



**CITY COUNCIL AGENDA**

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

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

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meeting** (October 13, 2014)
4. **Report of City Officials**
  - A. City Manager's Report
5. **City Council Comments**
6. **Presentations**
  - A. Presentation of Employee Service Awards
  - B. Community Planning Week Proclamation
7. **Citizen Communication (5 minutes or less)**

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

8. **Consent Agenda**
  - A. Financial Report for September 2014
  - B. Third Quarter Insurance Claims Report
  - C. Special Legal Services for Formal Tax Hearings
  - D. Special Legal Counsel Services for Drafting of Collective Bargaining Ordinance
  - E. Fleet Maintenance Cumulative Purchases over \$75,000
  - F. Purchase of Street Sweeper
  - G. Orchard Parkway Project – Amended Construction Engineering Services Agreement
  - H. McKay Drainageway and Regional Detention Pond – Construction Engineering Services Agreement
  - I. 95<sup>th</sup> Avenue and Federal Boulevard Lift Station Construction and Engineering Contracts
  - J. Second Reading of Councillor's Bill No. 27 re 2015 and 2016 Budget Appropriations
  - K. Second Reading of Councillor's Bill No. 28 re Municipal Judge Salary
  - L. Second Reading of Councillor's Bill No. 30 Amending W.M.C. Re Specific Plan District Creation
  - M. Second Reading of Councillor's Bill No. 31 re Supplemental Appropriation of Johnson Open Space Grant
  - N. Second Reading of Councillor's Bill No. 32 re Supplemental Appropriation for 95<sup>th</sup> & Federal Blvd Lift Station
  - O. Second Reading of Councillor's Bill No. 33 re Water and Wastewater Rate Adjustment
9. **Appointments and Resignations**
10. **Public Hearings and Other New Business**
  - A. Councillor's Bill No. 34 re Strasburg Natural Resource Farm Lease Renewal
11. **Old Business and Passage of Ordinances on Second Reading**
  - A. Remove from Table Councillor's Bill No. 26 Amending W.M.C. re Salaries for Elective Officers
  - B. Councillor's Bill No. 26 Amending W.M.C. re Salaries for Elective Officers
  - C. Councillor's Bill No. 29 Amending Section 10-1-12, W.M.C., re RV Parking on Streets (Tabled 10-13-14)
12. **Miscellaneous Business and Executive Session**
  - A. City Council
13. **Adjournment**

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

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**GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS**

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



# 2014 CITY OF WESTMINSTER STRATEGIC PLAN



## VISIONARY LEADERSHIP & EFFECTIVE GOVERNANCE

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

*is implemented through collaborative and transparent decision making.*

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



## VIBRANT & INCLUSIVE NEIGHBORHOODS

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

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

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



## COMPREHENSIVE COMMUNITY ENGAGEMENT

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

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

- Create an Inclusiveness Commission



## BEAUTIFUL, DESIRABLE, ENVIRONMENTALLY RESPONSIBLE CITY

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

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



## PROACTIVE REGIONAL COLLABORATION

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

- Collaborate with counties, school districts and neighboring cities



## DYNAMIC, DIVERSE ECONOMY

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

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



## EXCELLENCE IN CITY SERVICES

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

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



## EASE OF MOBILITY

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

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

- Enhance trail connectivity

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

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

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

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, OCTOBER 13, 2014, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Baker moved, seconded by Councillor Seitz, to approve the minutes of the regular meeting of September 22, 2014, as presented. The motion carried unanimously.

CITY MANAGER'S REPORT

Mr. McFall noted two public hearings on the agenda and advised members of the audience that if they were in attendance to address the City Council on public hearing topics, they would need to wait until the Mayor opened the hearing for public comment. Comment on any other topic should be offered during Citizen Communication.

Following the City Council meeting, the Westminster Economic Development Authority Board of Directors would meet followed by a meeting of the Westminster General Improvement Districts' Boards of Directors. City Council would attend a post-meeting briefing to hear a presentation concerning a gasoline and diesel fuel contract price lock through 2015. The public was welcome to attend. At the conclusion of the briefing, the City Council would be asked to meet in executive session to review the selection committee's recommendations for finalists for the City Attorney position and discuss issues that may be subject to negotiation pursuant to Section 1-11-3(C)(1) and (7), W.M.C., and Section 24-6-402(4)(e) and (f), C.R.S.; and to discuss a pending personal injury liability claim with negotiators, receive legal advice from the City Attorney's Office concerning the proposed settlement process, and obtain Council direction thereon pursuant to Section 1-11-3(C)(7) and (8), W.M.C., and Section 24-6-402(4)(b) and (e), C.R.S.

COUNCIL REPORTS

Councillor Garcia reported that he and other members of Council had been privileged to attend naturalization ceremonies held at the Irving Street Library for 19 new citizens. The ceremonies had been inspiring and the pride and excitement of each new citizen was heartwarming. He thanked library staff and volunteers who had devoted time to teaching citizenship classes and had brought such a meaningful opportunity to the community.

Mayor Pro Tem Winter invited the public to attend the Halloween Carnival at City Park Recreation Center on Saturday, October 25. The event would not only include treats but also games for those attending. It was an opportunity for children to show off their Halloween costumes and to enjoy the fantasy of Halloween in a safe environment.

Councillor Pinter, too, was moved by attending the naturalization ceremonies held at the Irving Street Library. New citizens were from 11 countries around the world. It was a special event where the new citizens showed their enthusiasm for and seriousness about the privilege of voting, which they would experience for the first time in the next few weeks.

Councillor Baker encouraged and invited the public to apply for membership on the City's Inclusivity Task Force, noting that information and applications were available on the City's website.

Mayor Atchison announced that Colorado was entering the election season. He urged citizens to take advantage of the opportunity to select elected officials that represented their views and to exercise the right to vote. This election would be conducted by mail and every registered elector would receive a ballot in the mail within the week. City Hall would be a ballot drop-off location. A new 24-hour, 7-day per week ballot box for both Adams and Jefferson County residents had been installed curbside between the Public Safety Center and City Hall. Ballots deposited there would be picked up daily, sorted and delivered to each county. Additionally, there would be manned ballot boxes in the City Hall Lobby from 7 a.m. to 6 p.m., Monday through Thursday, from October 15 through November 3. On November 4, Election Day, the inside ballot boxes would be available from 7 a.m. to 7 p.m. Regardless of party affiliation, citizens were implored to educate themselves on the issues and to cast their ballots.

#### INTRANET DEVELOPMENT TEAM RECOGNIZED AS RECIPIENT OF 3CMA 2014 SAVVY AWARD

Councillor Seitz recognized the members of the City's Intranet Development Team from the Information Technology Department and the Public Information Office for having been named the recipient of the 2014 Savvy Award from the City-County Communications and Marketing Association (3CMA) for redesigning and structuring the City employees' Intranet, called COWnet. The previous employee Intranet had not been updated since its initial launch in 1990. The new COWnet was a communication tool where employees could contribute and take ownership of content development. Navigation was intuitive and the site incorporated social features with applications, forms and policies needed for operational purposes. Uniquely, the majority of the redesign and redevelopment of the site had been achieved by the Internet Development Team rather than a hired professional consultant, demonstrating staff's expertise and competence.

#### PROCLAMATION RECOGNIZING BUTTERFLY PAVILION ACCREDITATION

Mayor Pro Tem Winter presented a proclamation issued by the Mayor to Patrick Tennyson, Chief Executive Office of the Butterfly Pavilion to recognize the Pavilion's recent attainment of invertebrate zoo accreditation from the Association of Zoos and Aquariums. It was the first stand-alone, non-profit invertebrate zoo in the nation and a treasured jewel in Westminster. The City Council was proud to join in celebrating this achievement.

#### CITIZEN COMMUNICATION

Nathan Mudd, 5716 Yarrow in Arvada, and Max Kettler, 11267 Ranch Place in Westminster, thanked City Council for the opportunity to operate the Farmers' Market each Saturday this summer and the WestyNEXT event in September at the former Westminster Mall site. Departments throughout the organization had been particularly helpful to them and they looked forward to future partnerships with the City.

Jacqueline Romero, a long-time resident of property near the 72<sup>nd</sup> and Sheridan Wal-Mart, requested the City's help in stopping speeding vehicles and reducing trash and abandoned shopping carts on 70<sup>th</sup> Avenue. The neighborhood was growing more and more unsightly since the Wal-Mart opened and immediate measures needed to be taken to correct the problems.

#### CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: authorize the City Manager to sign a contract for legal services on an as-needed basis with Williamson & Hayashi, LLC, to advise City boards and commissions when a conflict of interest prevented the City Attorney's Office from representing the board or commission in a quasi-judicial matter; authorize payment of up to \$2,420,678 to the Regional Transportation District for the betterment of the Westminster Station Platform and authorize the City Manager to execute the betterment letter in substantially the same form as distributed in the agenda packet with such further modifications to the timing, manner and conditions of the betterment payment as might be negotiated by the City Manager prior to execution of the betterment letter; determine that the public interest would be best served and approve Fleet Maintenance cumulative purchases in 2014 with Barbee's Freeway Ford INC for remanufacturing services not to exceed \$100,000

through year end; and authorize the City Manager to execute a contract with the low bidder, T2 Construction, Inc., in the amount of \$268,980 for the construction of improvements to the Grand Staircase at City Park, including a 12% contingency in the amount of \$32,278, for a total expenditure of \$301,258.

There were no requests to remove any items for individual consideration and Councillor Garcia moved to approve the consent agenda as presented. Councillor Pinter seconded the motion, and it carried unanimously.

RESOLUTION NO. 22 MAKING APPOINTMENTS TO FILL VACANCIES ON BOARDS & COMMISSIONS

Councillor Baker moved to adopt Resolution No. 22 making appointments to fill vacancies on the Environmental Advisory Board and the Historic Landmark Board. Councillor Seitz seconded the motion, which passed unanimously on roll call vote.

PUBLIC HEARING TO CONSIDER AMENDING THE NORTHRIDGE AT PARK CENTRE PDP AND ODP

At 7:20 p.m., the Mayor opened a public hearing to consider amendment of the Northridge at Park Centre Preliminary Development Plan (PDP) and Official Development Plan (ODP) to allow a 3-story, 96-bed skilled nursing facility on Lot 1 at 12285 Pecos Street. The facility would serve patients needing physical rehabilitation and/or complex nursing care for a limited period of time. Mac Cummins, Planning Manager, entered into the record the agenda memorandum and attendant attachments. Legal notification had been provided to the public in the manner specified in the Westminster Municipal Code by publication in the *Westminster Window*, by signage on the property, and by mailing to property owners within 300 feet of the proposed medical facility. An area of public land dedication for open space and a regional drainage easement was identified. The Planning Commission had considered this proposal on September 23 and had voted to recommend approval.

Curtis Henderschott and Kent Freid were present to represent the applicant. They reviewed the site plan, landscaping and building designs, and the exterior materials to be used in constructing the building. Council had no questions.

No others wished to speak and at 7:24 p.m., Mayor Atchison closed the public hearing.

AMENDMENT OF NORTHRIDGE AT PARK CENTRE PDP

Upon a motion by Mayor Pro Tem Winter, seconded by Councillor Garcia, the Council voted unanimously to approve an amendment to the Northridge at Park Centre Subdivision Preliminary Development Plan based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code had been met.

