	-\$13,080
Public Works & Utilities	+\$60,000
Parks, Recreation & Libraries	+\$43,901
TOTAL	+\$1,202,521
Without Utility Fund Split	-\$1,135,578

Staff presented to City Council at the September 8 public meeting on the 2004 Adopted Budget a projected revenue difference of \$1.6 million between what is included within the Adopted 2004 Budget and what is included within the revised 2004 revenue projections. As noted, without the proposed elimination of the Utility Fund Split, the total reduction in the General Fund would be -\$1,135,578, which leaves approximately \$877,000 remaining to address the projected revenue difference. Staff recommends continuing the current selective hiring freeze (approximately 35 FTE) and the remaining 4.5 FTE positions included within the 2002 Phased Spending Plan in 2004 to balance the General Fund. These reductions are recommended to be made to the regular salaries accounts via this budget amendment process and is reflected in the attached budget amendment moving funds from regular salaries accounts (60200) into the budget hold accounts (76800). By moving the funds into the budget hold accounts within each department versus eliminating the funding altogether, should the economy recover more quickly than anticipated, the funds are already appropriated should a lifting of the hiring freeze be possible (either a complete or partial lifting of the hiring freeze).

Utility Fund

All Departments:

- Modification to departments' regular salary accounts based on actual salary adjustments made in 2003. Human Resources provided updated salary projections for 2004 based on salary adjustments that actually occurred in 2003, thus resulting in modifications necessary in the Adopted 2004 Budget. Many changes are reductions; however, in some cases increases are necessary. (Net change is +\$6,392)

Central Charges:

- Elimination of the across-the-board (ATB) adjustments to the City's Pay Plan originally budgeted within Central Charges. Originally, a 2% ATB was projected within the 2004 budget but it was lumped together in Central Charges accounts in each fund with the intention that the funds would be distributed via the second year budget review and amendment process; \$231,539 was originally budgeted within 2004 in the Utility Fund. (Net change is -\$231,539)
- Health insurance increased in the medical/dental accounts \$90,017. In the Utility Fund alone, the City now pays approximately \$1 million annually in medical/dental benefits. However, the pension amount increases by a net of \$2,700. Therefore the total change to the benefits within the Utility Fund is a net increase of \$92,717. (Net change is +\$92,717)
- Elimination of the Utility Fund split results in the transfer payment being reflected in one location within Central Charges versus listing every department that has Utility Fund expenses. The department budgets that were previously split now reflect the full amount allocated, the funds impacted by the Utility Fund Split include the General and Property Liability/Workers Compensation Funds. Central Charges in the Utility Fund now reflects a transfer payment to each of these funds. (Net change to the Utility Fund = \$0)

Public Works & Utilities:

- A net increase of \$8,861 is proposed in the Utilities Operations and Water Resources & Treatment Divisions. The increase (+\$6,072) in the Utilities Operations Division is the result of a review of the internal alignment of the Utilities Operations Managers with the other Division Managers within PW&U. The increase (\$2,789) in the Water Resources & Treatment is proposed per the recommended reclassification of the Wastewater Operations Coordinator position to a Water Quality Specialist per an audit conducted this year. (Net change is +\$8,861)

Information Technology:

- A net increase of \$9,500 is proposed in the Information Technology Department. The increase of +\$5,210 is the result of a review of a salary survey of the Software Engineer II position that works with the J.D. Edwards financial/human resources management system and recommended reclassification, pay plan upgrade and title change to ERP Software Engineer. The increase of +\$4,290 is the result of a salary survey review of the Systems Analyst III position that works with the J.D. Edwards financial/human resources management system and recommended reclassification, pay plan upgrade and title change to Lead ERP Systems Analyst. (Net change is +\$9,500)

Capital Improvement Program:

- Increase in cash funding a proportion of the Big Dry Creek Wastewater Treatment Facility expansion/renovation project in the Utility Fund Capital Improvement Program. The current project is anticipated to cost approximately \$19.5 million. The project currently has approximately \$4.3 million budgeted. Included within the Adopted 2004 Budget, \$14.5 million to be debt financed on this project. Staff is working to cash fund more of this project to minimize the debt service payments that will be needed for this project. The savings from the revised operating budget for 2004 and additional revenues projected for 2004 are recommended to help cash fund this major capital improvement project. (Net change is +\$668,144)

Drought Impact on the Utility Fund:

- During 2003, the Utility Fund experienced a significant drop off in water sales due to both mandatory and voluntary conservation measure put into place. Although this had a significant impact on revenue from water sales, this was offset by greater than anticipated water and sewer tap fee revenues. Housing starts have continued to outpace Staff projections, even during this difficult economic period.

Below is a summary chart of the net changes proposed to the Utility Fund department budgets.

Utility Fund Department	Net Change Proposed to Adopted Budget
All Departments (PW&U/IT)	+\$6,392
Central Charges	-\$138,822
Public Works & Utilities	+\$8,861
Information Technology	+\$9,500
Capital Improvement Program	+\$668,144
TOTAL	+\$554,075

Reserve Funds

- Both the General and Utility Reserve Funds for 2004 are projected to be higher than originally budgeted in the Adopted 2004 Budget. The increase is a result of higher than anticipated interest earnings from 2002 and projected increases in interest earnings in 2004. The result is an increase of \$213,330 in the General Reserve Fund and \$2,193,290 in the Utility Reserve Fund over the originally budgeted 2004 figures.
- Council will recall the Utility Fund Reserve has been increased by over four million dollars over the past two years to address any potential revenue shortfalls occurring because of the serious drought experienced in 2002. The good news is that the drought ended sooner than anticipated and the expected revenue shortfall has not materialized. Given this fact, Staff does not believe that maintaining a Utility Fund Reserve of over nine million dollars is warranted. Staff anticipates bringing a recommendation back to City Council during 2004 to expend a portion of the excess reserves on critical capital improvement needs.

Fund	Adopted 2004 Budget	Revised 2004 Budget	Net Change
General Reserve Fund	\$7,400,100	\$7,613,430	+\$213,330
Utility Reserve Fund	\$6,963,291	\$9,156,581	+\$2,193,290
TOTAL	\$14,363,391	\$16,770,011	+\$2,406,620

Property Liability/Workers Compensation Funds

- Elimination of the across-the-board (ATB) adjustments to the City’s Pay Plan originally budgeted within Central Charges. (Property Liability Fund net change is -\$2,414)
- Elimination of the Utility Fund split. The Self-Insurance budget that was previously split now reflects the full amount allocated, resulting in a net increase in the operating budget of +\$439,571 but no change in the Utility Fund since this is simply one transfer payment reflected. (Net change to Property Liability Fund is +\$292,859; net change to Workers Compensation Fund is +\$146,711; net change to combined Self-Insurance Funds is +\$439,570)
- An increase of \$150,000 to each fund (i.e., Property Liability and Workers Compensation Funds) is recommended to the claims’ accounts, for a total increase of \$300,000 to these combined funds. The number of claims experienced over the last two years has significantly impacted the City, between increased workers compensation injuries, increased property damage, and increased liability claims against the City. As a result, the renewal rates for the Property Liability Fund increased significantly with CIRSA. The City is self-insured for Workers Compensation. (Net combined change is +\$300,000)

Self-Insurance Funds	Net Change Proposed to Adopted Budget
Property Liability Fund	+\$440,445
Workers Compensation Fund	+\$296,711
TOTAL	+\$737,156
Without Utility Fund Split	+\$297,586

Fleet Maintenance Fund

- Elimination of the Utility Fund split. The Fleet Maintenance Fund budget was previously split now reflects the full amount allocated, resulting in a net increase in the Fleet Maintenance Fund’s operating budget of +\$342,357 but no change in the Utility Fund since this is simply one transfer payment reflected. (Net change is +\$342,357)
- Elimination of the across-the-board (ATB) adjustments to the City’s Pay Plan. \$21,859 was originally budgeted within 2004 in the Fleet Maintenance Fund. (Net change is -\$21,859)
- Reduction of \$17,994 made due to retirement of City’s Kawasaki motorcycles (\$16,800) (transitioning to Harley Davidsons thanks to a new lease program offered) and one vehicle previously utilized by the Organizational Support Services Division in General Services noted above (\$1,194) (Net change is -\$17,994)

Fund	Net Change Proposed to Adopted Budget
Fleet Maintenance Fund	+\$302,504
TOTAL	+\$302,504
Without Utility Fund Split	-\$39,853

Sales & Use Tax Fund

- Decreased Sales and Use Tax collections as a result of revised revenue projections. The down economy in 2002 and 2003 impacted sales and use tax revenues, which ripple forward into 2004. In the Adopted 2003 Budget, a 3.7% increase was projected for the year; 1.2% of which was associated with the capping of the Vendors’ Fee to permit the hiring of four additional police officers and three additional firefighters in 2003. As the table below reflects, the 2002 actual revenue collections were approximately 10.3% less than originally projected through the Adopted 2002 Budget. Revised revenue projections for 2003 reflect approximately 7.4% below the projections included within the Adopted 2003 Budget. As such, Staff has revised the revenue projections for 2004, which is 8.7% less than originally projected in the Adopted 2004 Budget but reflects a modest 2.2% increase over the projected year-end collections in 2003. Staff believes this increase to be a reasonable projection given the last three months of sales and use tax collections that have reflected a subtle change in spending habits in the community as well as the benefits reaped from business assistance packages retiring.

Sales & Use Tax Fund Revenues

Fiscal Year	Budget	Actual/Projected/Revised	% Change
2002	\$54,767,000	\$49,142,000 Actual	-10.3%
2003	\$51,144,188	\$47,384,160 Projected	-7.4%
2004	\$53,035,009	\$48,434,143 Revised	-8.7%
Difference between 2003 & 2004	\$1,890,821 (+3.7%)	\$1,049,983 (+2.2%)	

As a result of these modified sales and use tax revenue projections for 2004, a reduction of \$4,600,866 is recommended. The reduction is proposed to the transfer payments to the General Fund and General Capital Improvement Fund (GCIF). The payment to the Debt Service Fund is recommended to remain at it’s originally budgeted amount since this is the primary source of funds to pay the principal and interest on the General Fund’s debt obligations; not paying these debt obligations is not an option Staff recommends considering. The table below reflects the transfer payments made by the Sales and Use Tax Fund. (Net change is -\$4,600,866)

Sales & Use Tax Fund Expenditures

Expenditures	Adopted 2004 Budget	Revised 2004 Budget	Net Change
Transfer to Debt Service Fund	\$4,300,000	\$4,300,000	\$0
Transfer to General Fund	\$47,235,009	\$43,159,143	-\$4,075,866
Transfer to General Capital Improvement Fund	\$1,500,000	\$975,000	-\$525,000
TOTAL	\$53,035,009	\$48,434,143	-\$4,600,866

Open Space Sales & Use Tax Fund

- Elimination of the across-the-board (ATB) adjustments to the City’s Pay Plan originally budgeted. Originally, a 2% ATB was projected within the 2004 budget; \$3,260 was originally budgeted in the Open Space Fund. (Net change is -\$3,260)
- Reduction of \$357,969 in costs due to lower than anticipated sales and use tax collections projected in 2004. The reduction is proposed to the land acquisition account (-\$175,725) and transfer payments to the General Capital Improvement Fund (GCIF) for parkland and trail development (-\$178,984). (Net change is -\$354,709)

Fund	Net Change Proposed to Adopted Budget
Open Space Fund	-\$357,969
TOTAL	-\$357,969

Golf Course Fund

- Health insurance increased in the medical/dental accounts \$17,637. In the Golf Course Fund alone, the City now pays approximately \$162,000 annually in medical/dental benefits. Reductions are being made elsewhere within the Golf Course Fund to offset the increase (Net change is +\$15,341)
- Elimination of the across-the-board (ATB) adjustments to the City’s Pay Plan originally budgeted within Central Charges. (Net change is -\$15,341)

Fund	Net Change Proposed to Adopted Budget
Golf Course Fund	\$0
TOTAL	\$0

General Capital Improvement Fund (GCIF)

- Elimination of two projects in the General Capital Improvements category. The 99th Avenue Improvements for the Big Dry Creek Trail (\$275,000) and the Microsoft Licensing (\$250,000) projects were eliminated for a total of \$525,000 due to reduced Sales and Use Tax revenues projected for 2004. Staff will be bringing back to City Council these two projects eliminated via this budget review process for funding consideration via the 2002 Carryover for the Capital Improvement Program later this fall. (Net change is -\$525,000)
- Reduction of one project’s budget in the Park Improvements category. The City Park Fitness Center Expansion Design (\$200,000) was reduced by \$128,984 due to reduced Open Space Sales and Use Tax revenues projected for 2004. A portion of the Open Space Sales and Use Tax is allocated to Park Improvement capital projects as provided for in the ballot measure approved by the voters. (Net change is -\$128,984)

Fund	Net Change Proposed to Adopted Budget
General Capital Improvement Fund	-\$653,984
TOTAL	-\$653,984

Summary of Modifications

The table below summarizes the proposed net changes to each of the funds discussed in this Staff Report. Please note that the General Fund figure appears high due to the elimination of the Utility Fund Split; without the proposed elimination of the Utility Fund Split, the total below would be -\$1,135,578.

Fund	Adopted 2004 Budget	Revised 2004 Budget	Net Change	Without Utility Fund Split
General	\$71,828,317	\$73,326,062	+\$1,202,521	-\$1,135,578
General Reserve	\$7,400,100	\$7,613,430	+\$213,330	+\$213,330
Utility	\$39,156,200	\$39,710,275	+\$554,075	+\$554,075
Utility Reserve	\$6,963,291	\$9,156,581	+\$2,193,290	+\$2,193,290
Property Liability/ Workers Compensation	\$781,613	\$1,518,769	+\$737,156	+\$297,586
Fleet Maintenance	\$1,161,081	\$1,463,585	+\$302,504	-\$39,853
Sales & Use Tax	\$53,035,009	\$48,434,143	-\$4,600,866	-\$4,600,866
Open Space	\$4,663,797	\$4,305,828	-\$357,969	-\$357,969
Golf Course	\$3,934,702	\$3,934,702	\$0	\$0
General Capital Improvement	\$9,036,000	\$8,382,016	-\$653,984	-\$653,984

PAY, CLASSIFICATION AND BENEFITS PLAN

Pay and Classification

Staff completed the biennial review of the pay and classification system in 2002 for the 2003 and 2004 Budgets. The pay and classification adjustment recommendations were based on the following:

- An extensive salary survey process of eight metro cities (Arvada, Aurora, Boulder, Englewood, Fort Collins, Lakewood, Littleton and Thornton), special districts and private sector information;
- Data collected from the Colorado Municipal League (CML) survey on 75 benchmarks;
- A special City survey of 18 benchmarks not included in CML;
- Direct contacts with other municipalities to verify or clarify survey data;
- Mountain States Employers Council private and public sector data; and
- Special surveys and audits of 33 department requested positions.

Staff continues to use a benchmark system whereby those City positions that are relatively similar among other Denver Metro area cities are surveyed. Examples of these positions include: Clerk Typist II, Police Officer/Senior Police Officer, Firefighter I/II, Parksworke I/II, Planner III and Accounting Manager. The salaries for non-benchmark positions are linked to the salaries of specific benchmark positions based on their relationship to a job group and relative value to the organization. An in-depth survey was conducted of all 93 benchmarks in 2002. Recommended range adjustments were based on a review of each benchmark position’s minimum and maximum range value in comparison to the market. Generally, an adjustment is recommended when a position is more than 3.5% outside the market. This thorough market survey will be conducted on a biennial basis in conjunction with the 2-year budget process next summer.

Per the 2002 review, the 2003 and 2004 pay plans included 70 classification change recommendations. A total of 87.9 full time equivalents (FTE) were affected by these Council approved changes. A 2% across-the-board increase was implemented for all full and part-time classifications mid-year 2003. Based on revised 2004 revenue projections, no across the board increase is being recommended for 2004. However, Staff is recommending that step and merit increases continue for 2004. As part of the 20004 Budget review process, 13 additional classifications changes are being recommended and were reviewed with City Council on September 29 at the Budget Review.

Mountain States Employers Council and a City survey of other organizations’ anticipated across-the-board 2004 pay plan adjustments were reviewed with City Council as well at the Budget Review.

Currently, the City has an authorized full-time equivalent (FTE) staffing level of 886.124. The 2003 pay plan reflects an increase of 8 FTE for 2003 and 1.5 FTE for 2004, bringing the total FTE in 2003 to 886.124 and 2004 to 887.624. It is important to point out that of these authorized FTE, 35.875 are currently frozen and are proposed to remain frozen through 2004 (29.575 FTE are in the General Fund; 3.9 FTE are in the Utility Fund; 2.4 FTE are in other funds).

Benefits

As Council is aware, General Services Department Staff conducts a survey of the benefits provided in selected cities and special districts on an every other year basis. Such a survey was conducted in 2002 on the following benefits: pension contributions, medical and dental benefits, life insurance coverage, retiree medical benefits, prescription benefits, dental and orthodontic maximum benefits, leave benefits, special pay and education reimbursement programs.

Based on this comprehensive survey, no benefit changes were recommended. Council will remember that the full benefits survey was conducted in 2001. The 2001 and 2002 surveys confirm that the City benefit package is comparable or superior to other entities surveyed, keeping the City in a competitive position.

Staff would like to note that the City's benefit costs are significantly increasing for 2004. Initial cost increase estimates for health care coverage came in at 36%, whereas an 8% increase was projected within the Adopted 2004 Budget. Staff was able to work with the medical/dental insurance providers to refine the cost increase down to only 20% over 2003. This health insurance adjustment results in a \$564,752 increase citywide, which is reflected in the General, Utility and Golf Course Funds' budgets.

City Council concurred with Staff's recommendation to eliminate the across-the-board adjustment to the 2004 Pay Plan, keep the step and merit increases in tact, implement the 13 classification changes, and amend the benefits' budgets accordingly with the noted increases.

VENDORS' FEE CAP REVIEW

Licensed businesses are required to act as "agents" for the City, performing all functions necessary to charge and collect the proper amount of Westminster taxes from their customers. They must then account for the taxes on the reporting form and remit them to the City on a periodic basis. Businesses must also maintain adequate records for these taxes and make them available for City review in the event of an audit. The Westminster Municipal Code previously allowed taxpayers that file their Westminster Sales, Accommodations and Admissions tax returns on time to retain 2.5% of the tax as a "vendor's fee" for acting as a collection agent for the City. Westminster's vendor's fee had not changed since 1973.