AMENDMENT OF NORTHRIDGE AT PARK CENTRE ODP

Mayor Pro Tem Winter moved, seconded by Councillor Seitz, to approve an amendment to the Northridge at Park Centre Official Development Plan based on a finding that the criteria set forth in Section 11-5-15 of the Westminster Municipal Code had been satisfied. The motion carried unanimously.

REQUIREMENTS MET FOR PERFECTING APPEAL OF PLANNING COMMISSION DECISION

It was moved by Councillor Seitz and seconded by Councillor Baker to determine that the requirements had been met for perfecting an appeal of the Planning Commission decision of August 26, 2014, to deny the 12<sup>th</sup> Amendment to the Official Development Plan for the Quail Crossing Commercial Subdivision Filing No. 1 for Lot 3. The motion passed with all Council members voting affirmatively.

PUBLIC HEARING - APPEAL OF PLANNING COMMISSION DENIAL – QUAIL CROSSING COMMERCIAL

At 7:26 p.m., Mayor Atchison opened a public hearing to consider an appeal of a Planning Commission decision to deny the Twelfth Amended Official Development Plan (ODP) for the Quail Crossing Commercial Subdivision Filing

No. 1 for Lot 3. Mac Cummins, Planning Manager, entered in the record the agenda memorandum and attachments thereto. All applicable public notification procedures contained in the Westminster Municipal Code had been satisfied. The proposed 2.65-acre development on Lot 3 was for a stand-alone car wash with 37 parking spaces available for parking, vacuuming, detailing, and related actions after completing a car wash. The proposed building reconfiguration was north-south paralleling Huron Street frontage. Currently, the ODP allowed a car wash as an ancillary use, not a sole developable use on the lot; and the building orientation on the lot was east-west orientation to allow a view corridor to anticipated retail development on vacant lots within the commercial subdivision. Mr. Cummins also entered into the record a letter in support of the requested use from Firestone at 13511 Huron Street, the only existing development within the Quail Crossing Commercial Subdivision. Concerns voiced at the Planning Commission hearing had focused on noise from the carwash vacuums and dryers, as well as traffic to and from the carwash inhibiting bicycle and pedestrian accessibility to the nearby trail system and neighborhood park. The Planning Commission voted 4:3 to deny the applicant's requested amendment.

Speaking on behalf of the applicant were Craig Kahn, John Brinkman (the applicant), and Jordan May (attorney for the applicant). Mr. Kahn provided comment about the site plan, noting that it met all the City's design guidelines. The full-service operation would be open only during daylight hours. Landscaping had been added between the building and Huron Street and schematics presented showed that view corridors of expected retail businesses within the subdivision would be maintained from Huron Street and from 136<sup>th</sup> Avenue. There was a need for a carwash in this area of the City and the locations of the closest existing facilities was noted. Mr. Brinkman explained business operations and how vehicles would move through the facility. Concerns about noise had been mitigated by closing doors on both ends of the drive-through wash when vehicles were inside and by building a brick structure to house the vacuum motor, and decibel measurements were provided to demonstrate the level of noise that would be generated by the vacuum motor without any containment. The flex express carwash featured environmentally sensitive water saving techniques and protection of the water shed by keeping stormwater drains free of contaminants that accumulated on vehicles between washings. Internal pedestrian access to the property would be provided, as shown in schematics. Mr. May responded to staff-identified issues concerning criteria in the Westminster Municipal Code and argued that those criteria has been satisfied. He entered into the record an email from the real estate broker for the property, Mike Khoudi, and a letter from Erin Bradley, a Quail Creek resident. Mr. Khoudi's communication indicated that the majority of calls he had received about this property were for doctors' offices, auto repair, and carwashes. Ms. Bradley looked forward to having access to a carwash in her neighborhood.

Mayor Atchison opened the hearing to those in favor of the proposal. Testifying of the need for a carwash at this location were Steve Cramer, 500 Emily Avenue in Broomfield; Tom Dolan, 1771 West 131<sup>st</sup> Court; and Max Kettler, 11267 Ranch Place. A carwash was needed in this neighborhood, and nearby residents were anxious for the vacant land to be developed for retail purposes. The Mayor opened the hearing to those opposed to the proposal. Testifying were Ben Taylor, Vice President of the Quail Crossing Homeowner's Association; Jay Skinner, Quail Crossing resident; Becky Hoffman, 13510 Jason Court; and Jeff Prince, Quail Crossing resident. A light industrial, vehicle drive-thru business was not the use envisioned by neighboring residents; residents had understood that walkable, pedestrian-friendly retail uses would be developed and that is what they wanted. The decibel measurements provided by the applicant were questioned and doubted.

The applicant was allowed rebuttal. Messrs. Brickman and May countered neighborhood arguments and answered questions from City Councillors. Staff also responded to questions from City Council, and when all questions were answered, Mayor Atchison closed the public hearing. The time was 9:28 p.m.

**ACTION TO UPHOLD PLANNING COMMISSION DENIAL OF QUAIL CROSSING COMMERCIAL, LOT 3**

Mayor Pro Tem Winter moved, seconded by Councillor Pinter, to determine that requirements of the Westminster Municipal Code Section 11-5-15 had not been met and to deny the appeal of a Planning Commission denial for the Twelfth Amended Official Development Plan for the Quail Crossing Commercial Subdivision Filing No. 1 for Lot 3 based on finding that the criteria set forth in Section 11-5-15 of the Westminster Municipal Code had not been met. On roll call vote, the motion carried on a 5:1 vote with Councillor Baker voting no.

COUNCILLOR'S BILL NO. 26 AMENDING W.M.C. RE SALARIES FOR ELECTIVE OFFICERS

It was moved by Councillor Pinter and seconded by Mayor Pro Tem Winter to table first reading of Councillor's Bill No. 26. The motion carried unanimously.

RESOLUTION NO. 23 ADOPTING THE 2015 AND 2016 CITY BUDGET

Upon a motion by Councillor Garcia, seconded by Mayor Pro Tem Winter, the Council voted unanimously at roll call to adopt Resolution No. 23 setting the City mill levy at 3.65 mills for both fiscal years 2015 and 2016 and formally adopting the total 2015/2016 City Budget, including staffing levels and the Five-year Capital Improvement Program.

REALLOCATION OF FUNDS FROM EXISTING CAPITAL PROJECTS

Councillor Garcia moved to authorize the reallocation of \$1,539,000 from five existing capital projects within the General Capital Improvement Fund (GCIF) as outlined in the Background Information section of Agenda Item 10 G-J for ten new projects proposed in 2015 to fill the short-term GCIF funding gap. Councillor Seitz seconded the motion and it passed unanimously.

COUNCILLOR'S BILL NO. 27 RE 2015 AND 2016 BUDGET APPROPRIATIONS

Councillor Seitz moved to pass on first reading Councillor's Bill No. 27 appropriating funds for the 2015/2016 Budget. Mayor Pro Tem Winter seconded the motion, and it carried on roll call vote with all Council members voting affirmatively.

RESOLUTION NO. 24 ADOPTING 2015/2016 PAY PLANS

It was moved by Councillor Seitz and seconded by Councillor Pinter to adopt Resolution No. 24 adopting the 2015 and 2016 Pay Plan. The motion passed unanimously on roll call vote.

2015 CITY HEALTH INSURANCE RENEWALS AND RATES

Upon a motion by Councillor Pinter, seconded by Councillor Baker, the Council voted unanimously to authorize the City Manager to renew contracts with Cigna and Kaiser Permanente for healthcare, Delta Dental for dental coverage, and Cigna Insurance for Life, Long Term Disability (LTD), Basic and Voluntary AD&D, and Survivor Income Benefit (SIB) insurances for City employees; and authorize the continuation of a four-tier rate structure with the employer and employee medical/dental premium rates as presented.

REVISED EMPLOYMENT AGREEMENT WITH JOHN A. STIPECH

It was moved by Councillor Baker, seconded by Councillor Seitz, to authorize the Mayor to execute a revised employment agreement with John A. Stipech for his services as Presiding Judge for 2015 with an effective date of January 1, 2015, and an automatic renewal for 2016 unless terminated by City Council. The motion carried unanimously.

COUNCILLOR'S BILL NO. 28 RE MUNICIPAL JUDGE SALARY

Councillor Pinter moved to pass on first reading Councillor's Bill No. 28 setting the salary for the Municipal Judge for 2015. Mayor Pro Tem Winter seconded the motion, and it passed unanimously on roll call vote.

COUNCILLOR'S BILL NO. 29 AMENDING SECTION 10-1-12, W.M.C., RE RV PARKING ON STREETS

Councillor Garcia moved, seconded by Mayor Pro Tem Winter, to table first reading on Councillor's Bill No. 29. The motion passed unanimously.



COUNCILLOR’S BILL NO. 30 AMENDING W.M.C. RE SPECIFIC PLAN DISTRICT CREATION

Mayor Pro Tem Winter moved, seconded by Councillor Seitz, to pass on first reading Councillor’s Bill No. 30 making revisions to the Westminster Municipal Code concerning Specific Plan District creation. At roll call, the motion passed with all Council members voting favorably.

COUNCILLOR’S BILL NO. 31 AUTHORIZING APPROPRIATION OF OPEN SPACE GRANT

Councillor Garcia moved, seconded by Councillor Pinter, to pass on first reading Councillor’s Bill No. 31 appropriating funds received from the Adams County Open Space Grant Program in the amount of \$754,600 for the Johnson open space acquisition grant. The motion carried unanimously at roll call.

COUNCILLOR’S BILL NO. 32 AUTHORIZING APPROPRIATION FOR LIFT STATION REHAB PROJECT

Mayor Pro Tem Winter moved and Councillor Seitz seconded to pass on first reading Councillor’s Bill No. 32 appropriating wastewater funds from the Utility Capital Project Reserve in the amount of \$250,000 for the 95<sup>th</sup> Avenue and Federal Boulevard Lift Station Rehabilitation Project and instruct Staff to return with recommendations for action on construction and engineering contracts at a future City Council meeting. On roll call vote, the motion passed unanimously.

COUNCILLOR’S BILL NO. 33 AMENDING W.M.C. RE WATER AND WASTEWATER RATE ADJUSTMENT

Upon a motion by Councillor Seitz, seconded by Councillor Pinter, the Council voted unanimously on roll call vote to pass on first reading Councillor’s Bill No. 33 implementing water, wastewater and reclaimed water rate adjustments for 2015 and 2016 by amending Sections 8-7-7, 8-8-5 and 8-12-7 of the Westminster Municipal Code.

RESOLUTION NO. 25 ALLOCATING 2015 SERVICE COMMITMENTS

Councillor Pinter moved to adopt Resolution No. 25 allocating 2,761 Service Commitments for the year 2015 to the various categories of the Growth Management Program, including 550 Service Commitments for residential competitions for new Single-Family Detached, Single-Family Attached, Multi-Family, Senior Housing, and Traditional Mixed Use Neighborhood Developments. The motion, seconded by Councillor Garcia, carried unanimously on roll call vote.

COUNCILLOR’S BILL NO. 25 RE 3<sup>RD</sup> AMENDMENT TO CHURCH RANCH HOTEL COMPANIES EDA

It was moved by Councillor Seitz, seconded by Councillor Pinter, to pass on second reading Councillor’s Bill No. 25 authorizing the City Manager to modify the start of construction date for the Hyatt Place Hotel from October 1, 2014 to October 1, 2016, charge an extension fee of \$100,000 and make other modifications. At roll call, the motion passed by a 5:1 margin with Councillor Baker voting no.

ADJOURNMENT

There was no further business to come before the City Council, and, hearing no objections, Mayor Atchison adjourned the meeting at 9:56 p.m.

ATTEST:

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

\_\_\_\_\_  
Mayor



## Agenda Item 6 A

### Agenda Memorandum

City Council Meeting  
October 27, 2014



**SUBJECT:** Presentation of Employee Service Awards

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

### Recommended City Council Action

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

### Summary Statement

- In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, and City Council recognition of employees with 20 years or more of service, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.
- In the sixth grouping of 2014, employees with 20, 25, 30, 35 and 40 years of service will be celebrated tonight.
  - Presentation of 20-year certificates and pins – Councillor Seitz
  - Presentation of 25-year certificates, pins, and checks – Mayor Atchison
  - Presentation of 30-year certificates and pins – Councillor Winter
  - Presentation of 35-year certificates and pins – Councillor Briggs
  - Presentation of 40-year certificate and pin – Councillor Baker

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

**Source of Funds:** \$2,500 – General Fund – General Services  
\$2,500 – General Fund – Community Development  
\$2,500 – General Fund – Police Department

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

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

Danny Fitch	Fire Lieutenant	Fire Department
Karl Erichson	Senior Police Officer	Police Department
Wayne Read	Senior Police Officer	Police Department
Scott Murdie	Fire Captain	Fire Department

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

Jackie June	Employee Development Coordinator	General Services
Michele McLoughlin	Senior Planner	Community Development
Linda Brown	Police Records Technician	Police Department

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

Tracy Haze	Fire Lieutenant	Fire Department
Jack Bell	Sergeant	Police Department

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

Laura Magnetti	Management Assistant	Parks, Recreation & Libraries
Kevin Sailor	Sergeant	Police Department

The following 40-year employee will be presented with a certificate and service pin:

Bill Work	Deputy Chief/Administration	Fire Department
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On October 29, 2014, the City Manager will host an employee awards luncheon. During this time, three (3) employees will receive their 15-year service pins; twelve (12) employees will receive their 10-year service pins, and one (1) employee will receive their 5-year service pin. Recognition will also be given to those celebrating their 20<sup>th</sup>, 25<sup>th</sup>, 30<sup>th</sup>, 35<sup>th</sup> and 40<sup>th</sup> anniversaries. This is the sixth luncheon in 2014 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees for the sixth luncheon is 495 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens. Background information on each individual being recognized is attached.

The recognition of employee’s years of service addresses Council’s Strategic Plan goal of “Excellence in City Services.” Recognition efforts have long been recognized as an important management practice in organizations striving to develop loyalty, ownership and effectiveness in their most valuable resource – employees.

Respectfully submitted,

J. Brent McFall  
City Manager

## 20-Years

**Karl Erichson (erik-son)** was hired in 1994 as a Police Officer. He has served in Patrol as well as Traffic. Karl is currently a Senior Police Officer and assigned as the Police Department Training Coordinator in the Professional Services Unit.

Karl is married to Martee who is the Risk Manager for the City. They have a son, Robby, who has recently graduated from basic training in the Marine Corps. Karl enjoys hunting and spending time with his family at their family cabin in the mountains.

**Danny Fitch** was hired in 1994 as a Firefighter 1 and was assigned to the B-shift for the first three years of his career. In 1997, Danny promoted to the rank of Paramedic and served several years in this position before promoting again to the rank of Fire Lieutenant in 2006. Danny is currently stationed at Fire Station #5 on the A-shift. He served a key role in the development of the Wildland Team and currently serves as Team Coordinator. In this position, Danny manages sixteen team members, their trainings, deployments, an annual budget and truck purchases. Danny takes great pride in leading a team that has served communities in need throughout Colorado and beyond. In his time with Westminster, Danny spent ten years on the Honor Guard, has received Life Saving Awards and the Distinguished Service Cross.

Danny enjoys spending time with his wife, including traveling, enjoying activities such as mountain biking, running, climbing, diving, and snowboarding. Danny has a daughter who recently graduated from the University of Washington and currently resides in Seattle.

**Scott Murdie (mur-dee)** graduated with a degree in Exercise and Sport Science with a concentration in Wellness Program Management in 1994. Prior to Scott's graduation, he needed to complete a three month internship, which he did with the Westminster Wellness Program. Scott proved that he was an asset to the organization and earned a part-time position as Wellness Assistant. He was promoted to the Wellness Coordinator position in 1995 where he served three years. During his time as Coordinator, Scott developed personal and professional relationships with employees throughout the organization. He became very interested in firefighting and quickly obtained various certifications necessary to become eligible for employment with our Fire Department. Scott was hired as a Firefighter in 1998. He currently holds the rank of Captain and for the last sixteen years has been very active with special teams, committees, and community involvement. Scott is currently a member on the Juvenile Firesetter Team, Pride Day Team, Green Team, Honor Guard Team and Fitness Committee Team.

Scott enjoys working outdoors and owns a small landscape business. He also enjoys playing golf, and spending time with family and friends.

**Wayne Read (reed)** started at the Police Department in 1994 when he came from the Glendale Police Department as an experienced officer. Wayne has held the positions of Field Training Instructor, Master Patrol Officer, Defensive Tactics Instructor, Rapid Deployment (active shooter) Instructor, Riot Control/Mobile Field Force Instructor and has been an active member of SWAT since 1998. Wayne is currently assigned to the Professional Standards Unit playing an important role as an Internal Affairs/Background Investigator. Wayne has received numerous commendations throughout his years of service including the Elks Officer of the Year, Westminster Optimists Club Officer of the Year and three Meritorious Service Medals, plus the Medal of Valor.

Wayne is a competitive submission grappler and award winner. He has been the 2012 Masters Division State Champion and the 2013 'NAGA' (North American Grappling Association) Regional and "Absolute" Champion. Currently, Wayne is training and coaching submission grappling and Brazilian Jiu Jitsu. He enjoys camping and ATV riding with family.

## **25-Years**

**Linda Brown** started her career in Police Records in 1984 and was there for six months. She then transferred to the Municipal Court where she worked for five years. In December 1989, Linda moved to Kentucky and then to Texas. When Linda came back to Colorado, she was re-hired by the Police Department. She is currently a Certified Police Records Technician. Part of her job includes records management and computer quality control, as well as releasing records per the Colorado Open Records Law, working both with internal and external customers.

Linda has two grown sons and four grandchildren ranging in age from 9-21. She also has a three year old great-granddaughter. She loves Colorado Rockies Baseball, old western movies and TV shows. Linda has gone to the Memphis Film Festival and the Western Legends Roundup to meet the stars from some of her favorite Westerns.

**Jackie June** was hired in 1989 as the City's Victim Services Coordinator. She helped to create the City's Fast Track program with a partnership between the Police Department, the Municipal Court and the City Attorney's office. She also helped establish the Adams County SANE (Sexual Assault Nurse Examiners) Program which increased the number of successful sexual assault case prosecutions. Jackie received the 'Outstanding Service Provider' award for both programs. She was recognized in the area for helping to codify and professionalize the field of victim services and provided training throughout the metro area, particularly on the topic of domestic violence.

In 2001, Jackie joined the Employee Development and Training program staff as an Analyst and is now the Employee Development Coordinator. Jackie has helped to bring the Supervisor Academy, mentoring program, 360 feedback tools, Admin Pros network, Toastmasters club, Spanish language classes and many others to our organization. In addition to coordinating the training program, she teaches a wide variety of classes, coordinates the Leadership Development Program, coaches and mentors employees and facilitates work groups. She has won the Internal Customer Service Award and has been a member of several Teams in Action awards over the years.

Jackie loves traveling, gardening, mountain sports, the arts, and spending time with family and friends.

**Michele McLoughlin (Mc Lof lin)** was originally hired in 1979 as a Planning Intern. Once she graduated from the University of Colorado at Denver with a Planning Degree, she was promoted to Assistant Planner. She left the City in 1985 to stay at home with her young children. She then was rehired by the Planning Division in 1995. Since then, she has been promoted numerous times and is currently a Senior Planner.

Michele enjoys spending time with her family, including her husband of 30 years and her two sons, one who works for Kroger and the other who is a physics graduate student at Montana State University. She also has a stepdaughter and two grandchildren, ages 12 and 13. Her other personal hobbies include walking/hiking, water and snow skiing, listening to music, gardening, gourmet cooking, wine tasting, and traveling.

## 30-Years

**Jack Bell** is currently a Sergeant with the Police Department and is assigned to the Patrol Division working swing shift. He has been employed with the Police Department since December 1984. During his tenure, Jack has had the opportunity to work in several different areas of the department that includes time as a Narcotics Detective, Motorcycle Officer in Traffic, SWAT member, and a supervisor in the North Metro Drug Task Force. Jack is a recipient of the Police Department's Medal of Distinguished Service and Medal of Meritorious Service.

During his time off, Jack enjoys golf, hiking and relaxing with family and friends.

**Tracy Haze** is currently a Fire Lieutenant after starting with the City in 1984. Accomplishments in his career include serving as project manager during the design and construction of a Fire Station, receiving Life Saving Awards through the Public Safety Recognition Foundation in 2003 and 2005, and receiving the Career Achievement award in 2004. Tracy was also the Westminster Elks Firefighter of the Year in 2004.

Tracy and Kathy have been married for 28 years. They have two daughters, Danielle who is 25, and Jessica who is 23. They enjoy family time together, boating, fishing, water-sports, Lake Powell trips, ATV's and anything in the outdoors.

## 35-Years

**Laura Magnetti (mag-net-ee)** was hired as a Recreation Programmer responsible for adult, youth, pre-school, arts and crafts, trips, fitness programs, and special events. She currently serves as a Management Assistant in the Parks, Recreation and Libraries Department. Some of Laura's career highlights include submitting and winning the National Gold Medal Award for Excellence in Park and Recreation Management three times and coordinating the fundraising for Jessica Ridgeway Memorial Park. Laura had a hand in opening eleven new facilities and thirty-three new parks during her thirty-five years. She is proud to be the Executive Director of the Westminster Legacy Foundation and the Coordinator for the Armed Forces Tribute Garden that honors our service men and women.

Laura enjoys skiing, golf, and family vacations and adventures with her husband and two sons. Laura likes traveling and wants to retire on a beach in Costa Rica with a second home in Crested Butte.

**Kevin Sailor** is a Police Sergeant currently assigned to Watch Three of the Patrol Services Division. He supervises a team of officers and is also the TASER Coordinator for the department. Kevin has worked assignments in Investigations, Traffic, and Patrol during his career. He is responsible for oversight of the TASER program, which has been very successful in decreasing injuries to officers and suspects alike. He was recognized in 2006 with a Meritorious Service Award for his efforts in bringing TASER technology to the Westminster Police Department. He is a Senior Master TASER Instructor for TASER International, one of only two dozen such instructors in the world. During his tenure, Kevin instituted a program called "Hooked on Fishing- Not on Drugs" and ran this highly popular program for eight years. This youth outreach program helped kids learn to fish and helped show a more humanistic side of police officers, who acted as instructors.