With the adoption of the 2003 Budget, City Council placed a cap on the Vendors' Fee but agreed to revisit the cap with the Adopted 2004 Budget review this fall. The rationale behind the reduction was that the beneficiaries of the greatest portion of the Vendors' Fee are large businesses, and that the effort and expense of collecting the City tax are not commensurate to the amount of tax collected. An analysis of tax collections in 2000, the most recent for which actual figures were available at the time the analysis was done, revealed that approximately 300 taxpayers retained nearly three-fourths of the total Vendors' Fee, or \$810,000, during that year. The \$100 cap still allows over 3,900 businesses to keep the same Vendors' Fee that they were previously retaining. Thus, most of Westminster's "main street" businesses were unaffected by the cap.

Through August 31, 2003, the City has collected \$441,552 additional funds and it is projected that a total of \$670,000 will be collected by year-end. The reduction in the collection expense permitted to businesses has allowed these additional funds to flow from the Sales and Use Tax Fund to the General Fund. This additional funding was utilized in 2003 to address Public Safety staffing needs with the addition of four new Police Officers and three new Firefighters that otherwise would not have been possible in 2003.

Staff does not recommend eliminating the Vendors' Fee Cap. Given the current revenue shortfalls and the continued demand for public safety services, eliminating the Vendors' Fee Cap would require additional reductions in the General Fund.

City Council discussed the Vendors' Fee Cap at the Budget Review and directed Staff not to modify the cap that is now in place. As such, no changes are included within the attached amendment concerning the Vendors' Fee Cap.

HUMAN SERVICES BOARD RECOMMENDATIONS REVIEW

City Council received on September 8 the Human Services Board (HSB) recommendations via a Staff Report and discussed the HSB recommendations at the September 29 Budget Review. The HSB reviewed the current budget and financial audits of all agencies that applied for funding. In the interview process, the HSB members were most concerned about the agency's service area and if the agency had applied for funds from other municipalities and counties where it provided services. The HSB strongly encourages that all groups apply for similar monies from local cities and counties, especially as it relates to their service areas.

The HSB received thirty-three applications for funding requests totaling \$285,578 for 2004. All thirty-three applicants were interviewed for 2004 funding. In 2003, thirty-one agencies were funded at \$190,375, including two new agencies; the adopted Human Services Board budget for 2004 was reduced by \$30,000 to \$160,000. To reflect this 16% budget reduction, the Human Services Board initially reduced funding to all agencies by 16%. At the conclusion of initial funding recommendations, overall funding reductions ranged from 0% to 70% to meet 2004 budget requirements. For the 2004 funding, five new agencies requested funds through the Human Services Board.

The agencies requesting funding for 2004 and the HSB's recommendation are included on the attached spreadsheet (the five new agencies requesting funding in 2004 are in bold text). A brief description of the service(s) each agency provides Westminster residents is also attached.

The Yellow Ribbon/Light for Life Foundation and Westminster Sunrise Lions are two agencies that received funding from the City in prior years that the Human Services Board did not recommend funding for 2004.

The Yellow Ribbon/Light for Life Foundation missed the application-filing deadline by a week; the only agency to miss the deadline. They requested to still be considered for funding and be interviewed by the Board and were declined. The Yellow Ribbon acknowledged receiving their application on April 1, 2003; the filing deadline was May 22, 2003.

The Human Services Board did not allocate the Westminster Sunrise Lions any 2004 funds. In reviewing the agency's application and during the interview process, the Board could not verify how the Westminster Sunrise Lions disbursed the \$500 in funds they received for 2003.

Funding to the Adams County Housing Authority has the greatest award amount difference between 2003 and its request for 2004. The Human Services Board reduced their recommended funding from \$19,500 to \$8,000. The \$11,500 reduction was due to the funds being proposed for support personnel in a new program that would have limited impact in assisting Westminster residents.

Additionally, in attempts to reduce the impact on the General Fund, the adopted budget allocates \$100,000 of funding through the City's allocation of Community Development Block Grant (CDBG) monies in 2004. This makes the amount covered in the General Fund only \$60,000 in 2004.

Staff recommends that the agencies listed below be funded through the City’s 2004 allocation of Community Development Block Grant (CDBG) monies. These agencies meet the requirements set by CDBG and have the financial resources to operate on a fiscal year of April 1, 2004, to March 31, 2005, which is the fiscal year for CDBG. These agencies received notification prior to the application and interview process that the City would be considering them for CDBG funding. Agencies were asked if they believed they would have any difficulties in adhering to CDBG regulations and reporting prior to final consideration for CDBG funding. (The recommended CDBG funded agencies are noted with a check mark prior to the left column on the attached spreadsheet).

Access Housing	\$7,500
Adams County Housing Authority	\$8,000
Community Reach (formerly ADCO Mental Health)	\$24,000
Alternatives to Family Violence	\$15,000
Colorado Homeless Families	\$11,000
Family Tree, Inc.	\$13,000
Jefferson Center for Mental Health	\$10,000
<u>Senior Hub</u>	<u>\$11,850</u>
TOTAL	\$100,350

City Council discussed the HSB recommendations at the September 29 Budget Review, focusing on the Citizen Request received at the September 8 public meeting on the Adopted 2004 Budget by Yellow Ribbon. City Council directed Staff to bring forward the HSB funding as recommended. The Yellow Ribbon funding request is addressed below under the Citizen Requests Review section.

CITIZEN REQUESTS REVIEW

On September 8, 2003 a public meeting was held to review the 2004 Adopted Budget and to collect any remaining citizen requests for funding. Residents made the following requests during the public meeting on the Adopted 2004 Budget. Staff researched each request and recommendations on each item are provided below. City Council concurred with the recommendations below.

1. 72nd Avenue Noise Wall/Crash Barrier (on the north side from Pierce Street to Depew Street and on the south side from Harlan Street to Depew Street)

Request: Mayor Ed Moss read a request for funding on behalf of eighty-three residents who live in the vicinity of this section of 72nd Avenue. The submitted petition asked the City to “erect sound walls on west 72nd Avenue along the north side, from Pierce Street east to Depew Street, and on the south side from Harlan Street east to Depew Street. These walls should be similar in height and appearance to the walls that have been previously installed by the City of Westminster on Westminster Boulevard north from 92nd Avenue.”

Staff Research: The City of Arvada completed construction of 72nd Avenue between Pierce Street and Wadsworth Boulevard. Traffic on the existing portion of 72nd Avenue that is located within Westminster has increased.

Arvada installed a masonry wall along the portions of 72nd Avenue that are located within its jurisdiction. The type of wall installed by the City of Arvada along the frontage of their 72nd Avenue extension project is not crash resistant and cost at least \$400 per linear foot with an estimated 5,000 linear feet of sound wall. Using this unit price as a minimum anticipated cost, the total cost of a similar wall along the entire frontage of the Westminster residences mentioned above is \$2,000,000. It is estimated that a wood fence with masonry columns (which is the type depicted in a picture that accompanied the petition) at this location would cost in the range of \$400,000 to \$475,000. In addition, the wood fence depicted in the request is not a sound-reduction fence and would likely result in minimal reductions in noise to the abutting property owners.

Staff believes that the City is under no legal or moral obligation to mitigate the noise and property devaluation that might be associated with an increase in traffic on arterial streets, especially when the increase in traffic is due to a roadway extension project performed by a neighboring jurisdiction. In the past, the City Council has been careful to not set such a precedent for the use of public funds for these purposes.

Council was, however, concerned about the relatively high number of single vehicle accidents that occur on this portion of 72nd Avenue and directed Staff to install guardrails at strategic locations (e.g., along the curve in the roadway that is located to the east of Ingalls Street). Staff allocated \$50,000 from 2002 Capital Improvement Program project savings for the installation of guardrails along portions of the City of Westminster frontage of 72nd Avenue. The guardrail was installed in March 2003.

During a neighborhood meeting in 2002, the residents indicated to Staff that they did not want to request the installation of guardrails due to their fear that such an expenditure might cause a reduction in future funding for the desired wall.

Staff Recommendation: Staff is recommending that the City's 2004 General Capital Improvement Fund (GCIF) be reduced by \$525,000. To build the fence residents are requesting, the GCIF would need to be reduced by another \$525,000 and projects that had previously been deemed a higher priority would need to be cut. Staff recommends that City Council not make adjustments to the GCIF for the purpose of building a fence for 72nd Avenue.

Staff is currently analyzing an "Aurora" type fence replacement program that would allow residents to pay for the installation of a masonry fence if there is neighborhood support to do so.

Council Direction: City Council concurred with Staff's recommendation to leave the GCIF as recommended (i.e., with the \$525,000 reduction) and provide information to the neighborhood about the "Aurora" type fence replacement program to see if there is neighborhood support for this program.

2. Human Services Board Funding for Yellow Ribbon Suicide Prevention Program

Request: Dale Emme, Executive Director, represented Yellow Ribbon and requested funding for 2004. Mr. Emme said that he was unable to meet the Human Services Board (HSB) application deadline. Mr. Emme presented a funding application for consideration and stated that Yellow Ribbon would submit future funding requests to HSB on time. Mr. Emme stated that Yellow Ribbon would like to expand services to Westminster youth and seniors in 2004.

Staff Research: The Yellow Ribbon/Light for Life Foundation missed the HSB application-filing deadline by one week. They were the only previously funded agency to miss the deadline. Yellow Ribbon staff subsequently requested to be considered for funding and to be interviewed by the HSB Board, which was declined by the Board. The Yellow Ribbon organization acknowledged receiving their application on April 1, 2003 and missing the May 22, 2003 deadline.

The HSB received thirty-three applications for funding totaling \$285,578. All thirty-three applicants were interviewed for 2004 funding. In 2003, thirty-one agencies were funded at \$190,375, including five new agencies; the adopted Human Services Board budget for 2004 was reduced by \$30,000 to \$160,000. To reflect this 16% budget reduction, the Human Services Board initially reduced funding to all agencies by 16%. At the conclusion of initial funding recommendations, overall funding reductions ranged from 0% to 70% to meet 2004 budget requirements.

In 2003, Yellow Ribbon was allocated \$1,500 in funding. Yellow Ribbon's belated request for 2004 funding was for \$5,000.

Staff Recommendation: The Human Services Board (HSB) spent a great deal of time reviewing each application and conducting interviews prior to making their recommendations to City Council. Per the HSB's recommendation, Staff would encourage Yellow Ribbon to apply for 2005 funding in accordance with the HSB's finding that Yellow Ribbon did not meet the application-filing requirement and is therefore not eligible for 2004 funding.

If City Council wishes to fund Yellow Ribbon, funding for the other non-Community Development Block Grant (CDBG) agencies that are slated to receive 2004 HSB allocations would have to be reduced. In 2004, the General Fund includes \$60,000 in total funding for the twenty-five non-CDBG agencies that applied for HSB funding.

Council Direction: City Council directed Staff to leave the HSB funding as recommended but fund Yellow Ribbon in the amount of \$1,000 from City Council's Special Promotions account in City Council's Adopted 2004 Operating Budget.

3. Cheyenne Ridge Park

Request: Heather Brown and her son Hunter requested that the City install a playground on the undeveloped Cheyenne Ridge park site in 2004.

Staff Research: The five-acre Cheyenne Ridge park site was purchased in 1996 and has remained a lower park improvement priority due to projected use and other factors. The park is not currently listed on the five-year Capital Improvement Program.

During the 2000 City budget development process, residents from the Cheyenne Ridge subdivision requested that funds be earmarked for Cheyenne Ridge Park site improvements. The 2000 budget included \$24,000 in the General Capital Improvement Fund to be used for immediate minor site improvements at the future park site. Council directed that additional financial contributions and/or physical labor on the part of area residents be a part of the project. The Cheyenne Ridge Homeowners Association (HOA) contributed the labor necessary to plant perimeter trees and install drip irrigation in 2001. The City also completed a loop trail within the park.

The Cheyenne Ridge park improvement project was closed in the fourth quarter of 2002 when all of the park improvements that had been directed by City Council had been completed.

Staff Recommendation: In the past, Staff has not installed a playground structure on undeveloped park sites due to safety concerns, opposition from neighbors and apprehension that such an improvement will lead to a false expectation that further developments will follow. As is the case with Cheyenne Ridge, full development and on-going maintenance of this large park site will be very costly. Staff estimates that construction and installation of a playground structure would be at least \$100,000.

Staff recommends that Ms. Brown request funding for improvements at Cheyenne Ridge park during the 2005/2006 budget development process and that Staff continue to review the priority level of development of the park in concert with other Parks Division projects.

Council Direction: City Council concurred with Staff's recommendation not to fund this park request due to the budget constraints and other priorities within the General Capital Improvement Fund (GCIF) as adopted in 2004.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **54**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL FUND, UTILITY FUND, FLEET MAINTENANCE FUND, GENERAL CAPITAL OUTLAY REPLACEMENT FUND, SALES AND USE TAX FUND, GENERAL CAPITAL IMPROVEMENT FUND, GENERAL RESERVE FUND, UTILITY RESERVE FUND, OPEN SPACE FUND, GOLF COURSE FUND OPEN AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION OR UN-APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$1,497,745 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$73,326,062. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004 as well as the elimination of the Utility Fund split.

Section 2. The \$1,497,745 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Prop Tax Adco	1000.40035.0010	\$1,840,000	\$188,200	\$2,028,200
Prop Tax Jeffco	1000.40035.0020	1,522,500	267,609	1,790,109
Bus Tax Qwest	1000.40040.0050	200,000	(15,000)	185,000
Admis Movies	1000.40050.0006	225,000	100,000	325,000
Admis Bowling	1000.40050.0810	50,000	(10,000)	40,000
Admis Cover Chrgs	1000.40050.0820	3,000	1,000	4,000
Admis Butterfly Pav	1000.40050.0830	70,000	(40,000)	30,000
Lic Contractors	1000.40160.0000	60,000	10,000	70,000
Lic Beer & Liq	1000.40165.0000	50,000	15,000	65,000
Other Licenses	1000.40170.0000	65,000	(25,000)	40,000
Bldg Permit Adco	1000.40185.0010	400,000	(100,000)	300,000
Bldg Permit Jeffco	1000.40185.0020	425,000	(125,000)	300,000
Bldg Permit Adco	1000.40190.0010	625,000	100,000	725,000
Bldg Permit Jeffco	1000.40190.0020	250,000	(25,000)	225,000
Cigarette	1000.40340.0000	375,000	(35,000)	340,000
Vehicle Reg Adco	1000.40360.0010	200,000	(20,000)	180,000
Admis Standley	1000.40820.0256	390,000	(15,000)	375,000
Admis City Park	1000.40820.0861	720,000	30,000	750,000
Admis Kings Mill	1000.40820.0964	4,000	2,500	6,500
Admis Cntryside	1000.40820.0965	40,000	10,000	50,000
Admis West View	1000.40820.0967	320,000	30,000	350,000
Lease pymts Ice	1000.41010.0000	1,035,000	65,000	1,100,000
Adult Activities	1000.41030.0503	775,000	75,000	850,000
Franchise Fees	1000.41180.0000	10,000	(5,000)	5,000

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Franch Fee Xcel	1000.41180.0040	2,000,000	50,000	2,050,000
WHA Svc Fee	1000.41250.0000	67,000	3,000	70,000
Maint Promenade	1000.41280.0106	407,940	(11,500)	396,440
Security Promenade	1000.41290.0106	115,060	(11,500)	103,560
Record & Filing	1000.41300.0000	40,000	35,000	75,000
PD Training	1000.41360.0000	10,000	1,000	11,000
Fines Traffic	1000.42030.0000	1,800,000	(50,000)	1,750,000
Int Earnings	1000.42510.0000	520,000	(120,000)	400,000
Sale of Assets	1000.43040.0000	30,000	10,000	40,000
General	1000.43060.0000	153,308	1,558	154,866
Trf Sales & Use Tax	1000.45000.0530	47,235,009	(4,075,866)	43,159,143
Trf GIDs	1000.45000.0620	15,000	10,000	25,000
Trf Water	1000.45000.0200	0	1,500,083	1,500,083
Trf Wastewater	1000.45000.0210	0	838,016	838,016
Carryover	1000.40020.0000	0	2,838,645	2,838,645

Total Change to Revenues

\$1,497,745

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
City Council				
Salaries	10001010.60800.0000	\$55,800	\$21,700	\$77,500
Meeting Expense	10001010.61400.0000	7,567	2,943	10,510
Career Dev	10001010.61800.0000	25,275	9,829	35,104
Telephone	10001010.66900.0000	4,536	1,764	6,300
Spec Promo	10001010.67600.0000	4,320	1,680	6,000
Contract Svcs	10001010.67800.0000	27,886	10,844	38,730
Supplies	10001010.70200.0000	3,791	1,474	5,265
Food	10001010.70400.0000	2,592	1,008	3,600
City Attorney's Off				
Regular Salaries	10003120.60200.0000	433,577	150,048	583,625
Reg Salaries Pros	10003120.60200.0125	197,975	(36,127)	161,848
Career Dev	10003120.61800.0000	8,582	2,937	11,519
Outside Comp Chgs	10003120.67000.0000	9,780	3,804	13,584
Train & Ref Mtrls	10003120.71400.0000	15,360	5,258	20,618
Budget Hold	10003120.76800.0000	0	27,197	27,197
City Manager's Off				
Regular Salaries	10005050.60200.0000	459,314	182,119	641,433
Reg Salaries PIO	10005050.60200.0387	130,694	30,944	161,638
Career Dev	10005050.61800.0000	8,784	3,416	12,200
Career Dev PIO	10005050.61800.0387	1,440	560	2,000
Printing PIO	10005050.66600.0387	24,192	9,408	33,600
Postage PIO	10005050.66700.0387	30,564	11,886	42,450
Contract Svc PIO	10005050.67800.0387	32,688	12,712	45,400
Supplies	10005050.70200.0000	6,041	2,349	8,390
Budget Hold	10005050.76800.0000	0	24,725	24,725
Central Charges				
Regular Salaries	10010900.60200.0000	1,280,883	(1,260,883)	20,000
Retire City Contrib	10010900.62600.0000	3,600,000	(116,134)	3,483,866
Non Med Ins Life	10010900.62800.0590	117,705	(15,247)	102,458
Non Med Ins LTD	10010900.62800.0591	306,075	16,857	322,932
Non Med Ins Surv	10010900.62800.0592	219,000	(34,419)	184,581
Med Ins ER BCBS	10010900.63000.0594	2,680,788	367,974	3,048,762
Med Ins ER Delta	10010900.63000.0595	311,725	28,339	340,064