Kevin is proud of the fact that his two sons, Matt and Chris are also Westminster Police Officers. When Matt joined the department, they became the first father/son team in the history of the department. Kevin is a volunteer Master Hunter Education Instructor for Colorado Parks and Wildlife and has taught Hunter Education for over 20 years.

Kevin has two grandsons and enjoys spending as much time with them as possible. Kevin is an avid hunter and fisherman and he also enjoys camping and shooting.

## **40-Years**

**Bill Work** is a Deputy Chief for the Fire Department. Bill was hired as one of the first of two, full-time firefighters in the City in 1974. He has held the titles of Firefighter, Shift Officer, Training Chief, Battalion Chief, Fire Marshal, Deputy Chief of Technical Service, Deputy Chief of Operations and Deputy Chief of Administration.

Bill has three college degrees including an Associate's Degree in "Fire Science" from Red Rocks Community College, a Bachelor's Degree in "Criminology and Law Enforcement" from Metropolitan State University, and a Master's of Science Degree in "Management" from Regis University. Bill holds the title of Executive Fire Officer from the National Fire Academy and is a graduate of the "Rocky Mountain Program" from the University of Colorado at Denver, from the Center for the Improvement of Public Management, School of Public Affairs.

Bill was awarded the Fire Department "Purple Heart" for a serious compound leg fracture he sustained at a structure fire in 1976. Bill has served in many specialized roles, including participating on the Dive Team, Haz Mat Response Team, serving as a commissioned Fire Investigator and as a subject matter expert in the area of fitness testing.

Bill is married to Trudi and has five sons, which includes two US Marine Corp veterans and an Engineer/Paramedic for the North Metro Fire Rescue Department. Bill enjoys chasing around his four grandsons.



**Agenda Memorandum**

City Council Meeting  
October 27, 2014



**SUBJECT:** Community Planning Week Proclamation

**Prepared By:** Grant Penland, Principal Planner

**Recommended City Council Action**

Councillor Garcia is requested to present a proclamation designating the last week in October as Community Planning Week in the City of Westminster.

**Summary Statement**

- Each year the American Planning Association (APA) celebrates the achievements of planning in October with National Community Planning Month to raise the visibility of the important role of planners and planning in communities across the United States. This year's theme is Health and Prosperity.
- Staff will be present to accept the proclamation.

**Expenditure Required:** \$0

**Source of Funds:** N/A



**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment.

As a way to recognize the importance of good planning and the planning achievements of the City, staff recommends designating the last week in October as Community Planning Week in the City of Westminster, in conjunction with the celebration of National Community Planning Month. Through its participation, the City of Westminster joins other municipalities in Colorado and the United States to promote the profession and publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the City.

This proclamation supports all of City Council's strategic goals, as sound planning strives to create healthier communities, eliminating adverse conditions and building better places through local and regional collaborations.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment – Proclamation

**WHEREAS**, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

**WHEREAS**, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

**WHEREAS**, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

**WHEREAS**, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

**WHEREAS**, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

**WHEREAS**, The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

**WHEREAS**, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the City of Westminster, Colorado; and

**WHEREAS**, we recognize the many valuable contributions made by professional community and regional planners of the City of Westminster, Colorado and extend our heartfelt thanks for the continued commitment to public service by these professionals.

**NOW, THEREFORE, I, Herb Atchison**, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and staff, do hereby proclaim the last week of October to be

## **COMMUNITY PLANNING WEEK**

Signed this 27th day of October, 2014.

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Herb Atchison, Mayor



Agenda Memorandum

City Council Meeting  
October 27, 2014



**SUBJECT:** Financial Report for September, 2014

**Prepared By:** Tammy Hitchens, Finance Director

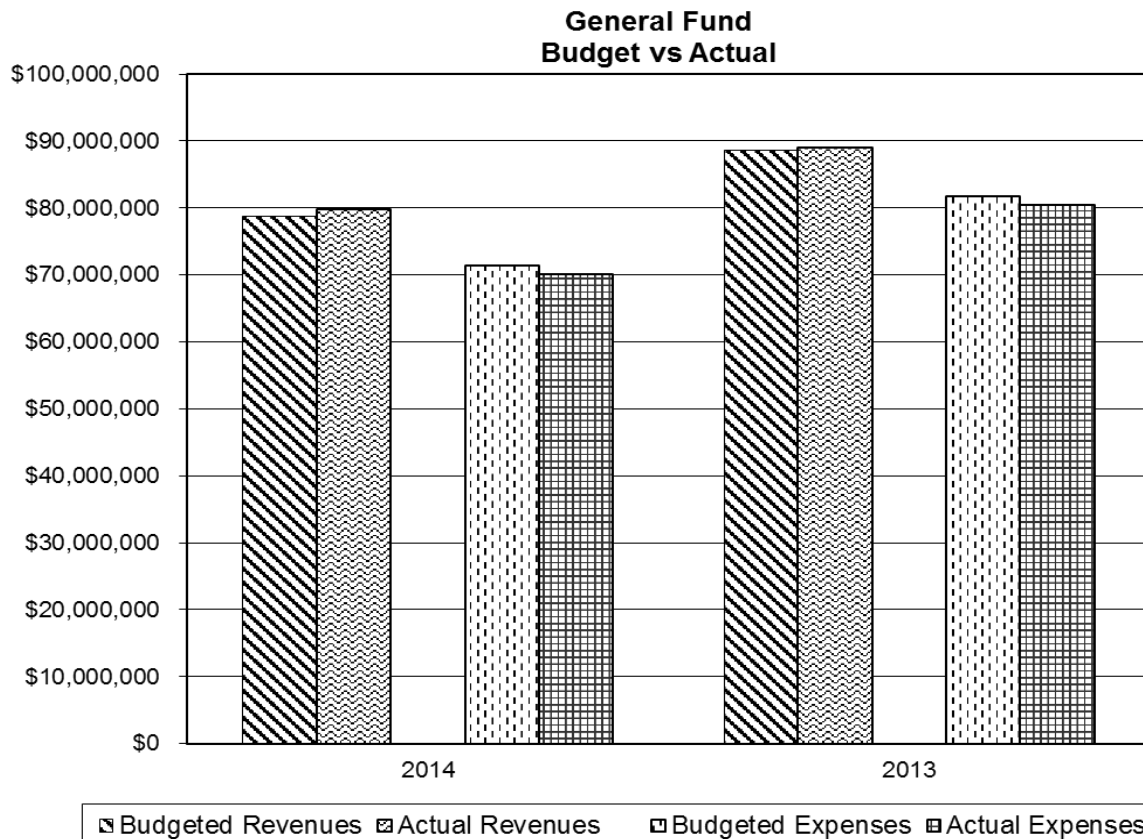
**Recommended City Council Action**

Accept the Financial Report for September as presented.

**Summary Statement**

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

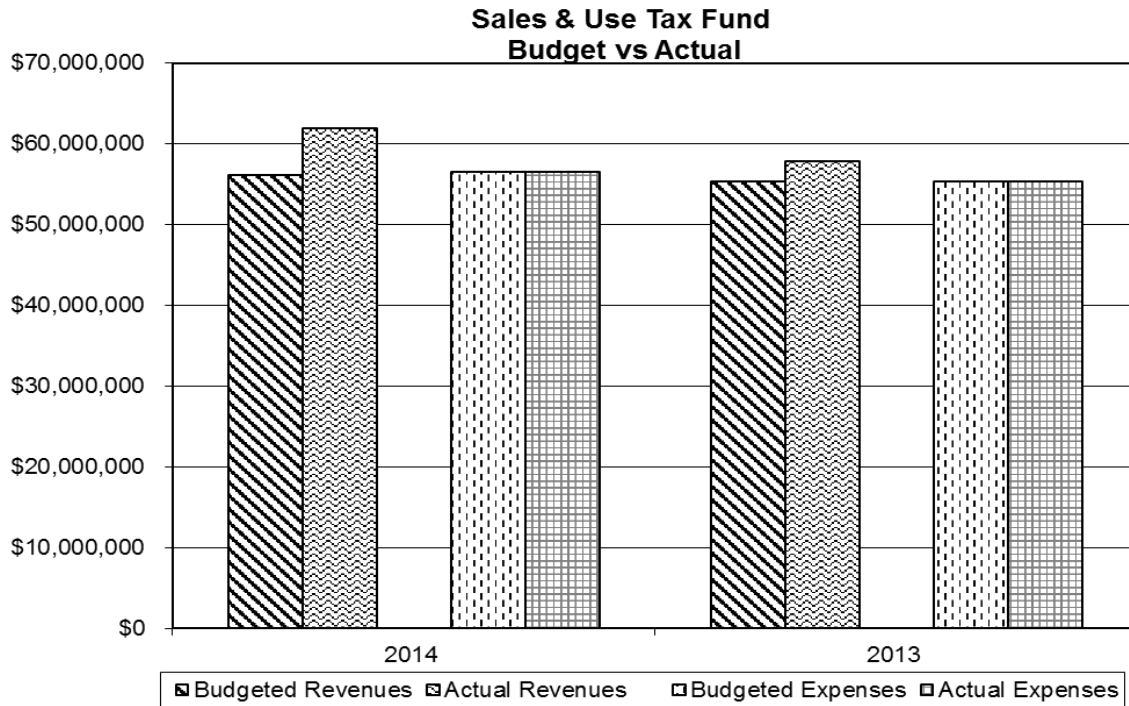
Current projections show General Fund revenues and carryover exceeding expenditures by \$2,384,948. The following graph represents Budget vs. Actual for 2013-2014.



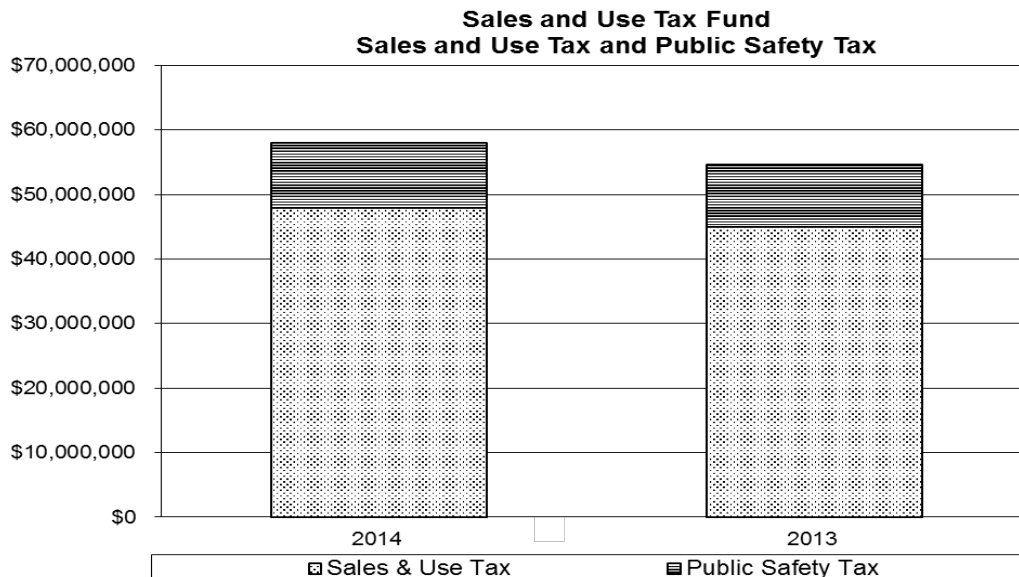
2013 revenue and expense includes an \$11.1 million refinancing of long term debt.

Current projections show the Sales and Use Tax Fund revenues and carryover exceeding expenditures by \$5,846,680. On a year-to-date cash basis, total sales and use tax is up 6.7% from 2013. Key components are listed below:

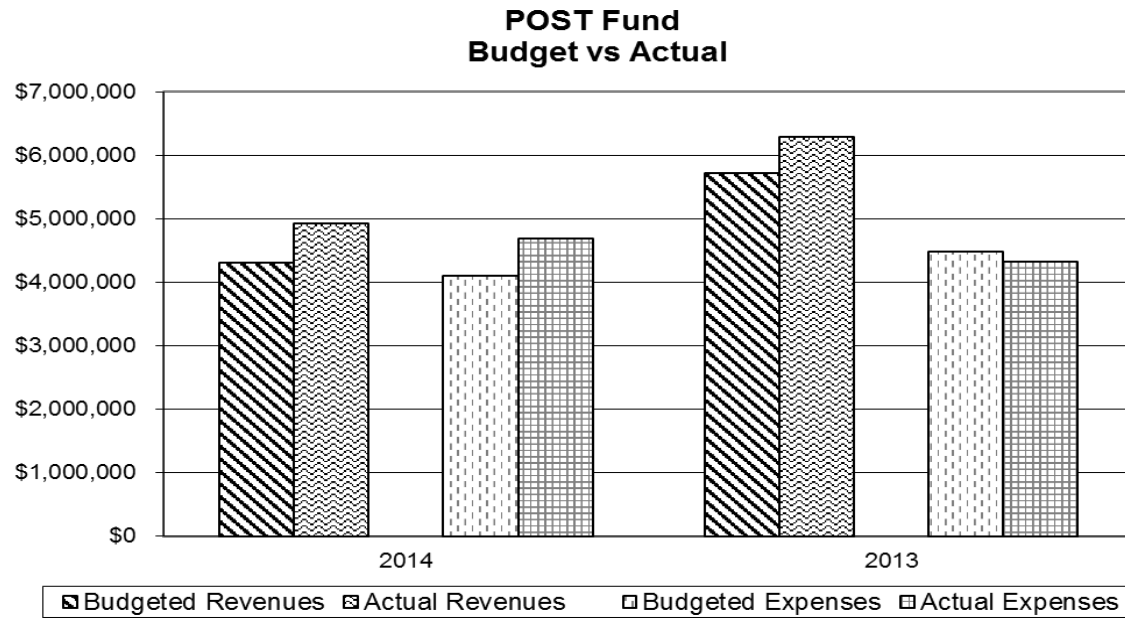
- On a year-to-date basis, across the top 25 shopping centers, total sales and use tax receipts are up 4.0% from the prior year.
- Sales tax receipts from the top 50 Sales Taxpayers, representing about 59.9% of all collections, are up 2.6% for the month when compared to 2013.
- Urban renewal areas make up 39.7% of gross sales tax collections. After urban renewal area and economic development assistance adjustments, 86.5% of this money is being retained for General Fund use.



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

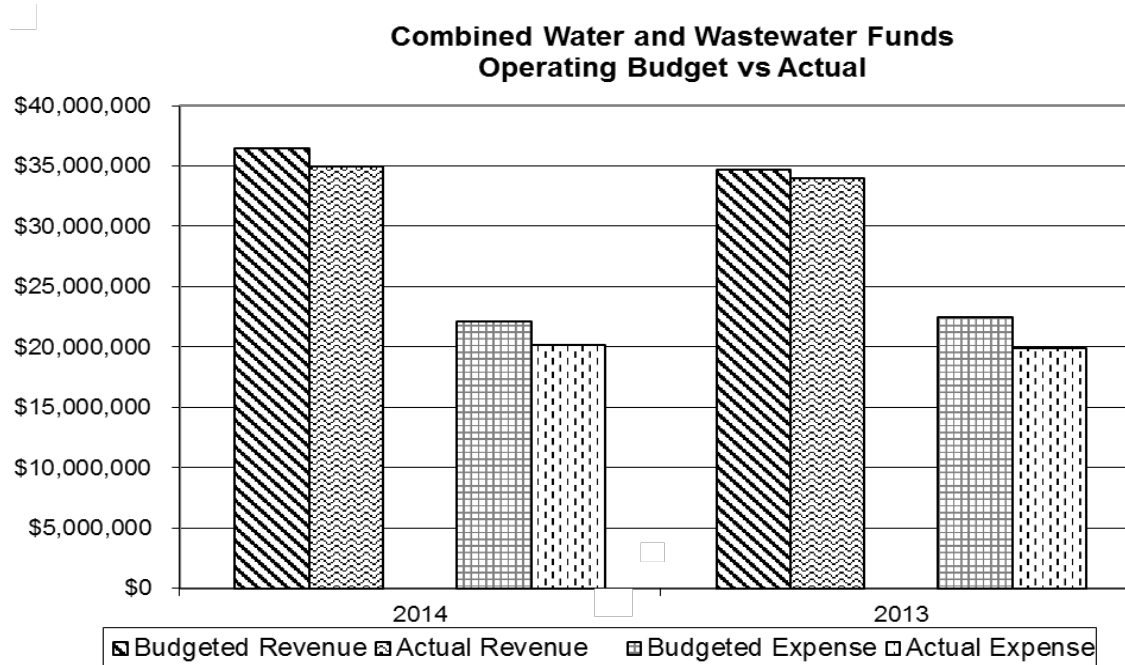


Current projections show Parks Open Space and Trails Fund revenues exceeding expenditures and carryover by \$38,627.



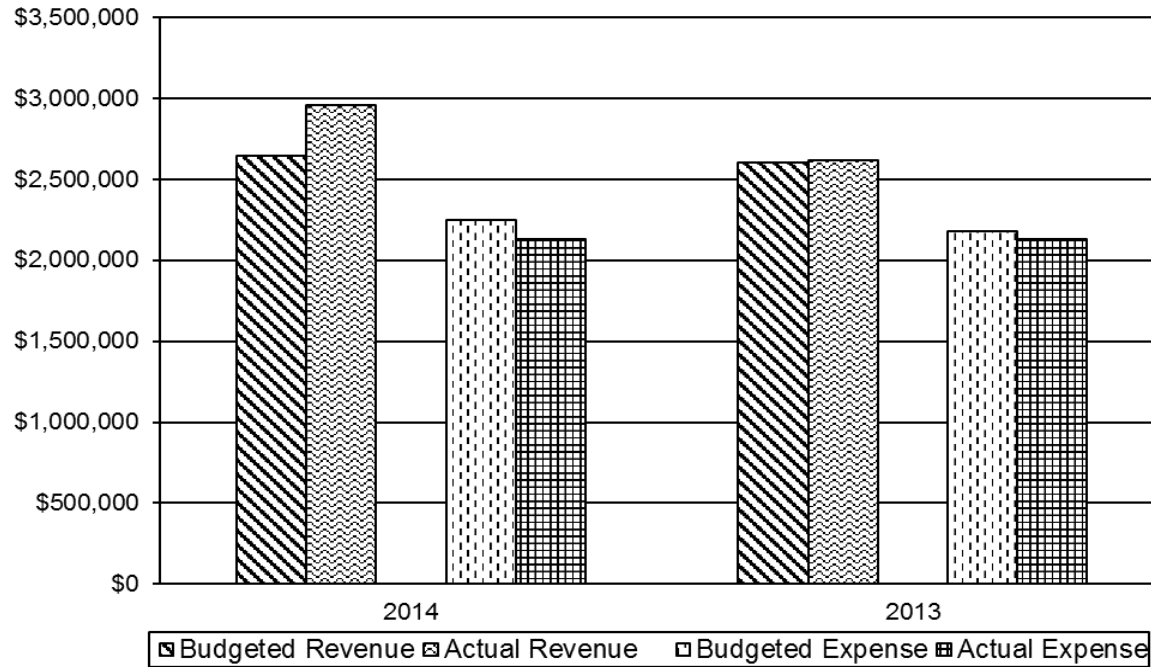
Budget to actual revenue variances reflect grant reimbursements that were budgeted in prior years. The 2014 expenditure variance reflects purchases of land for which funding has not yet been appropriated. A pending appropriation of an Adams County grant award will alleviate the difference. The disparity in budget and actual revenue between years results mostly from carryover. The 2013 carryover was roughly \$1.0 million more than that in 2014.

Overall, current projections show combined Water & Wastewater Fund expenditures exceeding revenues and carryover by \$597,541. Current projections show combined Water & Wastewater Fund operating revenues exceeding expenditures by \$515,230.



Current projections show combined Golf Course Fund revenues and carryover exceeding expenditures by \$434,835. Current projections show combined Golf Course Fund operating revenues exceeding expenditures by \$429,307.

### Golf Course Enterprise Operating Budget vs Actual



2014 Golf Course revenue exceeds budget in part because of various promotions and proceeds from the Golf Expo as well as a reimbursement from Trimble Navigation for modifications made to the Heritage. The Trimble Navigation payment will be appropriated at a later date.

**Policy Issue**

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

**Alternative**

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

**Background Information**

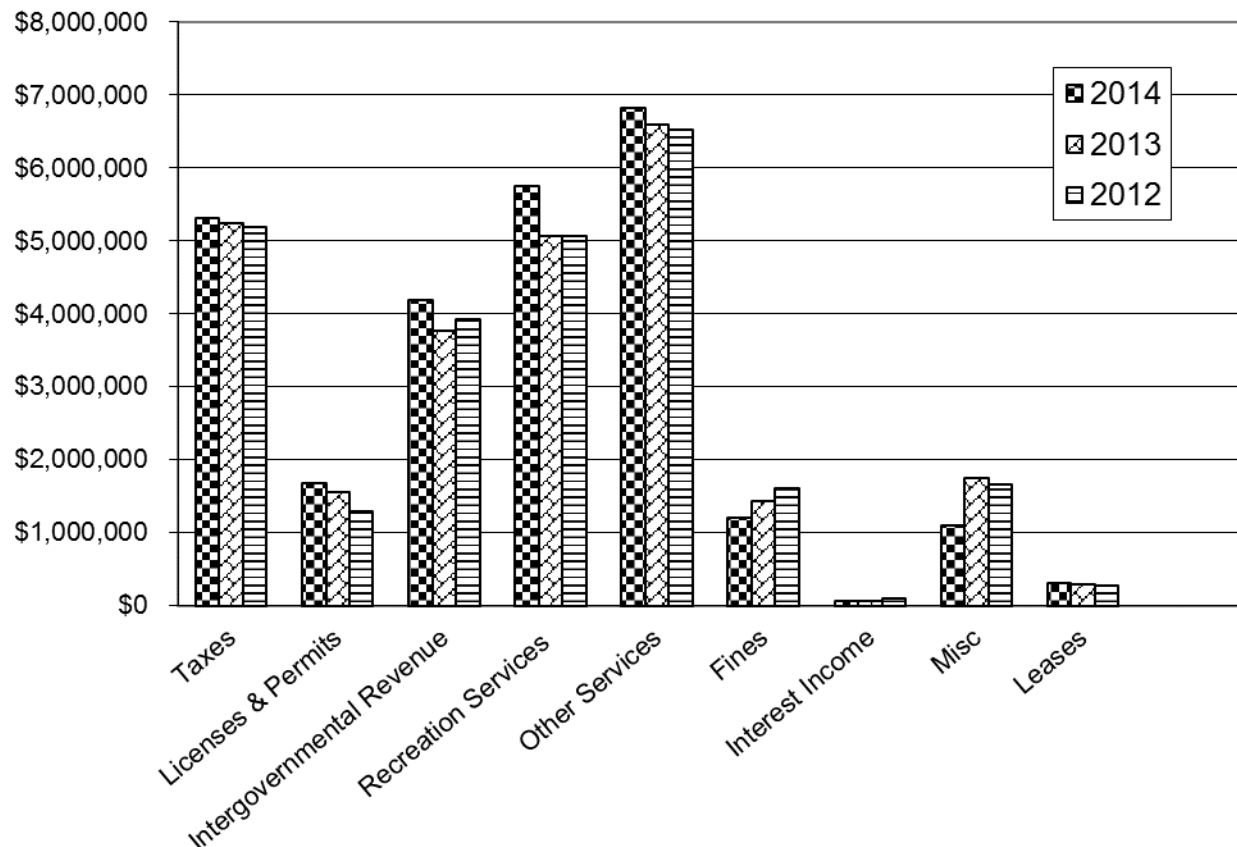
This section includes a discussion of highlights of each fund presented.