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Med Ins ER Kaiser	10010900.63000.0596	1,042,787	94,614	1,137,401
Medicare	10010900.63600.0000	418,000	(1,000)	417,000
Prof Serv	10010900.65100.0000	91,611	45,259	136,870
City Memberships	10010900.67500.0000	97,344	37,856	135,200
Contract Svcs	10010900.67800.0000	40,000	88,000	128,000
Contract Svcs Rec	10010900.67800.0535	30,960	12,040	43,000
Tfr Prop/Liab	10010900.79800.0460	439,287	150,000	589,287
Tfr Workers Comp	10010900.79800.0480	342,326	150,000	492,326
Gen Svcs – Admin				
Regular Salaries	10012050.60200.0000	108,366	(2,679)	105,687
Budget Hold	10012050.76800.0000	0	115,827	115,827
General Services	Human Resources			
Regular Salaries	10012060.60200.0000	470,469	84,960	555,429
Reg Salaries Wellness	10012060.60200.0544	42,361	7,013	49,374
Employ Recruit	10012060.61600.0000	26,036	4,239	30,275
Employ Med Exp	10012060.64000.0000	24,123	3,927	28,050
Prof Svc	10012060.65100.0000	39,491	6,429	45,920
Prof Svc Wellness	10012060.65100.0544	40,850	6,650	47,500
General Services	City Clerk			
Regular Salaries	10012070.60200.0000	194,509	78,524	273,033
Ads & Leg Notices	10012070.65200.0000	7,776	3,024	10,800
Maint/Rep Equip	10012070.66100.0000	10,440	4,060	14,500
Supplies	10012070.70200.0000	22,320	8,680	31,000
General Services	Organizational Support			
Regular Salaries	10012110.60200.0000	258,679	92,060	350,739
Reg Sal – Envir	10012110.60200.0552	41,731	64,039	105,770
Overtime – Envir	10012110.60400.0552	1,040	1,560	2,600
Career Dev Envir	10012110.61800.0552	648	972	1,620
Educ Reimb Prog	10012110.63800.0000	21,500	3,500	25,000
Prof Svcs Envir	10012110.65100.0552	14,600	21,900	36,500
Prof Svcs Train	10012110.65100.0612	52,202	8,498	60,700
General Services	Court			
Regular Salaries	10012130.60200.0000	773,085	(24,133)	748,952
Reg Salaries – Prob	10012130.60200.0130	131,659	(2,732)	128,927
General Services	BO & M			
Regular Salaries	10012390.60200.0000	356,905	40,725	397,630
Salaries Overtime	10012390.60400.0000	7,900	2,100	10,000
Unif & Equip Allow	10012390.61000.0000	2,844	756	3,600
Maint/Rep Equip	10012390.66100.0000	21,409	5,691	27,100
Maint/Rep Infra	10012390.66200.0000	81,262	21,602	102,864
Supplies	10012390.70200.0000	5,530	1,470	7,000
Build & Grd Mtls	10012390.71800.0000	33,970	9,030	43,000
Parts	10012390.73600.0000	33,970	9,030	43,000
Finance	Administration			
Regular Salaries	10015050.60200.0000	118,568	43,353	161,921
Supplies	10015050.70200.0000	13,788	5,362	19,150
Budget Hold	10015050.76800.0000	0	53,952	53,952
Finance	Accounting			
Regular Salaries	10015220.60200.0000	359,045	101,437	460,482
Prof Svcs	10015220.65100.0000	39,690	15,435	55,125
Printing	10015220.66600.0000	4,896	1,904	6,800

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Finance –	Utility Billing			
Regular Salaries	10015240.60200.0000	144,336	56,587	200,923
Finance	Sales Tax			
Regular Salaries	10015250.60200.0000	376,051	(3,526)	372,525
Police Department	Administration			
Regular Salaries	10020050.60200.0000	190,664	18	190,682
Elec & Gas	10020050.67200.0000	84,000	36,000	120,000
Budget Hold	10020050.76800.0000	0	180,901	180,901
Police Department	Community Svcs			
Regular Salaries	10020270.60200.0000	645,341	2,071	647,412
Prof Svcs	10020270.65100.0000	23,000	(5,000)	18,000
Supplies	10020270.70200.0000	15,000	(5,000)	10,000
Police Department	Neighborhood			
Regular Salaries	10020271.60200.0000	567,605	(43,595)	524,010
Police Department–	Tech Svcs			
Regular Salaries	10020272.60200.0000	1,637,522	(149,983)	1,487,539
Office Equip	10020272.75200.0000	20,000	(20,000)	0
Police Department	Investigative Svcs			
Regular Salaries	10020300.60200.0000	2,223,699	108,551	2,332,250
Police Department	Patrol			
Regular Salaries	10020500.60200.0000	7,350,158	(441,750)	6,908,408
Reg Salaries Prom	10020500.60200.0106	146,897	48,241	195,138
Fleet Rental	10020500.65800.0000	291,849	(16,800)	275,049
Maint/Rep Equip	10020500.66100.0000	7,200	16,800	24,000
Fire Department				
Regular Salaries	10025260.60200.0000	4,676,045	6,767	4,682,812
Reg Salaries EMS	10025260.60200.0546	1,459,868	26,592	1,486,460
Reg Salaries Fire Prev	10025260.60200.0547	347,911	31,917	379,828
Lab Sup EMS	10025260.70800.0546	22,966	49,000	71,966
Community Dev	Administration			
Regular Salaries	10030050.60200.0000	246,418	94,741	341,159
Contract Svcs	10030050.67800.0000	27,108	2,893	30,001
Budget Hold	10030050.76800.0000	0	110,720	110,720
Community Dev	Ecocomic Development			
Regular Salaries	10030340.60200.0000	140,956	67,732	208,688
Spec Promo	10030340.67600.0000	26,900	(7,300)	19,600
Contract Svcs	10030340.67800.0000	41,039	15,960	56,999
Community Dev	Planning			
Regular Salaries	10030360.60200.0000	625,736	200,743	826,479
Prof Svcs	10030360.65100.0000	14,479	3,397	17,876
Community Dev	Building			
Regular Salaries	10030370.60200.0000	870,782	(2,474)	868,308
Prof Svcs	10030370.65100.0000	47,000	3,000	50,000
Community Dev	Engineering			
Regular Salaries	10030380.60200.0000	817,434	152,890	970,324
Career Dev	10030380.61800.0000	7,189	1,911	9,100
Maint/Rep Infra	10030380.66200.0000	216,000	(10,000)	206,000
PW&U –	Infrastructure			
Regular Salaries	10035430.60200.0000	185,580	22,929	208,509

Description	Account Number	2004 Adopted	Amendment	2004 Revised
PW&U –	Streets			
Regular Salaries	10035450.60200.0000	968,050	87,910	1,055,960
Salaries – Temp	10035450.60600.0000	38,021	4,489	42,510
Street Lights	10035450.67400.0000	1,203,408	60,000	1,263,408
Budget Hold	10035450.76800.0000	0	35,968	35,968
PR&L – Admin				
Regular Salaries	10050050.60200.0000	469,376	1,114	470,490
Budget Hold	10050050.76800.0000	0	367,359	367,359
PR&L – Park Svcs				
Regular Salaries	10050550.60200.0000	859,851	(254,181)	605,670
Reg Salaries – Prom	10050550.60200.0106	186,052	2,331	188,383
Salaries Temp	10050550.60600.0000	283,418	24,645	308,063
Elec & Gas	10050550.67200.0000	45,000	25,000	70,000
PR&L – Library				
Regular Salaries	10050620.60200.0000	1,634,345	(32,621)	1,601,724
Contract Svcs	10050620.67800.0000	133,870	15,000	148,870
PR&L – Standley Lake				
Regular Salaries	10050660.60200.0000	132,420	7,500	139,920
Build & Grd Mtls	10050660.71800.0000	16,700	(4,100)	12,600
PR&L – Design				
Regular Salaries	10050690.60200.0000	356,078	(35,731)	320,347
PR&L – Rec Fac				
Regular Salaries	10050720.60200.0000	191,583	(9,238)	182,345
Reg Salaries Fitness	10050720.60200.0505	46,139	21,861	68,000
Reg Salaries CP	10050720.60200.0860	922,247	(69,405)	852,842
Reg Salaries CP Fit	10050720.60200.0861	312,814	(43,733)	269,081
Reg Salaries Swim & Fit	10050720.60200.0963	482,623	(79,055)	403,568
Reg Salaries West View	10050720.60200.0967	323,551	(26,348)	297,203
Elec & Gas CP	10050720.67200.0860	172,000	3,000	175,000
Elec & Gas CP Fit	10050720.67200.0861	65,600	3,000	68,600
Elec & Gas Swim & Fit	10050720.67200.0963	116,500	3,000	119,500
Elec & Gas Cntrysd	10050720.67200.0965	10,000	3,000	13,000
Elec & Gas West View	10050720.67200.0967	79,000	3,000	82,000
PR&L – Rec Programs				
Regular Salaries	10050760.60200.0000	372,184	2,827	375,011
Reg Salaries Senior	10050760.60200.0017	187,490	269	187,759
Reg Salaries Arts	10050760.60200.0532	26,360	1,352	27,712
Bank Charges	10050760.66800.0000	5,970	2,500	8,470
Wtr & Sewer Seniors	10050760.67100.0017	3,800	2,500	6,300
Rec Supplies Preschool	10050760.71200.0508	51,100	(4,300)	46,800

Total Change to Expenses

\$1,497,745

Section 3. The 2004 appropriation for the General Reserve Fund initially appropriated by Ordinance No. 2977 in the amount of \$7,400,100 is hereby increased by \$213,330 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$7,613,430.

The actual amount in the General Reserve Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004.

Section 4. The \$213,330 increase in the General Reserve Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Carryover	1100.40020.0000	\$7,290,745	\$136,992	\$7,427,737
Int Earnings	1100.42510.0000	109,355	76,338	185,693
Total Change to Revenues		<u>\$213,330</u>		

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Contingency	11010900.79900.0000	\$7,400,100	\$213,330	\$7,613,430
Total Change to Expenses		<u>\$213,330</u>		

Section 5. The 2004 appropriation for the Utility Reserve Fund initially appropriated by Ordinance No. 2977 in the amount of \$6,963,291 is hereby increased by \$2,193,290 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$9,156,581. The actual amount in the Utility Reserve Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004.

Section 6. The \$2,193,290 increase in the Utility Reserve Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Carryover	2050.40020.0000	\$6,860,385	\$2,121,645	\$8,982,030
Int Earnings	2050.42510.0000	102,906	71,645	174,551
Total Change to Revenues		<u>\$2,193,290</u>		

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Contingency	20510900.79900.0000	\$6,963,291	\$2,193,290	\$9,156,581
Total Change to Expenses		<u>\$2,193,290</u>		

Section 7. The 2004 appropriation for the Utility Fund initially appropriated by Ordinance No. 2977 in the amount of \$39,156,200 is hereby increased by \$554,075 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$39,710,275. The actual amount in the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004 as well as the elimination of the Utility Fund split.

Section 8. The \$554,075 increase in the Utility Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Reimbursements	2000.43080.0000	\$25,000	\$75,000	\$100,000
W/W Sales Res	2100.40730.0027	5,015,276	119,018	5,134,294
W/W Sales Comm	2100.40730.0028	3,931,109	354,196	4,285,305
General Misc	2100.43060.0000	4,139	5,861	10,000
Total Change to Revenues		<u>\$554,075</u>		

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
City Council				
Salaries	20001010.60800.0000	\$14,725	\$(14,725)	\$0
Meeting Expense	20001010.61400.0000	1,997	(1,997)	0
Career Dev	20001010.61800.0000	6,670	(6,670)	0
Telephone	20001010.66900.0000	1,197	(1,197)	0
Spec Promo	20001010.67600.0000	1,140	(1,140)	0
Contract Svcs	20001010.67800.0000	7,358	(7,358)	0
Supplies	20001010.70200.0000	1,000	(1,000)	0
Food	20001010.70400.0000	684	(684)	0
City Attorney's Off				
Regular Salaries	20003120.60200.0000	98,937	(98,937)	0
Career Dev	20003120.61800.0000	1,958	(1,958)	0
Outside Comp Chgs	20003120.67000.0000	2,581	(2,581)	0
Train & Ref Mtrls	20003120.71400.0000	3,505	(3,505)	0
City Manager's Off				
Regular Salaries	20005050.60200.0000	121,208	(121,208)	0
Reg Salaries PIO	20005050.60200.0387	34,489	(34,489)	0
Career Dev	20005050.61800.0000	2,318	(2,318)	0
Career Dev PIO	20005050.61800.0387	380	(380)	0
Printing PIO	20005050.66600.0387	6,384	(6,384)	0
Postage PIO	20005050.66700.0387	8,065	(8,065)	0
Contract Svc PIO	20005050.67800.0387	8,626	(8,626)	0
Supplies	20005050.70200.0000	1,594	(1,594)	0
Central Charges				
Regular Salaries	20010900.60200.0000	185,954	(185,954)	0
Retire City Contrib	20010900.62600.0000	450,000	20,800	470,800
Non Med Ins Life	20010900.62800.0590	18,700	(2,588)	16,112
Non Med Ins LTD	20010900.62800.0591	51,600	(90)	51,510
Non Med Ins Surv	20010900.62800.0592	35,000	(5,367)	29,633
Med Ins ER BCBS	20010900.63000.0594	367,444	59,545	426,989
Med Ins ER Delta	20010900.63000.0595	43,700	578	44,278
Med Ins ER Kaiser	20010900.63000.0596	177,444	14,947	192,391
Medicare	20010900.63600.0000	56,300	(1,300)	55,000
Prof Serv	20010900.65100.0000	23,750	(23,750)	0
City Memberships	20010900.67500.0000	25,688	(25,688)	0
Contract Svcs Rec	20010900.67800.0535	8,170	(8,170)	0
Tfr General Fund	20010900.79800.0100	0	1,500,083	1,500,083
Tfr Prop/Liab	20010900.79800.0460	0	190,359	190,359
Tfr Workers Comp	20010900.79800.0480	0	58,684	58,684
General Services – Administration				
Regular Salaries	20012050.60200.0000	28,597	(28,597)	0
General Services – Human Resources				
Regular Salaries	20012060.60200.0000	32,823	(32,823)	0
Reg Salaries Wellness	20012060.60200.0544	2,955	(2,955)	0
Employ Recruit	20012060.61600.0000	1,817	(1,817)	0
Employ Med Exp	20012060.64000.0000	1,683	(1,683)	0
Prof Svc	20012060.65100.0000	2,755	(2,755)	0
Prof Svc Wellness	20012060.65100.0544	2,850	(2,850)	0

Description	Account Number	2004 Adopted	Amendment	2004 Revised
General Services	City Clerk			
Regular Salaries	20012070.60200.0000	51,329	(51,329)	0
Ads & Leg Notices	20012070.65200.0000	2,052	(2,052)	0
Maint/Rep Equip	20012070.66100.0000	2,755	(2,755)	0
Supplies	20012070.70200.0000	5,890	(5,890)	0
General Services –	Org Support Services			
Regular Salaries	20012110.60200.0000	68,262	(68,262)	0
Reg Sal – Envir	20012110.60200.0552	31,298	(31,298)	0
Overtime – Envir	20012110.60400.0552	780	(780)	0
Career Dev Envir	20012110.61800.0552	486	(486)	0
Educ Reimb Prog	20012110.63800.0000	1,500	(1,500)	0
Prof Svcs Envir	20012110.65100.0552	10,950	(10,950)	0
Prof Svcs Train	20012110.65100.0612	3,642	(3,642)	0
General Services	– BO&M			
Regular Salaries	20012390.60200.0000	67,767	(67,767)	0
Salaries Overtime	20012390.60400.0000	1,500	(1,500)	0
Unif & Equip Allow	20012390.61000.0000	540	(540)	0
Maint/Rep Equip	20012390.66100.0000	4,065	(4,065)	0
Maint/Rep Infra	20012390.66200.0000	15,430	(15,430)	0
Supplies	20012390.70200.0000	1,050	(1,050)	0
Build & Grd Mtls	20012390.71800.0000	6,450	(6,450)	0
Parts	20012390.73600.0000	6,450	(6,450)	0
Finance –	Administration			
Regular Salaries	20015050.60200.0000	31,289	(31,289)	0
Supplies	20015050.70200.0000	3,638	(3,638)	0
Finance	Accounting			
Regular Salaries	20015220.60200.0000	94,748	(94,748)	0
Prof Svcs	20015220.65100.0000	10,474	(10,474)	0
Printing	20015220.66600.0000	1,292	(1,292)	0
Finance –	Utility Billing			
Regular Salaries	20015240.60200.0000	261,797	(35,646)	226,151
Fire Department				
Reg Salaries Fire Prev	20025260.60200.0547	22,285	(22,285)	0
Community Dev	Administration			
Regular Salaries	20030050.60200.0000	65,027	(65,027)	0
Contract Svcs	20030050.67800.0000	7,154	(7,154)	0
Community Dev	Economic Development			
Regular Salaries	20030340.60200.0000	37,197	(37,197)	0
Contract Svcs	20030340.67800.0000	10,830	(10,830)	0
Community Dev	Planning			
Regular Salaries	20030360.60200.0000	100,427	(100,427)	0
Prof Svcs	20030360.65100.0000	2,324	(2,324)	0
Community Dev	Building			
Regular Salaries	20030370.60200.0000	37,055	(37,055)	0
Prof Svcs	20030370.65100.0000	2,000	(2,000)	0
Community Dev	Engineering			
Regular Salaries	20030380.60200.0000	144,862	(144,862)	0
Career Dev	20030380.61800.0000	1,274	(1,274)	0
PW&U –	Infrastructure			
Regular Salaries	20035430.60200.0000	10,310	(10,310)	0