**General Fund**

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

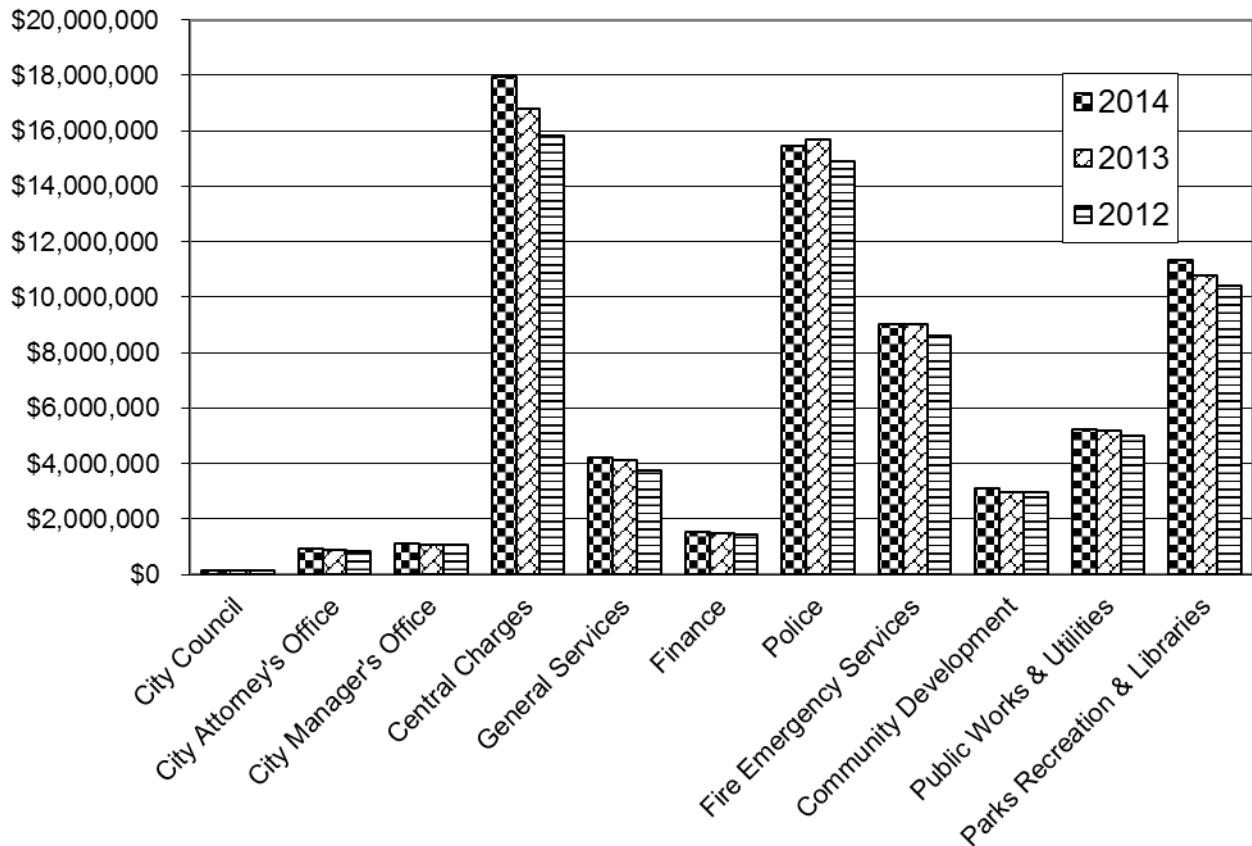
The following chart represents the trend in actual revenues from 2012-2014 year-to-date.

**General Fund Revenues, less Transfers and Carryover  
2012-2014**



Intergovernmental revenue reflects urban renewal income generated by a revenue sharing agreement between Westminster and Thornton in the North Huron URA. Recreation Services reflects an increase in pass revenue and youth activity fees as an outcome of the various Parks, Recreation and Libraries promotions. Other Services revenue is higher in 2014 than previous years mainly due to an increase in street and infrastructure fees as well as various other miscellaneous fees. Fines are lower in 2014 mostly because of a decrease in traffic fines. Miscellaneous revenue is lower due mostly to the timing of an IGA reimbursement from Thornton that will be reflected in the October financial statement.

### General Fund Expenditures by Function 2012-2014



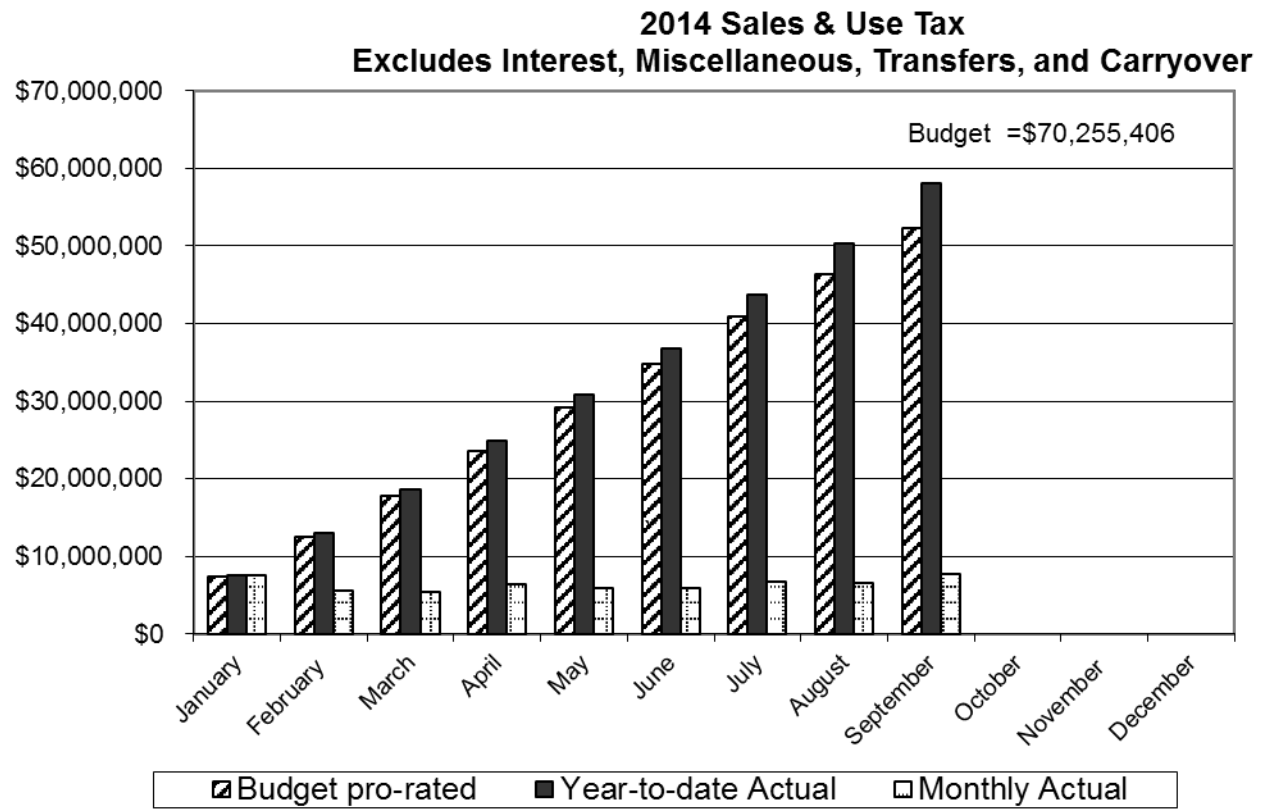
2014 Central Charges expenditures are higher when compared to prior years mostly because of an increase in budgeted transfers. Parks, Recreation and Libraries expenditures are slightly higher when compared to prior years primarily due to salaries, program expenditures, contract services and supplies.