Description	Account Number	2004 Adopted	Amendment	2004 Revised
PW&U – Admin				
Regular Salaries	20035050.60200.0000	346,583	4,856	351,439
PW&U – Streets				
Regular Salaries	20035450.60200.0000	60,178	(60,178)	0
Salaries – Temp	20035450.60600.0000	2,363	(2,363)	0
PW&U – Field Ops				
Regular Salaries	20035470.60200.0000	1,005,603	46,090	1,051,693
Reg Salaries – wtrline replace	20035470.60200.0497	497,837	(49,652)	448,185
PW&U –	Water Resources			
Regular Salaries	20035480.60200.0000	542,122	(33,133)	508,989
Reg Salaries – Wtr Quality	20035480.60200.0943	68,098	1,072	69,170
PW&U –	Water Plants			
Regular Salaries	20035490.60200.0000	720,815	(14,779)	706,036
Reg Salaries- Rec Svc	20035490.60200.0023	40,765	1	40,766
Reg Salaries – Wtr Qual	20035490.60200.0943	224,485	(1,469)	223,016
PR&L – Park Svcs				
Regular Salaries	20050550.60200.0000	28,039	(28,039)	0
Salaries Temp	20050550.60600.0000	9,242	(9,242)	0
Information Tech				
Regular Salaries	20060230.60200.0000	1,582,734	28,171	1,610,905
Prop/Liab	Central Charges			
Self Ins Claim	20010900.68200.0460	190,359	(190,359)	0
Worker’s Comp -	Central Charges			
Self Ins Claim	21010900.68200.0480	58,684	(58,684)	0
City Council				
Salaries	21001010.60800.0000	6,975	(6,975)	0
Meeting Expense	21001010.61400.0000	946	(946)	0
Career Dev	21001010.61800.0000	3,159	(3,159)	0
Telephone	21001010.66900.0000	567	(567)	0
Spec Promo	21001010.67600.0000	540	(540)	0
Contract Svcs	21001010.67800.0000	3,486	(3,486)	0
Supplies	21001010.70200.0000	474	(474)	0
Food	21001010.70400.0000	324	(324)	0
City Attorney’s Off				
Regular Salaries	21003120.60200.0000	49,469	(49,469)	0
Career Dev	21003120.61800.0000	979	(979)	0
Outside Comp Chgs	21003120.67000.0000	1,223	(1,223)	0
Train & Ref Mtrls	21003120.71400.0000	1,753	(1,753)	0
City Manager’s Off				
Regular Salaries	21005050.60200.0000	57,414	(57,414)	0
Reg Salaries PIO	21005050.60200.0387	16,336	(16,336)	0
Career Dev	21005050.61800.0000	1,098	(1,098)	0
Career Dev PIO	21005050.61800.0387	180	(180)	0
Printing PIO	21005050.66600.0387	3,024	(3,024)	0
Postage PIO	21005050.66700.0387	3,821	(3,821)	0
Contract Svc PIO	21005050.67800.0387	4,086	(4,086)	0
Supplies	21005050.70200.0000	755	(755)	0

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Central Charges				
Regular Salaries	21010900.60200.0000	51,185	(51,185)	0
Retire City Contrib	21010900.62600.0000	154,300	(18,100)	136,200
Non Med Ins Life	21010900.62800.0590	5,300	(1,538)	3,762
Non Med Ins LTD	21010900.62800.0591	15,000	(615)	14,385
Non Med Ins Surv	21010900.62800.0592	9,900	(1,607)	8,293
Med Ins ER BCBS	21010900.63000.0594	105,000	39,150	144,150
Med Ins ER Delta	21010900.63000.0595	15,900	(1,166)	14,734
Med Ins ER Kaiser	21010900.63000.0596	75,000	(8,332)	66,668
Medicare	21010900.63600.0000	13,600	(1,600)	12,000
Prof Serv	21010900.65100.0000	11,250	(11,250)	0
City Memberships	21010900.67500.0000	12,168	(12,168)	0
Contract Svcs Rec	21010900.67800.0535	3,870	(3,870)	0
Tfr General Fund	21010900.79800.0100	0	838,016	838,016
Tfr Prop/Liab	21010900.79800.0460	0	102,500	102,500
Tfr Workers Comp	21010900.79800.0480	0	88,027	88,027
Gen Svcs - Admin				
Regular Salaries	21012050.60200.0000	13,546	(13,546)	0
Gen Svcs – Human Resources				
Regular Salaries	21012060.60200.0000	43,765	(43,765)	0
Reg Salaries Wellness	21012060.60200.0544	3,940	(3,940)	0
Employ Recruit	21012060.61600.0000	2,422	(2,422)	0
Employ Med Exp	21012060.64000.0000	2,244	(2,244)	0
Prof Svc	21012060.65100.0000	3,674	(3,674)	0
Prof Svc Wellness	21012060.65100.0544	3,800	(3,800)	0
Gen Svcs – City Clerk				
Regular Salaries	21012070.60200.0000	24,314	(24,314)	0
Ads & Leg Notices	21012070.65200.0000	972	(972)	0
Maint/Rep Equip	21012070.66100.0000	1,305	(1,305)	0
Supplies	21012070.70200.0000	2,790	(2,790)	0
Gen Svcs – Org Support Services				
Regular Salaries	21012110.60200.0000	32,335	(32,335)	0
Reg Sal – Envir	21012110.60200.0552	31,298	(31,298)	0
Overtime – Envir	21012110.60400.0552	780	(780)	0
Career Dev Envir	21012110.61800.0552	486	(486)	0
Educ Reimb Prog	21012110.63800.0000	2,000	(2,000)	0
Prof Svcs Envir	21012110.65100.0552	10,950	(10,950)	0
Prof Svcs Train	21012110.65100.0612	4,856	(4,856)	0
Gen Svcs – BO&M				
Regular Salaries	21012390.60200.0000	27,107	(27,107)	0
Salaries Overtime	21012390.60400.0000	600	(600)	0
Unif & Equip Allow	21012390.61000.0000	216	(216)	0
Maint/Rep Equip	21012390.66100.0000	1,626	(1,626)	0
Maint/Rep Infra	21012390.66200.0000	6,172	(6,172)	0
Supplies	21012390.70200.0000	420	(420)	0
Build & Grd Mtls	21012390.71800.0000	2,580	(2,580)	0
Parts	21012390.73600.0000	2,580	(2,580)	0
Finance – Admin				
Regular Salaries	21015050.60200.0000	14,821	(14,821)	0
Supplies	21015050.70200.0000	1,724	(1,724)	0

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Finance – Acctg				
Regular Salaries	21015220.60200.0000	44,880	(44,880)	0
Prof Svcs	21015220.65100.0000	4,961	(4,961)	0
Printing	21015220.66600.0000	612	(612)	0
Finance – Utility Billing				
Regular Salaries	21015240.60200.0000	18,042	(18,042)	0
Fire Department				
Reg Salaries Fire Prev	21025260.60200.0547	14,856	(14,856)	0
Comm Dev – Admin				
Regular Salaries	21030050.60200.0000	30,802	(30,802)	0
Contract Svcs	21030050.67800.0000	3,389	(3,389)	0
Comm Dev – Eco Devo				
Regular Salaries	21030340.60200.0000	17,619	(17,619)	0
Contract Svcs	21030340.67800.0000	5,130	(5,130)	0
Comm Dev – Planning				
Regular Salaries	21030360.60200.0000	46,351	(46,351)	0
Prof Svcs	21030360.65100.0000	1,073	(1,073)	0
Comm Dev – Building				
Regular Salaries	21030370.60200.0000	18,527	(18,527)	0
Prof Svcs	21030370.65100.0000	1,000	(1,000)	0
Comm Dev – Engineering				
Regular Salaries	21030380.60200.0000	72,431	(72,431)	0
Career Dev	21030380.61800.0000	637	(637)	0
PW&U – Infrastructure				
Regular Salaries	21035430.60200.0000	10,310	(10,310)	0
PW&U – Streets				
Regular Salaries	21035450.60200.0000	54,118	(54,118)	0
Salaries – Temp	21035450.60600.0000	2,126	(2,126)	0
PW&U – Field Ops				
Regular Salaries	21035470.60200.0000	613,631	(9,597)	604,034
PW&U – Wastewater Plants				
Regular Salaries	21035490.60200.0000	578,177	9,877	588,054
Reg Salaries – Wtr Qual	21035490.60200.0943	112,966	2,789	115,755
PR&L – Park Svcs				
Regular Salaries	21050550.60200.0000	46,731	(46,731)	0
Salaries Temp	21050550.60600.0000	15,403	(15,403)	0
Prop/Liab Central Charges				
Self Ins Claim	21010900.68200.0460	102,500	(102,500)	0
Worker’s Comp - Central Charges				
Self Ins Claim	21010900.68200.0480	88,027	(88,027)	0
Capital Projects				
BDCWTP Expansion	80121035044.80400.8888	0	668,144	668,144

Total Change to Expenses

\$554,075

Section 9. The 2004 appropriation for the Golf Course Fund initially appropriated by Ordinance No. 2977 in the amount of \$3,934,702 is hereby amended by a net amount of \$0 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$3,934,702. The actual amount in the Golf Course Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions.

The amendments reflect changes between the business units of Legacy Ridge and Heritage Golf Courses and have a net change in the Golf Course Fund of \$0.

Section 10. The amendments in the Golf Course Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

Description	Current Budget	Amendment	Final Budget
REVENUES			
Total Change to Revenues		\$0	

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Legacy Ridge-	Central Charges			
Regular Salaries	22010900.60200.0000	\$9,280	\$(9,280)	\$0
Retire City Contrib	22010900.62600.0000	10,000	(1,148)	8,852
Non Med Ins ER Life	22010900.62800.0590	1,800	(473)	\$1,327
Non Med Ins ER LTF	22010900.62800.0591	4,600	(14)	4,586
Non Med Ins ER SIB	22010900.62800.0592	3,200	(520)	2,680
Med Ins ER BCBS	22010900.63000.0594	48,400	1,010	49,410
Med Ins ER Dental	22010900.63000.0595	5,400	(326)	5,074
Med Ins ER Kaiser	22010900.63000.0596	1,300	5,947	7,247
Medicare	22010900.63600.0000	8,800	2,300	11,100
Legacy Ridge –	Rec Facilities			
Regular Salaries	22050720.60200.0000	319,853	4,046	323,899
Reg Salaries – Club Operations	22050720.60200.0249	144,175	(2,099)	142,076
Irrigation Mtls	22050720.72200.0000	11,000	(1,850)	9,150
Heritage-	Central Charges			
Regular Salaries	23010900.60200.0000	6,061	(6,061)	0
Retire City Contrib	23010900.62600.0000	10,000	(1,148)	8,852
Non Med Ins ER Life	23010900.62800.0590	1,500	(175)	1,325
Non Med Ins ER LTF	23010900.62800.0591	4,400	148	4,548
Non Med Ins ER SIB	23010900.62800.0592	2,900	(273)	2,627
Med Ins ER BCBS	23010900.63000.0594	33,700	(3,643)	30,057
Med Ins ER Dental	23010900.63000.0595	6,000	(483)	5,517
Med Ins ER Kaiser	23010900.63000.0596	23,400	11,439	34,839
Medicare	23010900.63600.0000	7,700	2,700	10,400
Heritage –	Rec Facilities			
Regular Salaries	23050720.60200.0000	309,693	1,801	311,494
Reg Salaries – Club Operations	23050720.60200.0249	143,372	787	144,159
Irrigation Mtls	23050720.72200.0000	13,000	(1,897)	11,103
Merch for Resale	23050720.73400.0249	140,000	(788)	139,212
Total Change to Expenses			\$0	

Section 11. The 2004 appropriation for the Fleet Fund initially appropriated by Ordinance No. 2977 in the amount of \$1,161,081 is hereby increased by \$302,504 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$1,463,585.

The actual amount in the Fleet Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004.

Section 12. The \$302,504 increase in the Fleet Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Internal Billings	3000.43140.0000	\$1,161,081	\$302,504	\$1,463,585
Total Change to Revenues		<u>\$302,504</u>		

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Regular Salaries	30010900.60200.0000	\$480,172	\$116,840	\$597,012
Parts	30012460.73600.0000	143,246	40,000	183,246
Tires	30012460.73800.0000	55,394	17,606	73,000
Fuel & Lubricants	30012460.74000.0000	257,299	80,024	337,323
Budget Hold	30012460.76800.0000	0	48,034	48,034
	Subtotal Fleet		\$302,504	
Total Change to Expenses		<u>\$302,504</u>		

Section 13. The 2004 appropriation for the Sales Tax Fund initially appropriated by Ordinance No. 2977 in the amount of \$53,035,009 is hereby decreased by \$4,600,866 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$48,434,143. The actual amount in the Sales Tax Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This un-appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004.

Section 14. The \$4,600,866 decrease in the Sales Tax Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Sales Tax Returns	5300.40070.0000	\$42,755,009	\$(4,250,866)	\$38,504,143
Sales Tax Audit	5300.40075.0000	500,000	50,000	550,000
Use Tax Returns	5300.40095.0000	2,100,000	(100,000)	2,000,000
Use Tax Building	5300.40100.0000	2,000,000	100,000	2,100,000
Use Tax Auto	5300.40105.0000	5,600,000	(400,000)	5,200,000
Total Change to Revenues		<u>\$(4,600,866)</u>		

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Transfers	53010900.79800.0100	\$47,235,009	\$(4,075,866)	\$43,159,143
Transfers	53010900.79800.0750	1,500,000	(525,000)	975,000
Total Change to Expenses		<u>\$(4,600,866)</u>		

Section 15. The 2004 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2977 in the amount of \$4,663,797 is hereby decreased by \$357,969 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$4,305,828. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This un-appropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004.

Section 16. The \$357,969 decrease in the Open Space Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Sales Tax Returns	5400.40070.0000	\$3,845,672	\$(371,844)	\$3,473,828
Use Tax Returns	5400.40095.0000	181,125	(11,125)	170,000
Use Tax Building	5400.40100.0000	150,000	25,000	175,000

Total Change to Revenues \$(357,969)

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Regular Salaries	54010900.60200.0000	\$89,953	\$(24,042)	\$65,911
Reg Salaries Vol Cord	54010900.60200.0531	49,355	(1)	49,354
Land Purchases	54010900.76600.0000	816,209	(175,725)	640,484
Budget Hold	54010900.76800.0000	0	20,783	20,783
Transfers	54010900.79800.0750	1,181,276	(178,984)	1,002,292

Total Change to Expenses \$(357,969)

Section 17. The 2004 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$9,036,000 is hereby decreased by \$653,984 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$8,382,016. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This unappropriation is due to a budget amendment for revised revenue projections and expenditure estimates for 2004

Section 18. The \$653,984 decrease in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Trans S/T Adco	7500.40470.0010	\$1,745,000	\$105,000	\$1,850,000
Int Earnings	7500.42510.0000	966,000	(105,000)	861,000
Trf Sales & Use	7500.45000.0530	1,500,000	(525,000)	975,000
OS Attrib Shares Jeffco	7501.40450.0020	1,000,000	50,000	1,050,000
Trf Open Space	7501.45000.0540	1,181,276	(178,984)	1,002,292

Total Change to Revenues \$(653,984)

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
99 th Ave Wads/Railroad	80275030503.80400.8888	\$275,000	\$(275,000)	\$0
Microsoft License	80475060605.80400.8888	250,000	(250,000)	\$0
City Park Fitness Expansion	80475050608.80400.8888	\$200,000	(128,984)	71,016

Total Change to Expenses \$(653,984)

Section 19. Although formal adoption of a budget for the Property & Liability Self Insurance Fund is not required, changes in the Fund are being shown here for clarification purposes. These changes are due to a budget amendment for revised revenue projections and expenditure estimates for 2004 as well as the elimination of the Utility Fund split.

Section 20. The \$442,859 increase in the Property & Liability Self Insurance Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Trf Gen Fund	4600.45000.0100	\$439,287	\$150,000	\$589,287
Trf Water Fund	4600.45000.0200	0	190,359	190,359
Trf Wastewater Fund	4600.45000.0210	0	102,500	102,500

Total Change to Revenues \$442,859

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Regular Salaries	46010900.60200.0000	\$91,148	\$(2,414)	\$88,734
Self Ins Claim Pay	46010900.68200.0000	10,141	445,273	455,414

Total Change to Expenses \$442,859

Section 21. Although formal adoption of a budget for the Worker's Compensation Self Insurance Fund is not required, changes in the Fund are being shown here for clarification purposes. These changes are due to a budget amendment for revised revenue projections and expenditure estimates for 2004 as well as the elimination of the Utility Fund split.

Section 22. The \$296,711 increase in the Worker's Compensation Self Insurance Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Trf Gen Fund	4800.45000.0100	\$342,326	\$150,000	\$492,326
Trf Water Fund	4800.45000.0200	0	58,684	58,684
Trf Wastewater Fund	4800.45000.0210	0	88,027	88,027

Total Change to Revenues \$296,711

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Self Ins Claim Pay	48010900.68200.0000	\$192,289	\$296,711	\$489,000

Total Change to Expenses \$296,711

Section 23. – 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 24. This ordinance shall take effect upon its passage after the second reading.

Section 25. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 13th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2003.

ATTEST:

Mayor

City Clerk

HUMAN SERVICES BOARD – AGENCY DESCRIPTIONS –

Access Housing – Provides emergency shelter and affordable transitional housing options to homeless and at-risk families while promoting stability, self-sufficiency, and personal growth.

ADCO Housing Authority – Offers programs for families in Adams County, which provide housing, personal development opportunities, counseling, financial assistance and educational services through networking and collaboration. ACHA creates an environment conducive for growth and development in order to promote self-sufficiency.

Arapahoe House – Provides a safe environment for female adolescents in crisis, focusing on developmental and mental health issues and to promote self-sufficiency and self-respect.

Community Reach (formerly ADCO Mental Health) – Provides mental health care to residents of Adams County including outpatient counseling, a 24-hour crisis line, treatment programs and programs designed to provide education and training to prepare individuals for employment and independent living.

Catholic Charities of Denver – Provides emergency services that meet the human needs existing within the broader community. Services provided include: limited financial assistance for rent, medical prescriptions, job-related transportation costs, temporary shelter, and a 2-3 day supply of emergency food with a referral to a larger food bank.

Alternatives to Family Violence – Provides safety and empowerment to those affected by domestic violence, while promoting non-violence as a social value. We strive to be the first resource for families affected by domestic violence in Adams County.

Jefferson Center for Mental Health – Promotes mental health and provides quality mental health services to persons with emotional problems and/or serious mental illness.

Colorado Homeless Families – Provides transitional housing and supportive services for homeless families with children, helping them become self-sufficient within eighteen months to two years.

Clinica Campesina – Provides medical care and health promotion services to the medically underserved, low-income households, and minority people on a sliding fee scale basis.

The Senior Hub: Meals on Wheels – Delivers hot or frozen meals to homebound residents that are unable to prepare nutritious meals themselves, are unable to travel independently to a senior center or restaurant to obtain a balance meal and unable to afford the purchase of meals.

The Senior Hub: Retired and Senior Volunteer Program (RSVP) – Provides opportunities to older adults to be involved in their community, remain active, and to use their skills and life experiences.

The Senior Hub: Respite and In-Home Supportive Services – Assists those living at home alone with simple, non-medical assistance.

Family Tree, Inc. – Offers services to help people be safe, strong, and self-reliant. Services provided include: emergency shelter and support services for victims of domestic abuse, comprehensive supportive housing assistance for homeless families and individuals, emergency shelter and outreach services for youth in crisis, and out-client services for families experiencing abuse, divorce, or separation.

Hospice of Metro Denver – Provides specialized care and support for terminally ill individuals and their families while increasing community awareness of death and grief as a natural part of life.

Have a Heart Project, Inc. – Provides for the basic needs of food and clothing for elementary age children and their families in the Westminster School District 50 area.

Arvada Child Advocacy Center – Offers a child-friendly, safe place for young children to come during the investigative process of their outcries of sexual abuse.

Children’s Outreach Project – The mission of the center is “to offer an integrated, quality, early childhood and kindergarten education to typical, accelerated and developmentally delayed children.”

Seniors’ Resource Center – Works in partnership with older persons and the community to provide centralized and coordinated service, information, education, and leadership to assist seniors in maximizing their independence and personal dignity.

Rape Assistance and Awareness Program (RAAP) – Assists victims of sexual violence while educating the public about preventing sexual violence. Services provided include: rape crisis hotline, victim advocacy, counseling services, community outreach, abuse prevention training program, and personal safety skills for women.

The New Club – Provides outreach to benefit victims of substance abuse (alcohol, narcotics, etc.) by offering classes, workshops and support systems.

Project Safeguard – Provides early emergency legal advocacy and safety planning to prevent violence and potentially violent situations against women and their children from escalating.

North Metro Community Services, Inc. – **Assist families with accessing summer supervision, or care for their Developmentally Disabled child. NMCS overall provides innovative, life enhancing supports and services in the community for persons with Developmental Disabilities.**

Exempla Lutheran Hospice LMC – Provides comprehensive hospice services to terminally ill children, adults, and their families who lack the financial resources to pay for the care.

Community Awareness Action Team (C. A. A. T.) – Our mission is to serve as a catalyst for facilitating programs that will be effective in the prevention of the use of alcohol, tobacco and other drugs by children and teens.

Inter-Church ARMS – Inter-Church Arvada Resources for Ministry and Service (ARMS) is a non-profit coalition of twelve Arvada-area churches that combines volunteer and financial resources to help people who are striving to create and maintain their independence. Services include: financial aid to help.

Adams County Santa Claus Workshop – Provides free toys, books, games, and gifts to needy families living in Adams County who have children between the ages of birth and twelve years old.

Westminster Sunrise Lions Club – Provides eye exams and glasses for individuals who are financially unable to pay for these items. Also provides eye screening for children, 6-months to 5yrs., for eye problems.

FISH of Westminster – Provides area residents with short term, emergency staple foods.

ADCO Interfaith Hospitality Network – Our mission is to provide shelter, meals and comprehensive assistance to homeless families and increase community involvement in direct service and advocacy.

Food Bank of the Rockies – Creates an efficient means of channeling food to participating agencies (food banks) that assist the needs of the hungry. Food is provided to shelters, emergency assistance programs, child welfare centers, senior citizen nutrition programs, churches, synagogues, community centers and halfway houses.

– New Agencies Requesting Funds –

Sexual Assault Nurse Examiner (SANE) Program – The 17th Judicial District SANE Program at St. Anthony's North is a recognized leader in providing holistic, culturally sensitive, quality care to survivors of sexual assault.

Kempe Children's Fund – The Kempe Child Protection Team provides an on-call physician, and social worker 24 hours a day, seven days a week to evaluate and treat approximately 1,000 children who are suspected victims of sexual, physical or emotional abuse each year.

Colorado Housing Enterprises – Colorado Housing Enterprises provides housing counseling, credit counseling and repair, foreclosure prevention, financial education and home maintenance courses to our community.

Center for People with Disabilities – CPWD provides resources, information and advocacy to assist people with disabilities in overcoming barriers to independent living and community integration.

Family Advocacy, Care, Education, Support, Inc. (FACES) – The program was established to assist families at risk for abuse or neglect, but not yet involved with Child Protective Services.



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: Councillor's Bill No. 55 re Mandatory Protection Orders

Prepared By: Ron Clark, Lead Prosecutor
Marty McCullough, City Attorney

Recommended City Council Action

Pass Councillor's Bill No. 55 on first reading amending the Westminster Municipal Code concerning mandatory protection orders.

Summary Statement

- Westminster Municipal Code section 6-1-7 authorizes our Municipal Court Judges to issue mandatory restraining orders pursuant to state law (C.R.S. section 18-1-1001, et seq.) New legislation effective July 1, 2003, changed the designation of what were previously referred to as "mandatory restraining orders" to "mandatory protection orders."
- The proposed amendments, paragraphs (A) through (F) of W.M.C. section 6-1-7, merely reflect the new name for these orders created by the recent state legislation. Section (G) defines the elements of violation of the mandatory protection orders for purposes of allowing the Courts to enforce the orders once issued. This provision appears in the state law, but is being carried over into our City Code at the suggestion of our Judges. Doing so eliminates any argument that our City Code fails to provide the requisite authority to prosecute violations of these orders in our Municipal Court.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Whether the City should adopt an ordinance to conform the City Code to state law concerning mandatory protection orders.

Alternative

Do not adopt the ordinance and operate outside of compliance with state statute. This is not recommended because state law provides a set of uniform rules concerning the use, issuance and enforcement of mandatory protection orders.

Background Information

The proposed ordinance is helpful to the City in that it brings us in compliance with state statute, which results in the consistent enforcement of protection orders throughout Colorado. This also allows Municipal Courts to enforce protection orders issued by another jurisdiction.

Effective July 1, 2003, the state legislature, in H.B. 03-1117, mandated that restraining orders in domestic violence cases be designated mandatory protection orders. The stated reason for this was to create uniformity throughout the state and to utilize common language which would be the same from jurisdiction to jurisdiction. While the legislation applies expressly to District and County Courts, the legislation specifically provides that municipalities may adopt ordinances to incorporate the provisions of the state law concerning such orders.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **55**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING
RESTRAINING AND MANDATORY PROTECTION ORDERS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 6-1-7, W.M.C., is hereby AMENDED to read as follows:

6-1-7: ~~RESTRAINING~~ MANDATORY PROTECTION ORDER AGAINST DEFENDANT:

(A) PURSUANT TO SECTION 18-1-1001 C.R.S, THE MUNICIPAL COURT SHALL ISSUE A ~~There is hereby created a~~ mandatory ~~restraining~~ PROTECTION order against any person charged with a violation of any of the provisions of this title, which order shall remain in effect from the time that the person is advised of his rights at arraignment or the person's first appearance before the Court and informed of such order until final disposition of the action or until further order of the Court. Such order shall restrain the person charged from harassing, molesting, intimidating, retaliating against, or tampering with any witness to or victim of the acts charged.

(B) At the time of arraignment or the person's first appearance before the Court, the Court shall inform the defendant of the ~~restraining~~ MANDATORY PROTECTION order effective pursuant to this Section and shall inform the defendant that a violation of such order is punishable by contempt or by fine or imprisonment as provided by this Section.

(C) The Court is authorized to order any further appropriate restraint on the conduct of the defendant or to continue, dismiss or modify any existing ~~restraining~~ MANDATORY PROTECTION order.

(D) IT SHALL BE UNLAWFUL FOR ANY PERSON TO VIOLATE A MANDATORY PROTECTION ORDER. Violation of a ~~restraining~~ MANDATORY PROTECTION order is a criminal offense, punishable by a fine or imprisonment, or both, as provided in Section 1-8-1 of this Code.

(E) A PERSON COMMITS THE CRIME OF VIOLATION OF A MANDATORY PROTECTION ORDER IF SUCH PERSON CONTACTS, HARASSES, INJURES, INTIMIDATES, MOLESTS, THREATENS, OR TOUCHES ANY PROTECTED PERSON OR ENTERS OR REMAINS ON PREMISES OR COMES WITHIN A SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES OR VIOLATES ANY OTHER PROVISION OF A MANDATORY PROTECTION ORDER TO PROTECT THE PROTECTED PERSON FROM IMMINENT DANGER TO LIFE OR HEALTH, AND SUCH CONDUCT IS PROHIBITED BY A MANDATORY PROTECTION ORDER, AFTER SUCH PERSON HAS BEEN PERSONALLY SERVED WITH ANY SUCH ORDER OR OTHERWISE HAS ACQUIRED FROM THE COURT ACTUAL KNOWLEDGE OF THE CONTENTS OF ANY SUCH ORDER.

~~(E)~~(F) Any sentence imposed pursuant to subsection (D) of this Section shall run consecutively and not concurrently with any sentence imposed for any crime which gave rise to the issuing of the ~~restraining~~ MANDATORY PROTECTION order.

(G) AS USED IN THIS SECTION:

1. "PROTECTED PERSON" MEANS THE PERSON OR PERSONS IDENTIFIED IN THE MANDATORY PROTECTION ORDER AS THE PERSON OR PERSONS FOR WHOSE BENEFIT THE MANDATORY PROTECTION ORDER WAS ISSUED.

2. "REGISTRY" MEANS THE COMPUTERIZED INFORMATION SYSTEM CREATED IN C.R.S. SECTION 18-6-803.7 OR THE NATIONAL CRIME INFORMATION CENTER CREATED PURSUANT TO 28 U.S.C. SEC. 534.

3. "RESTRAINED PERSON" MEANS THE PERSON IDENTIFIED IN THE ORDER AS THE PERSON PROHIBITED FROM DOING THE SPECIFIED ACT OR ACTS.

4. "PROTECTION ORDER" MEANS ANY ORDER THAT PROHIBITED THE RESTRAINED PERSON FROM CONTACTING, HARASSING, INJURING, INTIMIDATING, MOLESTING, THREATENING, OR TOUCHING ANY PROTECTED PERSON, OR FROM ENTERING OR REMAINING ON PREMISES, OR FROM COMING WITHIN A SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES OR ANY OTHER PROVISION TO PROTECT THE PROTECTED PERSON FROM IMMINENT DANGER TO LIFE OR HEALTH, THAT IS ISSUED BY A COURT OF THIS STATE OR A MUNICIPAL COURT, AND THAT IS ISSUED PURSUANT TO ARTICLE 14 OF TITLE 13, C.R.S., SECTIONS 14-4-101 TO 14-4-105, C.R.S., SECTION 14-10-107, C.R.S., SECTION 14-10-108, C.R.S., SECTION 18-1-1001, SECTION 19-2-707, C.R.S. SECTION 19-3-316, C.R.S. SECTION 19-4-111, OR RULE 365 OF THE COLORADO RULES OF THE COUNTY COURT CIVIL PROCEDURE, AN ORDER ISSUED AS PART OF THE PROCEEDINGS CONCERNING A CRIMINAL MUNICIPAL ORDINANCE VIOLATION, OR ANY OTHER ORDER OF A COURT THAT PROHIBITED A PERSON FROM CONTACTING, HARASSING, INJURING, INTIMIDATING, MOLESTING, THREATENING, OR TOUCHING ANY PERSON, OR FROM ENTERING OR REMAINING ON PREMISES, OR FROM COMING WITHIN A SPECIFIED DISTANCE OF A PROTECTED PERSON OR PREMISES. FOR PURPOSES OF THIS SECTION ONLY, "MANDATORY PROTECTION ORDER" INCLUDES ANY ORDER THAT AMENDS, MODIFIES, SUPPLEMENTS, OR SUPERSEDES THE INITIAL MANDATORY PROTECTION ORDER. "MANDATORY PROTECTION ORDER" ALSO INCLUDES ANY RESTRAINING ORDER ENTERED PRIOR TO JULY 1, 2003, AND ANY FOREIGN PROTECTION ORDER AS DEFINED IN C.R.S. SECTION 18-6-803.8.

5. WHENEVER A PROTECTION ORDER IS ISSUED, THE PROTECTED PERSON SHALL BE PROVIDED WITH A COPY OF SUCH ORDER. A PEACE OFFICER SHALL USE EVERY REASONABLE MEANS TO ENFORCE A PROTECTION ORDER.

~~(F)~~(H) Nothing in this Section shall be construed to alter or diminish the inherent authority of the Court to enforce its orders through civil or criminal contempt proceedings.

~~(G)~~(I) No person charged with violation of a ~~restraining~~ MANDATORY PROTECTION order pursuant to this section shall be permitted, in the criminal action resulting from such charge, to collaterally attack the validity of the order which such person is accused of violating.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2003.

Mayor

ATTEST:

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: Councillor's Bill No. 56 Community Development Block Grant (CDBG) Supplemental Budget Appropriation

Prepared By: Robin Byrnes, Community Development Programs Coordinator

Recommended City Council Action:

Pass Councillor's Bill No. 56 on first reading providing for supplemental appropriation in the amount of \$29,872 to the 2003 City budget of the Community Development Block Grant Fund (CDBG).

Summary Statement

- From 1994 – 2001 the Community Development Block Grant (CDBG) administered a single-family housing rehabilitation loan program. Loans were provided to eligible low to moderate income homeowners to replace and repair major housing systems (i.e., heating, plumbing, electrical).
- Repayment on these loans over the course of several years produced CDBG program income. Program income is defined by the Department of Housing and Urban Development (HUD) as “gross income received by the grantee (the city) directly generated by a grant supported activity (housing rehabilitation)”
- The City's housing rehabilitation loan program generated \$29,872 in loan repayments from 1994 – 2001. The program income has been in the CDBG account and is separate from the City's annual CDBG grant allocation.
- For the last three years the CDBG grants administrator has worked with the U.S. Department of Housing and Urban Development and the City's Finance Department to reconcile the City's CDBG program, at which time it was determined \$29,872 in program income proceeds were available to allocate to an eligible CDBG project.
- The CDBG program income now needs to be allocated to an eligible CDBG project in order to expense these funds. It is proposed that the Program Income funds be allocated to increase the 73rd Avenue/Meade Street improvement project budget.
- The Adams County Office of Community Development on behalf of the City of Westminster through the Adams County HOME program consortia currently provides the Housing Rehabilitation loan program to eligible Westminster residents. The CDBG Housing Rehabilitation program income cannot be allocated to the HOME Housing Rehabilitation Loan Program because they are two different funding sources.

Expenditure Required: \$29,872

Source of Funds: Cumulative Carryover of excess of CDBG Program Income

Policy Issue

Per federal regulations that govern the use of the CDBG funds, program income must be allocated and expensed on an eligible CDBG project. The City's CDBG grant is currently out of compliance with HUD program income regulations. The programming and expenditure of these funds brings the City into compliance.

Alternative

Council may choose not to assign the CDBG program income, which is not recommended, as the CDBG program will continue to be out of compliance with federal regulations.

Background Information

From 1994 – 2001 a total of 24 housing rehabilitation loans and 6 minor home repair grants were provided to eligible low to moderate-income single-family households in the City. The terms of the rehabilitation loans varied from grants to deferred low interest loans. A total of \$29,872 was repaid as a result of the City's Housing Rehabilitation loan program. A total of \$124,468 in CDBG funds were provided in loans, 19 loans were deferred loans and produced no program income, 5 loans were low interest loans and produced the program income payments.

The City's CDBG housing rehabilitation loan program ended in 2001 due to the partnership with Adams County that resulted in the City and Adams County forming the HOME program Consortia. The Consortium provides HOME program funding from HUD that is administered by the Adams County Office of Community Development. The City receives approximately \$200,000 per year in HOME program funds. The City uses HOME program funding to support the Housing Rehabilitation and Down Payment Assistance program, eligible to Westminster residents. The use of HOME funding for these activities has resulted in the ability to redirect funding to other eligible purposes.

City Council action is required to allocate the \$29,872 in CDBG program income. Program income received through a federal grant activity is regulated by federal financial standards. Program income must be expensed on an eligible CDBG project or program. Staff is proposing to allocate these funds to the 73rd Avenue/Meade Street project. The 73rd Avenue/Meade Street project budget is currently \$182,016. Allocating program income would increase this budget to \$211,908. Additional CDBG funding from the 2004 grant allocation will be requested for Meade St. from City Council this year. Design and engineering plans are being completed with street improvements proposed to commence in late fall or early spring of 2004.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **56**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the Community Development Block Grant (CDBG) Fund initially appropriated by Ordinance No. 3033 in the amount of \$696,000 is hereby increased by \$29,872 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$725,872. The actual amount in the CDBG Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of cumulative carryover from excess program income.

Section 2. The \$29,872 increase in the CDBG Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
Carryover			
7600.40020.0000	\$0	<u>\$29,872</u>	\$29,872
Total Change to Revenues		<u>\$29,872</u>	
EXPENSES			
80176030191.80400.8888	\$0	<u>\$29,872</u>	\$29,872
Total Change to Expenditures		<u>\$29,872</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 AND PUBLISHED this 13th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO
Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: Councillor's Bill No. 57 re Conveyance of City Owned Property to Habitat for Humanity of Metro Denver

Prepared By: Robin Byrnes, Community Development Programs Coordinator

Recommended City Council Action:

Pass Councillor's Bill No. 57 on first reading authorizing conveyance of City-owned property to Habitat of Humanity of Metro Denver, authorizing the city Manager to execute all necessary documents to convey the parcel, and authorizing waiver of development fees totaling \$8,398.00.