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

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

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

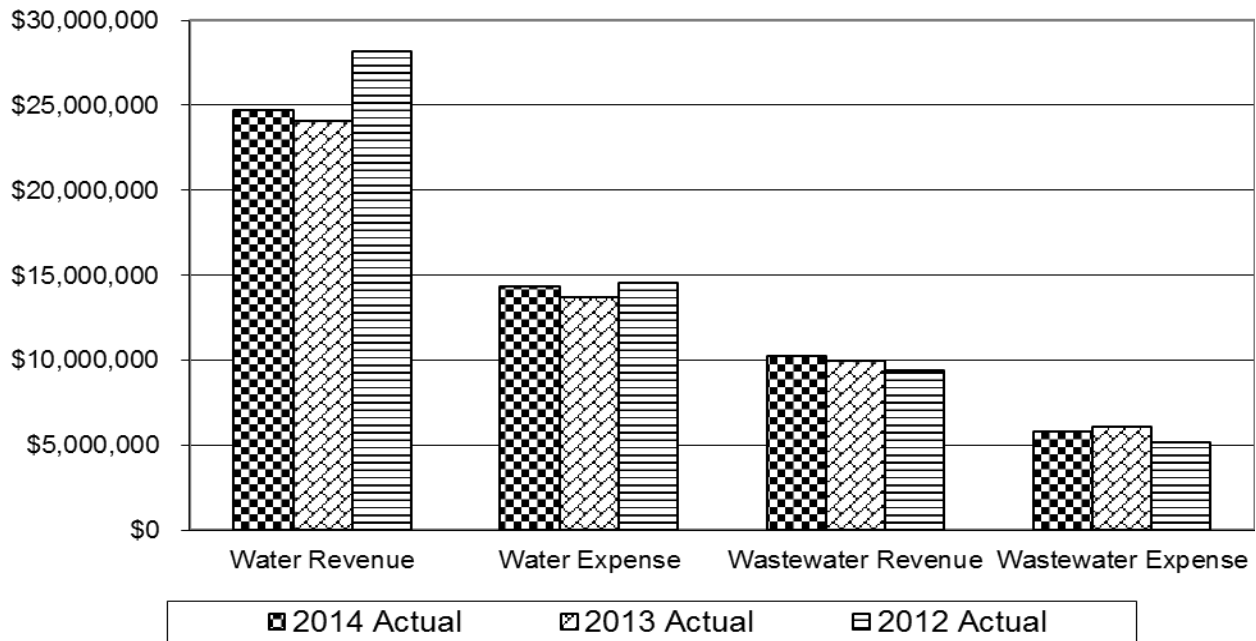


**Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)**

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

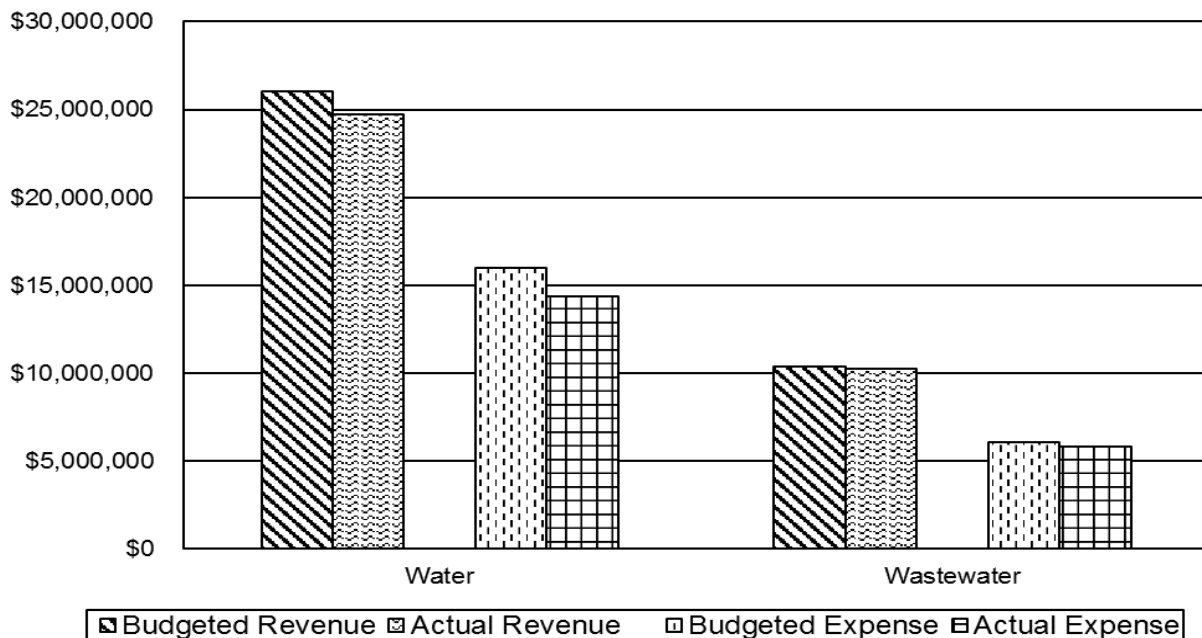
These graphs represent segment information for the Water and Wastewater funds.

**Water and Wastewater Funds  
Operating Revenues and Expenditure  
2012-2014**



The Water revenue variance is due to the effect of climatic variations on water consumption.

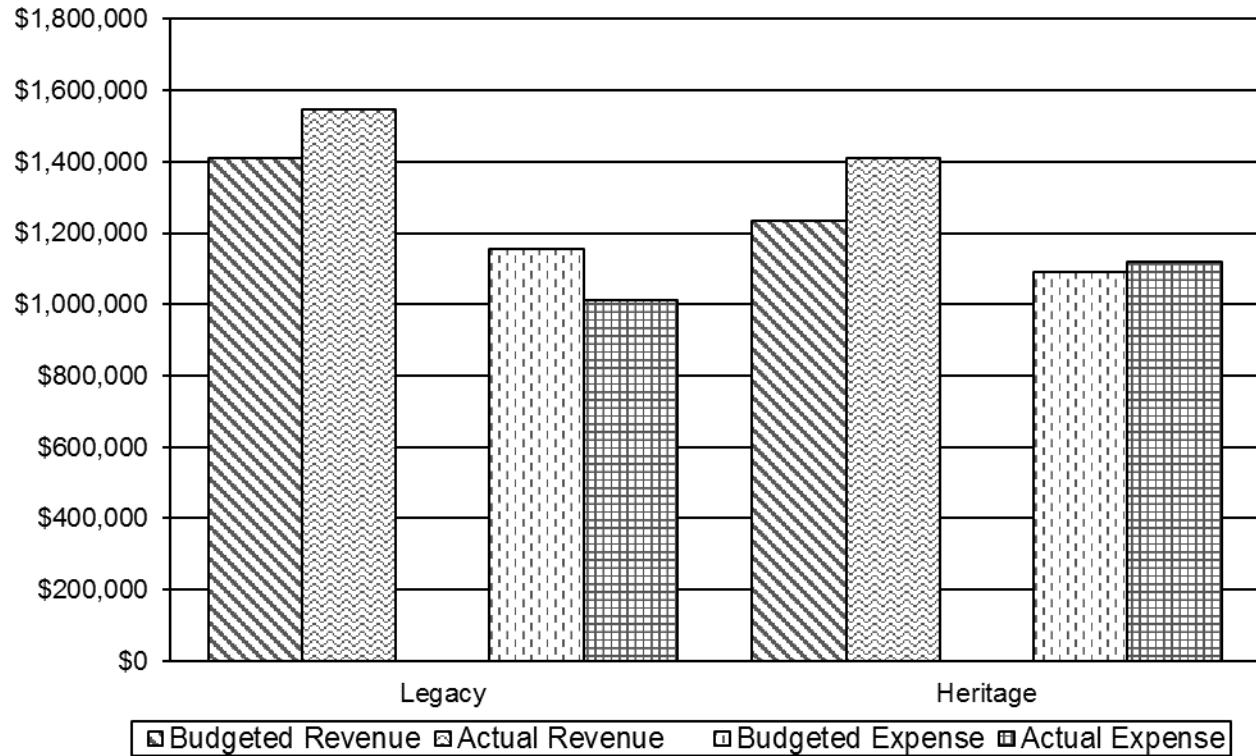
**Water and Wastewater Funds  
2014 Operating Budget vs Actual**



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

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

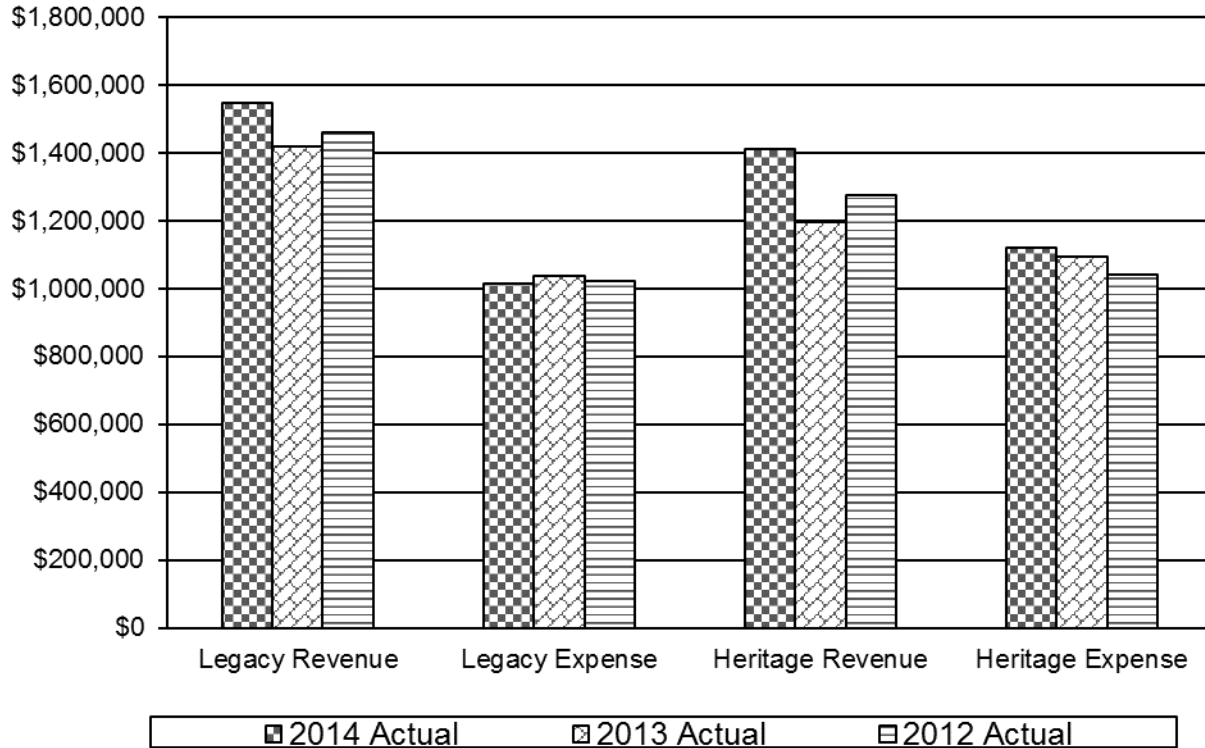
**Legacy and Heritage Golf Course  
2014 Operating Budget vs Actual**



Golf Course revenues exceed budget in part because of various special promotions that ran in January and February as well as proceeds from the Golf Expo, and for Heritage, a reimbursement from Trimble Navigation which has not yet been appropriated.

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

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



Revenue variances are due primarily to climatic effects on charges for services including driving range and greens fees. In February, several special promotions and the Golf Expo generated additional revenue for the courses. Heritage revenue also reflects a reimbursement from Trimble Navigation for modifications to the Heritage.

This financial report supports City Council’s Strategic Plan Goal of Excellence in City Services by communicating timely information on the results of City operations to assist with critical decision making.

Respectfully submitted,

J. Brent McFall  
City Manager

- Attachments
- Financial Statements
  - Shopping Center Report

**City of Westminster  
Financial Report  
For Nine Months Ending September 30, 2014**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Revenues</b>						
Taxes	5,617,500	5,296,741		5,320,110	23,369	100.4%
Licenses & Permits	1,622,000	1,139,253		1,686,591	547,338	148.0%
Intergovernmental Revenue	5,396,439	3,733,643		4,186,023	452,380	112.1%
Charges for Services						
Recreation Services	6,907,338	5,181,871		5,754,158	572,287	111.0%
Other Services	9,412,865	6,307,822		6,824,763	516,941	108.2%
Fines	2,150,000	1,654,356	(1)	1,199,491	(454,865)	72.5%
Interest Income	55,000	39,828		61,281	21,453	153.9%
Miscellaneous	1,938,977	1,665,624	(2)	1,099,886	(565,738)	66.0%
Leases	401,779	304,397		312,964	8,567	102.8%
Interfund Transfers	66,881,386	50,161,040		50,161,040	0	100.0%
Sub-total Revenues	<u>100,383,284</u>	<u>75,484,575</u>		<u>76,606,307</u>	<u>1,121,732</u>	<u>101.5%</u>
Carryover	3,235,585	3,235,585		3,235,585	0	100.0%
Total Revenues	<u>103,618,869</u>	<u>78,720,160</u>		<u>79,841,892</u>	<u>1,121,732</u>	<u>101.4%</u>
<b>Expenditures</b>						
City Council	254,094	186,204		169,203	(17,001)	90.9%
City Attorney's Office	1,316,507	947,548		953,581	6,033	100.6%
City Manager's Office	1,602,272	1,142,017		1,127,545	(14,472)	98.7%
Central Charges	30,132,661	18,422,359		17,964,798	(457,561)	97.5%
General Services	6,126,997	4,342,394		4,222,138	(120,256)	97.2%
Finance	2,133,622	1,541,350		1,520,192	(21,158)	98.6%
Police	21,634,658	15,661,419		15,455,103	(206,316)	98.7%
Fire Emergency Services	12,663,848	9,097,339		9,046,728	(50,611)	99.4%
Community Development	4,382,669	3,153,692		3,087,855	(65,837)	97.9%
Public Works & Utilities	8,181,812	5,840,315		5,235,919	(604,396)	89.7%
Parks, Recreation & Libraries	15,189,729	11,040,241	(3)	11,328,600	288,359	102.6%
Total Expenditures	<u>103,618,869</u>	<u>71,374,878</u>		<u>70,111,662</u>	<u>(1,263,216)</u>	<u>98.2%</u>
<b>Revenues Over(Under)</b>						
<b>Expenditures</b>	<u>0</u>	<u>7,345,282</u>		<u>9,730,230</u>	<u>2,384,948</u>	

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

(2) Budget to actual variance will smooth upon receipt of an annual IGA payment in October.