Summary Statement

- On August 25, 2003, City Council directed Staff to bring back for official action the conveyance of City owned property located at 3155 West 80th Avenue to Habitat for Humanity of Metro Denver and the waiver of all applicable development fees.
- Conveyance of City owned property and waiving of certain development fees is required by ordinance pursuant to Section 15-2-1 of the Westminster Municipal Code.
- Habitat for Humanity of Metro Denver is proposing the new construction of two single-family homes on the parcel.
- In order to prevent the delay of this project, with approved consent of the City, Habitat for Humanity of Metro Denver has begun construction of the two single-family homes given Council's previous authorization to convey the property.
- A closing date of October 28, 2003 has been established at which time the City will transfer ownership of the property to Habitat for Humanity of Metro Denver.

Expenditure Required: \$135,000 – (appraised value of the City owned parcel)

Source of Funds: N/A

Policy Issues

Should the City convey the property to Habitat for Humanity of Metro Denver to construct two single-family homes?

Alternatives

Do not approve the conveyance of the property. Staff recommends this option not be considered given Habitat for Humanity of Metro Denver has all the mechanisms and capacity necessary to construct and manage the properties that they develop and imposition of development fees may be cost prohibitive for the project. This project is a significant benefit to the City in terms of developing additional affordable housing.

Background Information

In November 1990 High Plains Group Homes received \$70,000 in Community Development Block Grant (CDBG) funds from the City to acquire land to construct a group home for adults with developmental disabilities at 3155 West 80th Avenue. Upon completing construction, the City retained ownership of a tract of vacant land. Given the use of CDBG funds the vacant track of land must be used for a CDBG eligible project. Providing housing for low-income families is consistent with the goals and objectives of the CDBG program.

Department of Community Development Staff have been working with Habitat for Humanity of Metro Denver for over a year relative to the development of two single family homes on the City owned parcel located at 3155 West 80th

Habitat for Humanity of Metro Denver is a nonprofit affordable housing developer working in the Denver Metropolitan Area and has built to date three single-family homes in the City of Westminster. Habitat for Humanity of Metro Denver utilizes volunteers, donations of supplies and materials, reduction or waiver of development fees, donated land and homeowner sweat equity to subsidize the construction of a single family home in order to reduce the purchase price. The families Habitat for Humanity of Metro Denver picks to become homeowners are all low income and pay no more than 25% of their income towards the mortgage payment. Habitat for Humanity of Metro Denver holds the mortgage on the homes thereby retaining the low-income housing stock. They also provide homeownership counseling to all prospective homebuyers. Habitat for Humanity of Metro Denver makes no profit on the homes they build and sell. On August 25, 2003 City Council waived the following development fees:

Development Fee	Fee Waiver for the two homes
Building Permit	\$1,003.10
Electric Permit	\$227.20
Plumbing Permit	\$227.20
Mechanical Permit	\$227.20
Plan check Fee	\$1,095.06
Estimated Use Tax	\$2,524.24
Park Development Fee	\$3,094.00
Total	\$8,398.00

The Adams County Commissions recently agreed to pay for the water and sewer tap fees to support the project.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **57**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY OF THE CITY LOCATED AT 3155 WEST 80TH AVENUE TO HABITAT FOR HUMANITY OF METRO DENVER FOR THE NEW CONSTRUCTION OF TWO SINGLE FAMILY HOMES, AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS THAT CONVEY THIS REAL PROPERTY TO HABITAT FOR HUMANITY OF METRO DENVER, AND AUTHORIZING THE WAIVER OF DEVELOPMENT FEES IN THE AMOUNT OF \$8,398.00.

WHEREAS, the City of Westminster owns real property located at 3155 West 80th Avenue; and

WHEREAS, this property was purchased utilizing Community Development Block Grant Funds; and

WHEREAS, the disposition of this property must adhere to the U.S. Department of Housing and Urban Development Code of Federal Register that stipulates that property purchased with Community Development Block Grant funds must be utilized for an eligible purpose; and

WHEREAS, Habitat for Humanities of Metro Denver has proposed the new construction of two single family homes on this site to be sold to low to moderate income families; and

WHEREAS, the proposed use and disposition of the property adheres to Community Development Block Grant regulations that govern the use of property purchased with Community Development Block Grant Funds; and

WHEREAS, pursuant to Section 15-2-1 of the Westminster Municipal Code, the City is authorized to dispose of City-owned property; and

WHEREAS, the legal description of the parcel to be conveyed to Habitat for Humanity of Metro Denver is attached hereto.

NOW, THEREFORE, the City Council hereby finds that conveyance of the City-owned real property located at 3155 West 80th Avenue to Habitat for Humanity of Metro Denver for \$1.00 is in accordance with Community Development Block Grant regulations and the City Charter and Westminster Municipal Code that governs disposal of City property.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council authorizes the conveyance of City-owned property located at 3155 West 80th Avenue to Habitat for Humanities of Metro Denver for \$1.00 and authorizes the City Manager to execute all necessary documents that convey the parcel, including an agreement with Habitat for Humanity of Metro Denver that waives development fees in the amount of \$8,398.00.

Section 2. Severability: 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 deemed unenforceable shall not affect any of the remaining provisions.

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th of October 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

City Council Meeting
October 13, 2003



SUBJECT: Councillor's Bill No. 58 re Cedar Bridge Subdivision, Vacation of Easement

Prepared by: Mikele Wright, Senior Civil Engineer

Recommended City Council Action

Pass Councillor's Bill No.58 on first reading, vacating a portion of an easement recorded on the plat for Cedar Bridge Subdivision, Filing No. 1.

Summary Statement

- City Council action is requested to pass on first reading the attached Councillor's Bill to vacate a portion of a certain easement located within Cedar Bridge Subdivision, Filing No. 1 (see attached maps).
- A 20 foot wide utility easement was granted to the City by the final plat for Cedar Bridge Subdivision Filing No. 1 on January 4, 1984.
- No utilities were constructed within this easement.
- The property owner is requesting the easement vacation since no utilities need to be constructed in this easement.
- A legal description of this easement is included within the Background Information section of this agenda memorandum.
- City Staff has determined that the subject easement is no longer needed by the City.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Shall the City Council vacate a portion of this utility easement, which by City Code, must be vacated by an ordinance of the City Council?

Alternative

Do not vacate this utility easement. This alternative is not recommended because the subject portion of the easement is not needed by the City and there are no utility lines located within the easement.

Background Information

The Official Development Plan (ODP) for Cedar Bridge Subdivision, Filing No. 1 required the existing utility easements to be dedicated to the City since it was anticipated that a water line would be constructed in this location. The water line was never installed within this easement.

The Official Development Plan for Cedar Bridge Subdivision, Filing No. 8, which is a replat of a portion of Filing No. 1, does not require a water line to be constructed within the utility easement. There is an existing water line that runs along the easterly side of the site that will serve the development.

The owner has requested that this portion of the City's utility easement be vacated. Staff has determined that the portion of the original easement can be vacated since there are no utilities located within the subject easement nor are any planned for the area.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **58**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT WITHIN CEDAR BRIDGE SUBDIVISION FILING NO. 1.

WHEREAS, a certain easement was dedicated on the final plat for Cedar Bridge Subdivision Filing No. 1, File No. 16, Map 30, and Reception No. B479823 in the County of Adams; and

WHEREAS, this portion of utility easement is not necessary for maintaining the City of Westminster's utility lines; and

WHEREAS, the vacation is necessary since no utility lines were constructed within the utility easement and no utility lines will be constructed within the utility easement in the future.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the portions of utility easement in Sections 2 and 3 hereof.

Section 2. Legal Description of Utility Easements: See attached legal description for Exhibit A.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of October 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: Councillor's Bill No. 59 re Formal Bidding Requirements for Purchasing

Prepared By: Carl F. Pickett, Purchasing Specialist
Matt Lutkus, Deputy City Manager for Administration

Recommended City Council Action

Pass Councillor's Bill No. 59 on first reading amending the Westminster Municipal Code concerning formal bidding requirements for purchasing.

Summary Statement

- City Council passed Councillor's Bill No. 33 in July 2002 authorizing the City Manager to approve purchases in the amount of \$50,000 or less.
- Currently, section 15-1-4 of the City Code requires formal bidding for purchases of \$30,000 unless Council determines that a joint purchase or a negotiated contract would better serve the public interest.
- The proposed ordinance would give the City Manager the authority to determine if the joint purchase or negotiated contract best serves the public interest for those purchases costing up to \$50,000. Such a change would be consistent with the Council's previous action to raise the Manager's approval authority.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council wish to authorize the City Manager to determine when joint purchases or negotiated contracts can be used in lieu of the formal bidding process for purchases of \$50,000 or less.

Alternative

Do not make any further Code amendments with respect to the City Manager's authority to approve City purchases that are less than or equal to \$50,000.

Background Information

Last year, City Staff conducted a review of the City's expenditure authorization policies. As part of this process, Staff brought to City Council a proposal to increase the City Manager's authorization level from \$25,000 to \$50,000. The recommendation to approve this increase in approval authority was based on survey data that showed that the \$50,000 approval level was in line with the practices of comparable Denver metropolitan area cities. Moreover, since Council approves these expenditures as part of the Biennial Budget, the change streamlines the process by avoiding Council's having to approve these purchases twice.

When staff proposed the ordinance for Council's consideration one section of the Code was overlooked. This section (WMC 15-1-4) requires that Council determine whether for purchases over \$30,000, joint purchases or negotiated contracts versus a formal bidding process would best meet the public need. Thus, with the current wording of the Code, the City Manager can approve purchases over \$30,000 and up to \$50,000 only in those cases where formal bids can be obtained.

The proposed ordinance still requires that formal bids be obtained for all purchases over \$30,000 unless the criteria above for an alternative process are met. The changes would allow the City Manager to make the determination on what process will best meet the public's interest in those cases where the purchase is \$50,000 or less.

Staff believes that this proposed Code change is consistent with Council's previous actions regarding the City Manager's purchasing authority.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **59**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING FORMAL BIDDING REQUIREMENTS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 15-1-4, W.M.C., is hereby AMENDED to read as follows:

15-1-4: FORMAL BIDDING REQUIRED:

(A) Formal bidding procedures shall be followed when the amount of a purchase exceeds thirty thousand dollars (\$30,000), unless:

1. City Council determines by unanimous resolution of those present at the meeting that the public interest will be best served by joint purchase with or from another unit of government, or

2. City Council determines, upon recommendation of the City Manager, that the public interest will be best served by negotiated contract with a single vendor or contractor, OR

3. THE AMOUNT OF THE PURCHASE IS FIFTY THOUSAND DOLLARS (\$50,000) OR LESS
AND:

a. THE CITY MANAGER DETERMINES THAT THE PUBLIC INTEREST WILL BE BEST SERVED BY JOINT PURCHASE WITH OR FROM ANOTHER UNIT OF GOVERNMENT, OR

b. THE CITY MANAGER DETERMINES THAT THE PUBLIC INTEREST WILL BE BEST SERVED BY NEGOTIATED CONTRACT WITH A SINGLE VENDOR OR CONTRACTOR.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2003.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: Councillor's Bill No. 60 re Animal Sale and Possession Code Amendments

Prepared By: Marty McCullough, City Attorney
Janice Kraft, Neighborhood Services Administrator

Recommended City Council Action

Pass Councillor's Bill No. 60 on first reading amending Title 6, Chapter 7, of the Westminster Municipal Code concerning the sale and possession of animals.

Summary Statement

Staff recently completed a review of the City's ordinance concerning the sale and possession of animals and is recommending amendments as follows:

- Clarifying the definitions of domestic and exotic animals
- Clarifying the total number of domestic animals that can be kept on any property zoned residential and in what combination of animals
- Increasing fines for violations
- Removing the responsibility for the Animal Control Supervisor to establish rules and regulations for keeping of guard dogs
- Declaring a violation of this ordinance to be a public nuisance

The proposed amendment reflects current trends in animal ownership, clarifies ambiguous language, strengthens language to assist in prosecution of violations, and increases the fines to levels similar to those imposed by other metro area cities.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Whether the City should amend its sale and possession of animals ordinance to include changes in definitions, responsibility for establishing rules and regulations regarding vicious animals and guard dogs, numbers of animals that can be kept on residential property, fine structure, and, in addition, establishing a violation of this ordinance to be declared a public nuisance.

Alternatives

1. Amend the ordinance as recommended.
2. Determine that no changes need to be made to the ordinance at this time.
3. Amend the ordinance to include some, but not all of the proposed changes.

Background Information

The following are the proposed changes:

1. A replacement of a statement defining domestic animals as "...All species of animals commonly accepted as being domesticated ..." with a list of animals i.e. domesticated dogs, cats, rabbits, guinea pigs, hamsters, rats, mice, ferrets, birds, reptiles, amphibians, and invertebrates, except livestock and exotic, endangered and prohibited animals. Staff believes that a clear identification of animal types avoids debate about what is considered "commonly accepted". The definition more clearly excepts livestock and exotic, endangered and prohibited animals from the definition of domestic animals. (6-7-1)
2. Removal of ferrets from the list of defined exotic animals and removal of any other section referring to ferrets, as ownership of these animals has become commonplace. (6-7-1)
3. Removes the section assigning to the Animal Control Supervisor the responsibility for establishing rules and regulations for the keeping of guard dogs. Staff believes that with the technological advancements of alarm systems, guard dogs are no longer in common use for preventing intrusions or burglaries. (6-7-8) This change does not in any way prevent the keeping of guard dogs.
4. Clarifies the language that this ordinance applies to animals being kept on any property within the City zoned for residential use and adds the word knowingly to the statement "... It shall be unlawful for anyone to KNOWINGLY possess, harbor, keep, maintain or permit..." This clarifies that it is not unlawful to possess or harbor animals you may not know are on your property.
5. A clarification in the language that identifies the number of animals, by type, which can be kept. No more than ten domestic animals may be kept. If someone keeps ten domestic animals they can have no more than three dogs or cats in total, no more than one potbellied pig and no more than three rabbits. If any exotic animals are kept, there can be no more than five OR no more than five domestic and exotic animals combined. The earlier language was confusing and difficult for citizens and animal control personnel to understand and interpret. (6-7-12)
6. The sentence stating, "...The term "birds" shall be deemed to exclude pigeons..." has been removed. (6-7-12). Pigeons are already defined as livestock in W.M.C. section 6-7-1, and livestock are clearly prohibited in residential districts under the proposed revised ordinance.
7. Language has been added stating that violations of this section are also declared to be a public nuisance, which may be abated pursuant to provisions specified in Chapter 4 of Title VIII of the municipal code. (6-7-12)

8. The word "Endangered" has been added to the section concerning prohibited animals. (6-7-12)
9. An increase in the fine schedule across the board to bring the City of Westminster fines more in line with those being assigned by other cities in the metro area. These fines fall in the mid-range of cities surveyed. (6-7-16)

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **60**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING RESTRICTIONS ON SALE AND POSSESSION OF ANIMALS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 6-7-1, W.M.C., is hereby AMENDED to read as follows:

6-7-1: DEFINITIONS: When used in this Chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

DOMESTIC ANIMAL: ~~All species of animals commonly accepted as being domesticated.~~ DOMESTICATED DOGS, CATS, RABBITS, GUINEA PIGS, HAMSTERS, RATS, MICE, FERRETS, BIRDS, REPTILES, AMPHIBIANS, AND INVERTEBRATES, EXCEPT LIVESTOCK AND EXOTIC, ENDANGERED AND PROHIBITED ANIMALS.

EXOTIC ANIMALS: ~~Domestic ferrets (mustela furo)~~ Arachnids, crocodilians over one foot in length and other reptiles which are not prohibited animals, which are not commonly kept or harbored as a household pet.

Section 2. Section 6-7-8, subsection (C), W.M.C., is hereby DELETED:

6-7-8: VICIOUS ANIMALS AND GUARD DOGS:

~~(C) The animal control supervisor is authorized to establish rules and regulations for the keeping of guard dogs. A copy of such rules and regulations shall be available at the Westminster Police Department and furnished upon request.~~

Section 3. Section 6-7-12, subsections (A), (C), (D) and (E), W.M.C., are hereby AMENDED to read as follow:

6-7-12: RESTRICTIONS ON SALE AND POSSESSION OF ANIMALS:

(A) ~~Residences:~~ ANIMALS IN RESIDENTIAL DISTRICTS:

1. It shall be unlawful for anyone to KNOWINGLY possess, harbor, keep, maintain, or permit ~~at his dwelling within the City more than a total of five (5) animals, of which no more than three (3) may be dogs and cats and of which no more than one (1) may be a potbellied pig, except that up to ten non-livestock animals may be kept, if five (5) or more are birds. The term "birds" shall be deemed to exclude pigeons.~~ ON ANY PROPERTY WITHIN THE CITY ZONED FOR RESIDENTIAL USE:

- a. A COMBINATION OF MORE THAN THREE (3) DOGS OR CATS;
- b. MORE THAN ONE (1) POTBELLIED PIG;
- c. MORE THAN THREE (3) RABBITS;
- d. MORE THAN FIVE (5) EXOTIC ANIMALS OR A COMBINATION OF MORE THAN FIVE (5) DOMESTIC AND EXOTIC ANIMALS; OR
- e. MORE THAN TEN (10) DOMESTIC ANIMALS.

2. IN ADDITION TO BEING A VIOLATION OF THIS SECTION, THE SAME IS HEREBY DECLARED TO BE A PUBLIC NUISANCE WHICH MAY BE ABATED PURSUANT TO THE PROVISIONS SPECIFIED IN CHAPTER 4 OF TITLE VIII OF THIS CODE.

(C) Prohibited, ENDANGERED and Exotic Animals: It shall be unlawful for any person to import, offer for sale, sell, keep, maintain, harbor or permit ANYWHERE in the City any prohibited animal OR ENDANGERED SPECIES as defined in this Chapter. It shall be unlawful for any person to offer for sale, sell, or permit the sale of any exotic animal unless in a pet shop with a Class "B" License.

~~(D) It shall be unlawful to sell domestic ferrets (mustelia furo) without a sign conspicuously posted on the animal display cage or enclosure stating, in letters at least one half inch high, "WARNING – FERRETS SHOULD NOT BE PURCHASED FOR FAMILIES WITH CHILDREN UNDER SEVEN YEARS OF AGE BECAUSE OF THE ROUGH PLAY HABITS OF FERRETS."~~

~~(E)~~(D) Federal and State Statutes and Regulations: It shall be unlawful for any person to import, offer for sale, sell, keep or willfully maintain, harbor or permit in the City any animal in violation of any state or federal statute or regulation.

Section 4. Section 6-7-16, subsection (C), W.M.C., is hereby AMENDED to read as follows:

6-7-16: ENFORCEMENT:

(C) Minimum Fines: Minimum fines upon conviction shall be imposed as listed below, and the Municipal Court Judge shall not have discretion to suspend or reduce these fines:

1. First Offense – fine of not less than ~~fifty dollars (\$50)~~ SEVENTY-FIVE DOLLARS (\$75).
Second and subsequent offenses – fine of not less than ~~seventy five dollars (\$75)~~ ONE HUNDRED DOLLARS (\$100):

- 6-7-2(C) Refusal to Provide Proof of Vaccination
- 6-7-2(D) Harboring Unvaccinated Dogs and Cats
- 6-7-2(E) Non-Transferability – Vaccination Certificates or Tags
- 6-7-3(A) Duty to Report Animal Bite
- 6-7-3(C) Failing to Report Suspected Rabies
- 6-7-3(D) Refusal to Produce Animal
- 6-7-3(E) Removal of Animals from Confinement
- 6-7-5(B) Failure to Confine
- 6-7-6(A) Removal of Animal Excrement
- 6-7-6(B) Damage to Property
- 6-7-7(A) Disturbance
- 6-7-7(C) Failure to exercise control
- 6-7-10(E) Failure to care for animals
- 6-7-11(D) Failure to care for animals
- 6-7-12~~(G)~~(F) Potbellied pig requirements

2. First Offense – Fine of not less than ~~seventy five dollars (\$75)~~ ONE HUNDRED DOLLARS (\$100). Second and subsequent offenses – fine of not less than ~~one hundred twenty five dollars (\$125)~~ ONE HUNDRED FIFTY DOLLARS (\$150):

- 6-7-2(A) Failure to have Dog or Cat Inoculated
- 6-7-2(B) Failure to Inoculate Against Rabies
- 6-7-8(B) Guard Dog
- 6-7-10(A) Unlicensed Kennel
- 6-7-11(A) Unlicensed Pet Shop
- 6-7-12(A) ~~Pet~~ Animals IN RESIDENTIAL DISTRICTS Limited
- 6-7-12(B) Livestock Limited

- 6-7-12(C) PROHIBITED, ENDANGERED AND Exotic Animals ~~Prohibited~~
- 6-7-12(E)(D) ~~Endangered Species~~ FEDERAL OR STATE Prohibited ANIMALS
- 6-7-13(A) Cruelty to Animals
- 6-7-13(B) Poisoning Animals
- 6-7-13(C) Neglect of Animals
- 6-7-13(E) Abandoning Animals
- 6-7-13(G) Displaying or Sale of Dyed or Immature Animals
- 6-7-13(H) Fighting Animals
- 6-7-16(A) Interference

~~1.Fine~~ 3. Reduced fine for neuter or spay:

6-7-5(A) Animals running at Large: First Offense – A fine of not less than ~~two hundred fifty dollars (\$250)~~ TWO HUNDRED SEVENTY-FIVE DOLLARS (\$275), except that if the animal has been neutered or spayed, the fine shall be reduced to ~~fifty dollars (\$50)~~ SEVENTY-FIVE DOLLARS (\$75). Second and subsequent offenses – fine of not less than ~~two hundred seventy five dollars (\$275)~~ THREE HUNDRED DOLLARS (\$300), except that if the animal has been neutered or spayed, the fine shall be reduced to ~~seventy five dollars (\$75)~~ ONE HUNDRED DOLLARS (\$100).

6-7-8(A) Harboring a Vicious Animal: First Offense – A fine of not less than ~~two hundred seventy five dollars (\$275)~~ THREE HUNDRED DOLLARS (\$300), except that if the animal has been neutered or spayed, the fine shall be reduced to ~~seventy five dollars (\$75)~~ ONE HUNDRED DOLLARS (\$100). Second and subsequent offenses – fine of not less than ~~three hundred twenty five dollars (\$325)~~ THREE HUNDRED FIFTY DOLLARS (\$350), except that if the animal has been neutered or spayed, the fine shall be reduced to ~~one hundred twenty five dollars (\$125)~~ ONE HUNDRED FIFTY DOLLARS (\$150).

4. Any other section hereof not specifically listed above: First offense – fine of not less than ~~twenty five dollars (\$25)~~ FIFTY DOLLARS (\$50). Second and subsequent offenses – fine of not less than ~~fifty dollars (\$50)~~ SEVENTY-FIVE DOLLARS (\$75).

Section 5. This ordinance shall take effect upon its passage after second reading.

Section 6. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2003.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: Resolution No. 43 for Reimbursement to Jefferson County Open Space for Whole Foods Open Space Acquisition

Prepared By: Lynn Wodell, Open Space Acquisition

Recommended City Council Action

Adopt Resolution No. 43 authorizing the City Manager to execute all documents required to exercise the first option and closing documents for the acquisition, and authorize the expenditure of \$1,000,000 plus interest for the acquisition of a portion of the Whole Foods/Lower Church Lake from Jefferson County and the Jefferson County Open Space Program.

Summary Statement

- In December 2002, Jefferson County, on behalf of the City, acquired the 30-acre Whole Foods property located between Wadsworth Boulevard and US Highway 36 north of Lower Church Lake.
- The purchase price for the property was \$3,000,000.
- The City and County entered into an Option Agreement allowing the City to buy the property from the County in three separate 10 acre parcels starting from the north in 2003, 2004, and 2005 subject to annual appropriations.
- The City is required to exercise the first option by November 15, 2003.
- Within 10 days of notification of the desire to exercise the option by the City, the County will calculate the amount of interest that is due. The interest is calculated on the interest the County would have received if they had not expended their funds for this purchase. This interest is anticipated to be at a very low rate.

Expenditure Required: \$1,000,000 Plus Interest

Source of Funds: Open Space Land Purchases Account

Policy Issue

Does City Council approve the use of the open space funds for the purchase from Jefferson County of 10 acres of the Whole Foods property?

Alternatives

City Council could choose not to authorize the acquisition or the expenditure at this time. Staff does not support this option for the following reasons:

1. Jefferson County purchased this parcel at the City's request with the expectation of being reimbursed over 3 years.
2. If the City does not purchase the land, the County would likely sell it for private development, resulting in the loss of a highly visible and important open space.

Background Information

In 2002, Staff negotiated the acquisition of the 30-acre Whole Foods/Amrion property located north of Lower Church Lake between Wadsworth Boulevard and US Highway 36 south of W. 112th Avenue for open space preservation. The negotiated purchase price was \$5,000,000, less a \$2,000,000 charitable contribution from Whole Foods, resulting in a cash consideration of \$3,000,000.

The acquisition of this property was an excellent open space opportunity, however, the City did not have \$3,000,000 in the Open Space Fund to do the outright purchase and was restrained by the Tabor Amendment from doing multi-year payments to Whole Foods. At that point, the City approached Jefferson County requesting financial assistance with the acquisition. Jefferson County agreed to acquire the property on behalf of the City using the County's bond funds and closed on the purchase on December 11, 2002. At the same time, the City entered into an Option Agreement with the County, which allows the City to acquire the property in three 10-acre parcels over a three-year period extending from 2003 to 2005 subject to annual appropriations. The agreement also states that if the City does not acquire the property from the County, the County has the right to sell the property for non-open space purposes.

The acquisition of this property is a high priority goal for the Open Space Advisory Board. The property continues the preservation of open space along the US Highway 36 corridor, preserves the views of the mountains for those traveling through the City and provides one more body of water for the public to enjoy.

Since the County bought the property at the request of the City, Staff recommends exercising the option for Parcel 1 under the terms of the Option Agreement. Funds are available for this acquisition in the Open Space Land Purchases Account.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments

RESOLUTION

RESOLUTION NO. **43**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

REIMBURSEMENT TO JEFFERSON COUNTY OPEN SPACE FOR THE WHOLE FOODS
OPEN SPACE ACQUISITION

WHEREAS, Jefferson County through the Jefferson County Open Space Program, at the City of Westminster's request, purchased the 30-acre Whole Foods property located in the City of Westminster; and

WHEREAS, Jefferson County and the City of Westminster entered into an Option Agreement enabling the City to purchase the property from the County in 10-acre increments; and

WHEREAS, the City of Westminster considers this property to be a high priority open space acquisition; and

WHEREAS, the City of Westminster has budgeted for this reimbursement.

NOW THEREFORE, the Westminster City Council hereby resolves that the City of Westminster exercise the option for Parcel 1 on or before the due date of November 15, 2003 and authorizes the City Manager to sign any and all documents required to exercise the option and acquire the property.

Passed and adopted this 13th day of October, 2003

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: Councillor's Bill No. 61 re Great Outdoors Colorado Trust Fund Grant Supplemental Appropriation for Open Space Land Acquisitions

Prepared By: Lynn Wodell, Open Space Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 61 on first reading authorizing a supplemental appropriation in the amount of \$100,000 reflecting the City's receipt of a Great Outdoors Colorado Trust Fund for the open space acquisition of the Fairways Office Park property on the Big Dry Creek open space and trail corridor.

Summary Statement

- In 2001, Staff received City Council's approval to submit an application for a grant to Great Outdoors Colorado Trust Fund (GOCO) for the open space acquisition of the 31.5-acre Fairways Office Park property located at approximately Federal Boulevard at W. 124th Avenue and Zuni Street (if extended) on the Big Dry Creek open space and trail corridor.
- The City had previously applied for and received a grant of \$300,000 from Adams County Open Space Program for this acquisition.
- The \$100,000 check was received on May 15, 2003 and a supplemental appropriation is required in order for the funds to be applied to the Open Space Land Purchases Account.

Expenditure Required: \$100,000

Source of Funds: Great Outdoors Colorado Trust Fund Grant

SUBJECT: Councillor's Bill re GOCO Trust Fund Grant Supplemental Appropriation for Open
Space Land Acquisitions Page 2

Policy Issues

Should the City Council approve a supplemental appropriation in order to allow these funds to be used in the acquisition of open space in the City?

Alternatives

1. City Council could choose to return the funds to GOCO.
2. City Council could choose to wait until another time to perform this supplemental appropriation.

Background Information

The acquisition of the Fairways Office Park property was a key acquisition in the Big Dry Creek open space and trail corridor. The acquisition of the 31.5-acre property took place on November 21, 2001 at a cost of \$1,369,000. The City applied for and received a \$300,000 grant from Adams County Open Space Program for this acquisition in 2001. The GOCO grant was received on May 15, 2003 and deposited in an open space revenue account. In order for these funds to be used for open space acquisitions, a supplemental appropriation is required to place the funds in an expenditure account. This action will move the funds to the Open Space Land Purchases Account to reimburse a portion of the funds that were expended for the Fairways Office Park property and to allow the funds to be used for future open space acquisitions.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **61**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE OPEN SPACE FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2003 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2977 in the amount of \$4,486,775 is hereby increased by \$100,000 which, when added to the fund balance as of the City Council action on October 13, 2003 will equal \$6,009,150. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a grant from Great Outdoors Colorado Trust Fund for the open space acquisition of the Fairways Office Park property on the Big Dry Creek Open Space and Trail Corridor.

Section 2. The \$100,000 increase in the Open Space Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Current Budget	Increase	Final Budget
REVENUES			
State Shared Revenue 5400.40320.0000	\$0	<u>\$100,000</u>	\$100,000
Total Change to Revenues		<u>\$100,000</u>	
EXPENSES			
Land Purchases 54010900.76600.0000	\$1,997,028	<u>\$100,000</u>	\$2,097,028
Total Change to Expenditures		<u>\$100,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 13th day of October, 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2002



SUBJECT: Resolution No. 44 Denver Regional Natural Hazard Mitigation Plan

Prepared By: Mike Reddy, Emergency Management Coordinator
Dave Downing, City Engineer

Recommended City Council Action

Adopt Resolution No. 44 adopting the Denver Regional Natural Hazard Mitigation Plan. The Colorado Office of Emergency Management and the Federal Emergency Management Agency will then review and adopt the plan assuring that the City of Westminster is in full compliance with The Federal Disaster Mitigation Act (P.L. 106-391).

Summary Statement

- The Federal Disaster Mitigation Act (P.L. 106-391), enacted October 30, 2000, and 44 CFR Part s 201 and 205 Interim Final Rule, published February 26, 2002 require Local or Multi-jurisdictional mitigation plans.
- Adoption of the Denver Regional Natural Hazard Mitigation Plan will bring the City of Westminster into compliance with the Disaster Mitigation Act upon review by state and federal agencies, making the City of Westminster eligible for pre and/or post disaster mitigation funds.
- Jurisdictions within the Denver Regional Council of Governments service area agreed to a multi-jurisdictional plan and have provided review and direction to Denver Regional Council of Government's staff in developing the Plan.
- The Denver Regional Natural Hazard Mitigation Plan addresses natural hazard mitigation from a county perspective. Future pre-disaster mitigation funds will be used to provide specific data, such as historical occurrences, population impact, and structures at risk, for municipalities within the DRCOG service area.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City of Westminster adopt the Denver Regional Natural Hazard Mitigation Plan, to ensure compliance with The Federal Disaster Mitigation Act of 2000.

Alternatives

1. Take no action. This alternative is not recommended by staff as this would leave the City of Westminster out of compliance with The Federal Disaster Mitigation Act of 2000 thus eliminating the City from competing for federal pre-disaster mitigation funds. Further, the City would be at risk of not receiving post disaster mitigation funds in the event of a Presidential Disaster Declaration.
2. Postpone action. The City could postpone taking action on the Resolution until the plan reflects specific mitigation measures for the City of Westminster. Staff does not recommend this alternative in that the City or the region may be excluded from future federal funds to support continued planning without adoption of the Plan.

Background Information

The Federal Disaster Mitigation Act of 2000 (DMA 2000) establishes new requirements and funding for local government mitigation planning. The DMA 2000 also provides for the preparation and adoption of multi-jurisdictional plans by local governments to meet this requirement. The Denver Regional Natural Hazard Mitigation Plan was prepared to support the requirement of a mitigation plan for the participating local governments in the Denver Region. The purpose of the Plan is to identify natural hazards and the people and places at risk on a regional scale and then identify actions and measures to reduce or eliminate long-term risk.

The Denver Regional Natural Hazard Mitigation Plan prepared by the Denver Regional Council of Governments and referenced in the attached Resolution is a lengthy document with 140 pages of narrative, numerous pages of appendices and 16 maps. The plan identifies goals, information and measures for hazard mitigation and risk reduction to make communities more disaster resistant and sustainable. The Plan provides a set of existing and planned local government action items to achieve regional goals of reducing risk from natural hazards. Most of the plan addresses hazard vulnerabilities and mitigation measures at a county level. A copy of the complete plan is available from the Fire Department upon request.

The attached pages reflect the City of Westminster's measures and actions. The City has addressed most of the measures and has either completed plans or maintains activities through ongoing mitigation efforts. These include:

- Prevention Measures – Revised Building Codes, Land Development Regulations, Open Space Preservation, Floodplain Development Regulations, Storm Water Management and Inventory of at-risk structures,
- Property Protection – Building Inspection, Sewer Backup Protection and Insurance.
- Natural Resource Protection – Wetlands Protection, Erosion and Sedimentation Control and Best Management Practices.
- Emergency Services – Flood Warning Systems, Flood Response, Critical Facilities Protection, Emergency Operations Center and Health and Safety.
- Structural Protection – Reservoirs, Channel Modifications, Structural Design Standards, Storm Sewers and Shelter Areas.
- Public Information – Map Information, Outreach Projects, Real Estate Disclosure, Environmental Education and Technical Assistance.

The measures identified in the Plan indicate that the City of Westminster has achieved broad success in mitigating natural hazards through comprehensive land use planning and zoning, building code adoption and management, and identification of Capital Improvement Projects to be addressed through Stormwater Capital Improvements.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

RESOLUTION

RESOLUTION NO. **44**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

LOCAL GOVERNMENT ADOPTION OF
REGIONAL NATURAL HAZARD MITIGATION PLAN

WHEREAS, natural hazards in the nine county Denver Region historically have caused significant disasters with losses of life and property and natural resources damage,

WHEREAS, the City of Westminster recognizes the importance of reducing or eliminating vulnerability to disasters caused by natural hazards for the overall good and welfare of the community, and

WHEREAS, the City of Westminster has been an active participant in the Regional Natural Hazard Steering Committee, which has established a comprehensive, multi-jurisdictional, Regional Natural Hazard Mitigation Plan to identify natural hazards and develop strategies to mitigate natural hazards, and

WHEREAS, the Federal Disaster Mitigation Act of 2000 requires jurisdictions to prepare and adopt a natural hazards mitigation plan to be eligible for future pre-disaster and post-disaster federal funding for mitigation purposes, and

WHEREAS, The City of Westminster has identified and justified a number of existing and proposed projects and programs needed to mitigate the vulnerabilities of the City of Westminster to the impacts of potential disasters to be included in the Regional Natural Hazards Mitigation Plan.

NOW THEREFORE, be it resolved that the City Council of Westminster

Hereby proposes to accept and approve of its designated portion of the Denver Regional Hazard Mitigation Plan, upon approval by the Colorado Office of Emergency Management and the Federal Emergency Management Agency (FEMA), and

Responsible City personnel are requested and instructed to pursue available funding opportunities for implementation of the proposals designated therein, and

The City of Westminster will, upon receipt of such funding or other necessary resources, seek to implement the proposals contained in the mitigation strategy, and

The City of Westminster will continue to participate in the updating and revision of the Denver Regional Hazard Mitigation Plan with a plan review and revision to occur within a five year cycle. Designated staff will provide annual progress reports on the status of implementation of the plan to the City of Westminster, and

The City of Westminster will further seek to encourage the businesses, community groups and organizations and other stakeholders within the City of Westminster to also participate in the updating and revision of the Denver Regional Hazard Mitigation Plan.

Passed and adopted this 13th day of October, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: Resolution No. 45 re 2004 Pay Plan

Prepared By: Debbie Mitchell, Human Resources Manager
Matt Lutkus, Deputy City Manager for Administration

Recommended City Council Action

Adopt Resolution No. 46 amending the 2004 Pay Plan previously approved by Council.

Summary Statement

- Based on a comprehensive review of benchmark and special survey positions in 2002, City staff recommended and City Council approved a resolution adopting the 2003 and 2004 Pay Plans.
- On September 29, City staff reviewed with Council a number of changes being recommended to the 2004 amended Budget. Among these changes were modifications to the 2004 Pay Plan.
- Given City Budget constraints staff is not recommending an across-the-board pay increase for 2004. The majority of cities in the City's compensation survey have also decided to forego general pay increases for 2004.
- Other changes recommended for the 2004 Pay Plan are include title and grade adjustments impacting 19.5 full time equivalent positions.

Expenditure Required: \$14,741 – General Fund
\$18,361 – Utility Fund

Source of Funds: General and Utility Funds

Policy Issue

Should City Council approve revisions to the previously approved 2004 pay plan?

Alternative

Approve a Pay Plan that does not incorporate the changes requested for 2004. Staff does not recommend this as an alternative since the revised 2004 Budget is predicated on these proposed changes. The changes proposed have a minimal financial impact on the City's budget.

Background Information

Staff completed the biennial review of the pay and classification system in 2002 for the 2003 and 2004 Budgets. The pay and classification adjustment recommendations were based on the following:

- An extensive salary survey process of eight metro cities (Arvada, Aurora, Boulder, Englewood, Fort Collins, Lakewood, Littleton and Thornton), special districts and private sector information;
- Data collected from the Colorado Municipal League (CML) survey on 75 benchmarks;
- A special City survey of 18 benchmarks not included in CML;
- Direct contacts with other municipalities to verify or clarify survey data;
- Mountain States Employers Council private and public sector data; and
- Special surveys and audits of 33 department requested positions.

Staff continues to use a benchmark system whereby those City positions that are relatively similar among other Denver Metro area cities are surveyed. Examples of these positions include: Clerk Typist II, Police Officer/Senior Police Officer, Firefighter I/II, Parksworkeer I/II, Planner III and Accounting Manager. The salaries for non-benchmark positions are linked to the salaries of specific benchmark positions based on their relationship to a job group and relative value to the organization. An in-depth survey was conducted of all 93 City benchmarks in 2002. Recommended range adjustments were based on a review of each benchmark position's minimum and maximum range value in comparison to the market. Generally, an adjustment is recommended when a position is more than 3.5% outside the market.

Based on the 2002 review, the 2003 and 2004 pay plans included 70 classification change recommendations. A total of 87.9 full time equivalents (FTE) were affected by these Council approved changes. A 2% across-the-board increase was implemented for all full and part-time classifications mid-year 2003. Based on revised 2004 revenue projections, no across the board increase is being recommended for 2004. However, Staff is recommending that step, grade and merit increases continue for 2004.

As part of the 2004 Budget review process, 13 additional classifications changes are being recommended. Changes recommended by staff consist of

- Reclassifying an Accounting Technician to Administrative Secretary
- Upgraded the range of the Economic Development Manager
- Reclassifying from non-exempt to exempt the Applications Specialist to a Human Resources Analyst/HRIS
- Changing Property Evidence Specialist and Property Evidence Clerk to Property Evidence Technician
- Title change from Technical Services Advisor to Neighborhood Services Advisor Reclassify and title change from Police Captain to Deputy Police Chief

- Title change from Lieutenant to Police Commander
- Creating a job title in Recreation Facilities at City Park Recreation Center called Slide Attendant
- Upgrade and title change from Software Engineer II to ERP Software Engineer
- Upgrade and title change from Systems Analyst III to Lead ERP Systems Analyst
- Upgrade range of Utilities Operations Manager
- Reclassifying the Water Quality Specialist from non-exempt to exempt.

Currently, the City has an authorized full-time equivalent (FTE) staffing level of 886.124. The 2003 pay plan reflects an increase of 8 FTE for 2003 and 1.5 FTE for 2004, bringing the total FTE in 2003 to 886.124 and 2004 to 887.624. It is important to point out that of these authorized FTE, 35.875 are currently frozen and are proposed to remain frozen through 2004 (29.575 FTE are in the General Fund; 3.9 FTE are in the Utility Fund; 2.4 FTE are in other funds).

As Council is aware, General Services Department Staff conducts a survey of the benefits provided in selected cities and special districts on an every other year basis. Such a survey was conducted in 2002 on the following benefits: pension contributions, medical and dental benefits, life insurance coverage, retiree medical benefits, prescription benefits, dental and orthodontic maximum benefits, leave benefits, special pay and education reimbursement programs. Based on this comprehensive survey, no benefit changes were recommended for 2003 and 2004.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachment

RESOLUTION

RESOLUTION NO. **45**

INTRODUCED BY COUNCILLORS

SERIES OF 2003

WHEREAS, Section 1-24-1 and 1-24-4 of the Official Code of the City of Westminster provides that the City Council, upon recommendation of the City Manager, shall by resolution establish the salary schedule for all position classifications in the municipal service; and

WHEREAS, the City Council previously approved the 2004 salary schedule as part of the 2003/2004 City Budget approval process; and

WHEREAS, as a result of a revision to projected City revenues in 2004 due to the continued economic downturn, the City Manager is recommending that the City not provide an across-the-board increase for Non-exempt employees and overall pay range adjustments for Exempt employees and Administrative Officers; and

WHEREAS, the City Manager is recommending a number of pay grade adjustments for specific classifications based on a special survey conducted by the Human Resources Division; and

WHEREAS, several reclassifications, new classifications, and title adjustments are also recommended as a result of organizational changes; and

NOW, THEREFORE, BE IT RESOLVED THAT THE WESTMINSTER CITY COUNCIL RESOLVES that the attached new salary schedule, and the authorized personnel schedule described above are hereby adopted and approved and shall be put into effect on January 1, 2004.

Passed and adopted this 13th day of October, 2003.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
October 13, 2003



SUBJECT: TABLED Second Reading of Councillor's Bill No. 48 re Brookhill Center, Inc. Business Assistance Package

Prepared By: Susan Grafton, Economic Development Manager

Recommended City Council Action:

Pass Councillor's Bill No. 48 on second reading authorizing the City Manager to execute an agreement in substantially the same form attached business assistance package (BAP) between the City of Westminster and Brookhill Center, Incorporated (BCI)

Summary Statement

- City Council action is requested to pass the attached Councillors Bill on second reading which authorizes the execution of a business assistance agreement with Brookhill Center, Inc.
- The agreement has been modified since first reading to clarify the intent of the agreement. Modifications can be noted in Paragraph 1 Sales Tax Rebate by the strikethrough and bolded notations.
- BCI has worked diligently over the past two years to upgrade the Towne Center at Brookhill and to fill the remaining vacancies. Additional help is needed to fill the final spaces.
- This BAP will not become active until after the current Bed, Bath and Beyond BAP expires, which is expected to occur in November, 2003.
- Assistance is based on the City's desire to encourage upgrading of older shopping centers and filling existing vacant retail space.
- This Councillor's Bill was passed on first reading on September 8, 2003.

Expenditure Required: \$ 330,150 (Sales Tax Rebate)

Source of Funds: The business assistance package to BCI will be funded through the rebate of sales tax directly generated from the retail stores and shops at the east end of Towne Center at Brookhill.

Respectfully submitted,

Stephen P. Smithers
Acting City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **48**

SERIES OF 2003

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE BETWEEN BROOKHILL CENTER, INCORPORATED (BCI) AND THE CITY OF WESTMINSTER TO AID WITH THE UPGRADING OF THE TOWN CENTER AT BROOKHILL IN WESTMINSTER

WHEREAS, the successful attraction and retention of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, BCI plans to continue renovation and filling vacancies at the Town Center at Brookhill located at 88th Avenue and Wadsworth Parkway in Westminster, and

WHEREAS, the assistance agreement continues to meet the goal of filling vacant retail space in the City; and

WHEREAS, a proposed Assistance Agreement between the City and BCI is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of September 2003.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of October, 2003.

ATTEST:

Mayor

City Clerk

BUSINESS ASSISTANCE AGREEMENT WITH BROOKHILL CENTER, INCORPORATED FOR THE REDEVELOPMENT OF THE TOWNE CENTER AT BROOKHILL SHOPPING CENTER IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this _____ day of _____, 2003, between the CITY OF WESTMINSTER (the "City"), and Brookhill Center, Inc. ("BCI")

WHEREAS, the City wishes to provide certain assistance to BCI to aid in the redevelopment of Towne Center at Brookhill Shopping Center within the City located at the northeast corner of 88th Avenue and Wadsworth Parkway.

WHEREAS, the Towne Center at Brookhill Shopping Center was originally built in 1985 and is in need of revitalization to stay vibrant and competitive.

WHEREAS, the Towne Center at Brookhill Shopping Center has many major tenants, such as Home Depot, Lamps Plus and Burlington Coat Factory and others that make the center an important tax generator.

WHEREAS, City Council finds the execution of this Agreement will serve to provide benefit and advance the public interest and welfare of the City and its citizens by assisting this economic development project within the City.

In consideration of the mutual promises set forth below, the City and BCI agree as follows:

1. Sales Tax Rebate

The City shall rebate to BCI, 50% of the sales tax increment collected from all stores east between Home Depot and Pierce Street, but excluding Shoe Carnival and Home Depot, which are located in the Towne Center at Brookhill, ~~for the three year period (36 months) following the date of execution of this agreement by the City.~~ This rebate shall commence and become payable upon the completion of the Bed, Bath, and Beyond Business Assistance Agreement (estimated completion date of November 2003) **and continue for a period of 36 months.** Such rebate shall be payable exclusively from sales tax revenues collected by the City from the stores and shops between Home Depot and Pierce Street, but excluding Home Depot and Shoe Carnival (the east retail) and attributable to the imposition of the City's 3.0% general sales tax (excludes the City's .25% Open Space Tax). The rebate shall be paid by the City in quarterly installments from incremental sales tax revenue actually collected and received by the City from the described area. Incremental sales tax is that amount of sales tax receipts collected that are more than those received from the east retail area during the 12 month period prior to the signing of this agreement. The payment of each quarterly installment shall be made within 20 days following the close of each calendar quarter. Payments will be submitted electronically to BCI's designated financial institution.

2. Exclusion of Existing City Businesses

It is the intent of the City to attract new retailers to the City and not to merely subsidize the relocation of an existing retailer from one location in Westminster to another. Therefore, the rebate calculation set forth in Paragraph 1 will not include sales tax receipts of any business, which has relocated from an existing location in the City to the Towne Center at Brookhill. Special consideration would be given by staff for a business expanding an existing business or adding a new business location in the Towne Center at Brookhill, on a case by base basis.

3. Entire Agreement

This instrument shall constitute the entire agreement between the City and BCI and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter. In the event of sale, staff may assign the business assistance package to BCI's successor.

4. Subordination.

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

5. Annual Appropriation

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

6. Governing Law: Venue

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

Brookhill Center, Inc.

CITY OF WESTMINSTER

By _____
Robert D. Burns, President

J. Brent McFall
City Manager

ATTEST:

ATTEST:

Title

Michele Kelley
City Clerk

Adopted by Ordinance No. 3054

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, October 13, 2003. Present at roll call were Mayor Moss, Mayor Pro-Tem Atchison, Councillors Dittman, Dixon, Hicks, Kauffman and McNally. Absent none.

The minutes of the September 22, 2003 meetings were approved.

Council presented a proclamation for the week of October 27, through November 1 as Red Ribbon Week; presented a proclamation to Scott Perriman proclaiming October 15 as Westminster Window Appreciation Day; presented Excellence in Design and Development and Excellence in Landscape Design awards.

Council approved the following: 2003 Wastewater Collection System Improvement Project with Insituform Technologies for \$333,214; Special Legal Services Contract with Hall & Evans not to exceed \$15,000; Contract Amendment for Lowell Boulevard Design Services with Entranco, Inc., for \$94,068; City Employee Health Insurance Renewals for \$5,547,580; Carroll Butts Park Contractor Contract Award with T2 Construction for \$631,177.89; Purchase of Self-Checkout Units at Irving Street and College Hill Libraries with Highsmith, Inc., for 499,800; Concessionaire Agreement with Sinks-Links for operation of Golf Course Restaurants; CB No. 50 re 2003 Model Traffic Code; CB No. 51 re Indoor Entertainment Establishments; and Human Services Board Funding.

Council accepted the resignation of Sharon Hall and appointed Angela Ricker to the Library Board.

The following Councillor's Bills were adopted on first reading:

A BILL FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE BETWEEN 88TH AND PIERCE BUSINESS CENTER LLLP (88th and Pierce Business Center) AND THE CITY OF WESTMINSTER TO AID WITH THE UPGRADING OF BROOKHILL TOWNE CENTER III AND THE ATTRACTION OF JOANN STORES INC purpose: Business Assistance Package for 88th and Pierce Business Center

A BILL FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL FUND, UTILITY FUND, FLEET MAINTENANCE FUND, GENERAL CAPITAL OUTLAY REPLACEMENT FUND, SALES AND USE TAX FUND, GENERAL CAPITAL IMPROVEMENT FUND, GENERAL RESERVE FUND, UTILITY RESERVE FUND, OPEN SPACE FUND, GOLF COURSE FUND OPEN AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION OR UN-APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS purpose: amendments to Adopted 2004 Budget and Human Services Board Funding

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING RESTRAINING AND MANDATORY PROTECTION ORDERS purpose: amending City Code for Mandatory Protection Orders

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND purpose: Supplemental Appropriation assigning to CDBG program

A BILL FOR ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY OF THE CITY LOCATED AT 3155 WEST 80TH AVENUE TO HABITAT FOR HUMANITY OF METRO DENVER FOR THE NEW CONSTRUCTION OF TWO SINGLE FAMILY HOMES, AUTHORIZING THE CITY MANAGER TO EXECUTE NECESSARY DOCUMENTS THAT CONVEY THIS REAL PROPERTY TO HABITAT FOR HUMANITY OF METRO DENVER, AND AUTHORIZING THE WAIVER OF DEVELOPMENT FEES IN THE AMOUNT OF \$8,398.00 purpose: conveying City property to Habitat for Humanity

A BILL FOR AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT WITHIN CEDAR BRIDGE SUBDIVISION FILING NO 1 purpose: vacating easement in Cedar Bridge Subdivision

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING FORMAL BIDDING REQUIREMENTS purpose: amending formal bidding requirements

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING RESTRICTIONS ON SALE AND POSSESSION OF ANIMALS purpose: amending sale and possession of animals

A BILL FOR AN ORDINANCE INCREASING THE 2003 BUDGETS OF THE OPEN SPACE FUND AND AUTHORIZINT A SUPPLEMENTAL APPROPRIATION FROM THE 2003 ESTIMATED REVENUES IN THE FUND purpose: supplemental appropriation for GOCO Grant Funds for acquisition of property

The following Councillor's Bills were passed on second reading:

A BILL FOR AN ORDINANCE FOR THE REGULATION OF TRAFFIC BY THE CITY OF WESTMINSTER, COLORADO; ADOPTING BY REFERENCE THE 2003 EDITION OF THE "MODEL TRAFFIC CODE FOR COLORADO"

A BILL FOR AN ORDINANCE AMENDING USES BY SPECIAL PERMIT

The following Resolutions were adopted:

Resolution No. 42 re Boards & Commission Appointment

Resolution No. 43 re Reimbursement to JeffCo for Whole Foods Open Space Acquisition

Resolution No. 44 re Denver Regional Natural Hazard Mitigation Plan

Resolution No. 45 re Amended 2004 Pay Plan

At 8:00 P.M. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on October 24, 2003

ORDINANCE NO. **3053**

COUNCILLOR'S BILL NO. **51**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Atchison-Hicks

A BILL
FOR AN ORDINANCE AMENDING USES BY SPECIAL PERMIT

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-4-8(B) of the Westminster Municipal Code is hereby AMENDED BY THE ADDITION OF A NEW SUBSECTION to read as follows:

5. **INDOOR ENTERTAINMENT ESTABLISHMENTS:** INDOOR ENTERTAINMENT ESTABLISHMENTS INCLUDING AMUSEMENT CENTERS, BOWLING, BILLIARDS, MOVIE THEATERS, PAINT BALL, GYMNASTICS & SIMILAR USES MAY BE PERMITTED IN THE M-1 ZONE WITH A SPECIAL USE PERMIT. INDOOR ENTERTAINMENT ESTABLISHMENTS ARE PERMITTED IN THE B-1, C-1 AND C-2 ZONES WITHOUT A SPECIAL USE PERMIT.

Section 2. Section 11-4-9(I) of the Westminster Municipal Code is hereby AMENDED to read as follows:

11-4-9: APPLICATIONS FOR SPECIAL USE PERMITS:

(I) When considering any special use permit, the Board shall consider the impact of each of the criteria listed below, insofar as each is relevant to the proposed use:

1. Pedestrian safety.
2. Traffic volume and adequacy of parking and access.
3. Essential character of the neighborhood.
4. Desires of the inhabitants of the neighborhood.
5. Peace of the neighborhood.
6. Police activity in comparable businesses.
7. ~~Architectural compatibility with the character of the neighborhood.~~ HOURS OF OPERATION.
8. Compliance of the structure with all applicable building regulations
9. Compatibility with surrounding uses.
10. The benefits from the use to the public good and the public interest.

Section 3. This ordinance shall take effect upon its passage after second reading.

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 22nd day of September, 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of October, 2003.

BY AUTHORITY

ORDINANCE NO. **3054**

COUNCILLOR'S BILL NO. **48**

SERIES OF 2003

INTRODUCED BY COUNCILLORS
Dittman-Kauffman

A BILL

FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE BETWEEN BROOKHILL CENTER, INCORPORATED (BCI) AND THE CITY OF WESTMINSTER TO AID WITH THE UPGRADING OF THE TOWN CENTER AT BROOKHILL IN WESTMINSTER

WHEREAS, the successful attraction and retention of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, BCI plans to continue renovation and filling vacancies at the Town Center at Brookhill located at 88th Avenue and Wadsworth Parkway in Westminster, and

WHEREAS, the assistance agreement continues to meet the goal of filling vacant retail space in the City; and

WHEREAS, a proposed Assistance Agreement between the City and BCI is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

Section 3. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 8th day of September 2003. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 13th day of October, 2003.