(3) Budget to actual variance is due mostly to an increase in recreation facilities and programs expenditures.

**City of Westminster  
Financial Report  
For Nine Months Ending September 30, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Sales and Use Tax Fund</b>						
<b>Revenues</b>						
Sales Tax						
Sales Tax Returns	48,071,133	35,812,619		38,460,741	2,648,122	107.4%
Sales Tx Audit Revenues	729,000	546,750		1,398,673	851,923	255.8%
S-T Rev. STX	<u>48,800,133</u>	<u>36,359,369</u>		<u>39,859,414</u>	<u>3,500,045</u>	109.6%
Use Tax						
Use Tax Returns	8,390,000	6,050,850		6,979,355	928,505	115.3%
Use Tax Audit Revenues	785,000	588,750		1,053,748	464,998	179.0%
S-T Rev. UTX	<u>9,175,000</u>	<u>6,639,600</u>		<u>8,033,103</u>	<u>1,393,503</u>	121.0%
Total STX and UTX	<u>57,975,133</u>	<u>42,998,969</u>		<u>47,892,517</u>	<u>4,893,548</u>	111.4%
Public Safety Tax						
PST Tax Returns	11,971,773	9,004,181		9,632,345	628,164	107.0%
PST Audit Revenues	308,500	231,375		490,308	258,933	211.9%
Total Rev. PST	<u>12,280,273</u>	<u>9,235,556</u>		<u>10,122,653</u>	<u>887,097</u>	109.6%
Interest Income	61,000	45,750		42,823	(2,927)	93.6%
Miscellaneous	287,291	287,291	(1)	356,253	68,962	124.0%
Interfund Transfers	329,463	247,097		247,097	0	100.0%
Carryover	3,272,649	3,272,649		3,272,649	0	100.0%
Total Revenues	<u>74,205,809</u>	<u>56,087,312</u>		<u>61,933,992</u>	<u>5,846,680</u>	110.4%
<b>Expenditures</b>						
Central Charges	<u>74,205,809</u>	<u>56,544,342</u>		<u>56,544,342</u>	0	100.0%
<b>Revenues Over(Under)</b>						
<b>Expenditures</b>	<u>0</u>	<u>(457,030)</u>		<u>5,389,650</u>	<u>5,846,680</u>	

(1) Budget to actual variance primarily reflects reimbursement from WEDA for City funded improvements in the South Sheridan URA.

**City of Westminster  
Financial Report  
For Nine Months Ending September 30, 2014**

Description POST Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Revenues</b>						
Sales & Use Tax	5,152,477	3,884,203		4,216,685	332,482	108.6%
Intergovernmental Revenue	0	0		282,472	282,472	
Interest Income	10,000	7,500		4,285	(3,215)	57.1%
Miscellaneous	85,030	63,773	(1)	77,978	14,205	122.3%
Interfund Transfers	24,537	18,403		18,403	0	100.0%
Sub-total Revenues	<u>5,272,044</u>	<u>3,973,879</u>		<u>4,599,823</u>	<u>625,944</u>	115.8%
Carryover	328,400	328,400		328,400	0	100.0%
Total Revenues	<u>5,600,444</u>	<u>4,302,279</u>		<u>4,928,223</u>	<u>625,944</u>	114.5%
<b>Expenditures</b>						
Central Charges	5,260,728	3,891,601	(2)	4,487,699	596,098	115.3%
Park Services	339,716	211,745		202,964	(8,781)	95.9%
Total Expenditures	<u>5,600,444</u>	<u>4,103,346</u>		<u>4,690,663</u>	<u>587,317</u>	114.3%
<b>Revenues Over(Under)</b>						
<b>Expenditures</b>	<u>0</u>	<u>198,933</u>		<u>237,560</u>	<u>38,627</u>	

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

(2) Budget to actual variance is mainly due to land acquisitions for which grant funding has not yet been appropriated.

**City of Westminster  
Financial Report  
For Nine Months Ending September 30, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Water and Wastewater Funds - Combined</b>						
<b>Operating Revenues</b>						
License & Permits	75,000	56,250		80,220	23,970	142.6%
Intergovernmental Revenue	0	0	(1)	240,008	240,008	
Rates and Charges	47,265,414	36,058,225		34,472,999	(1,585,226)	95.6%
Miscellaneous	410,000	307,500		188,099	(119,401)	61.2%
Total Operating Revenues	<u>47,750,414</u>	<u>36,421,975</u>		<u>34,981,326</u>	<u>(1,440,649)</u>	96.0%
<b>Operating Expenditures</b>						
Central Charges	6,170,349	4,627,762		4,594,539	(33,223)	99.3%
Finance	646,754	472,130		427,967	(44,163)	90.6%
Public Works & Utilities	20,892,643	14,687,666		12,972,707	(1,714,959)	88.3%
Parks, Recreation & Libraries	152,417	132,755		118,052	(14,703)	88.9%
Information Technology	3,038,821	2,178,835		2,030,004	(148,831)	93.2%
Total Operating Expenditures	<u>30,900,984</u>	<u>22,099,148</u>		<u>20,143,269</u>	<u>(1,955,879)</u>	91.1%
<b>Operating Income (Loss)</b>	<u>16,849,430</u>	<u>14,322,827</u>		<u>14,838,057</u>	<u>515,230</u>	
<b>Other Revenue and Expenditures</b>						
Tap Fees	8,662,000	6,496,500		6,542,591	46,091	100.7%
Interest Income	323,847	242,886		271,976	29,090	112.0%
Sale of Assets	0	0		7,130	7,130	
Carryover	6,118,308	6,118,308		6,118,308	0	100.0%
Debt Service	(7,204,825)	(3,009,319)		(3,009,319)	0	100.0%
Reserve Transfer In	8,906,830	8,906,830		8,906,830	0	100.0%
Reserve Transfer Out	(5,566,192)	(5,566,192)		(5,566,192)	0	100.0%
Total Other Revenue (Expenditures)	<u>11,239,968</u>	<u>13,189,013</u>		<u>13,271,324</u>	<u>82,311</u>	
<b>Revenues Over(Under) Expenditures</b>	<u>28,089,398</u>	<u>27,511,840</u>	(2)	<u>28,109,381</u>	<u>597,541</u>	

(1) Intergovernmental revenue reflects the Build America Bond rate subsidy.

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



**City of Westminster  
Financial Report  
For Nine Months Ending September 30, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Water Fund</b>						
<b>Operating Revenues</b>						
License & Permits	75,000	56,250		80,220	23,970	142.6%
Intergovernmental Revenue	0	0	(1)	240,008	240,008	
Rates and Charges	33,445,414	25,693,225		24,217,800	(1,475,425)	94.3%
Miscellaneous	400,000	300,000		181,039	(118,961)	60.3%
<b>Total Operating Revenues</b>	<u>33,920,414</u>	<u>26,049,475</u>		<u>24,719,067</u>	<u>(1,330,408)</u>	
<b>Operating Expenditures</b>						
Central Charges	4,316,054	3,237,041		3,184,925	(52,116)	98.4%
Finance	646,754	472,130		427,967	(44,163)	90.6%
Public Works & Utilities	14,405,355	9,999,845		8,580,862	(1,418,983)	85.8%
PR&L Standley Lake	152,417	132,755		118,052	(14,703)	88.9%
Information Technology	3,038,821	2,178,835		2,030,004	(148,831)	93.2%
<b>Total Operating Expenditures</b>	<u>22,559,401</u>	<u>16,020,606</u>		<u>14,341,810</u>	<u>(1,678,796)</u>	89.5%
<b>Operating Income (Loss)</b>	<u>11,361,013</u>	<u>10,028,869</u>		<u>10,377,257</u>	<u>348,388</u>	
<b>Other Revenue and (Expenditures)</b>						
Tap Fees	7,567,000	5,675,250		5,059,971	(615,279)	89.2%
Interest Income	233,665	175,249		211,165	35,916	120.5%
Carryover	4,446,506	4,446,506		4,446,506	0	100.0%
Debt Service	(5,697,476)	(2,437,471)		(2,437,471)	0	100.0%
Reserve Transfer In	8,619,230	8,619,230		8,619,230	0	100.0%
Reserve Transfer Out	(4,375,938)	(4,375,938)		(4,375,938)	0	100.0%
<b>Total Other Revenues (Expenditures)</b>	<u>10,792,987</u>	<u>12,102,826</u>		<u>11,523,463</u>	<u>(579,363)</u>	
<b>Revenues Over(Under) Expenditures</b>	<u>22,154,000</u>	<u>22,131,695</u>	(2)	<u>21,900,720</u>	<u>(230,975)</u>	

(1) Intergovernmental revenue reflects the Build America Bond rate subsidy.

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

**City of Westminster  
Financial Report  
For Nine Months Ending September 30, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Wastewater Fund</b>						
<b>Operating Revenues</b>						
Rates and Charges	13,820,000	10,365,000		10,255,199	(109,801)	98.9%
Miscellaneous	10,000	7,500		7,060	(440)	94.1%
Total Operating Revenues	<u>13,830,000</u>	<u>10,372,500</u>		<u>10,262,259</u>	<u>(110,241)</u>	98.9%
<b>Operating Expenditures</b>						
Central Charges	1,854,295	1,390,721		1,409,614	18,893	101.4%
Public Works & Utilities	6,487,288	4,687,821		4,391,845	(295,976)	93.7%
Total Operating Expenditures	<u>8,341,583</u>	<u>6,078,542</u>		<u>5,801,459</u>	<u>(277,083)</u>	95.4%
<b>Operating Income (Loss)</b>	<u>5,488,417</u>	<u>4,293,958</u>		<u>4,460,800</u>	<u>166,842</u>	
<b>Other Revenue and Expenditures</b>						
Tap Fees	1,095,000	821,250		1,482,620	661,370	180.5%
Interest Income	90,182	67,637		60,811	(6,826)	89.9%
Sale of Assets	0	0		7,130	7,130	
Carryover	1,671,802	1,671,802		1,671,802	0	100.0%
Debt Service	(1,507,349)	(571,848)		(571,848)	0	100.0%
Reserve Transfer In	287,600	287,600		287,600	0	100.0%
Reserve Transfer Out	(1,190,254)	(1,190,254)		(1,190,254)	0	100.0%
Total Other Revenues (Expenditures)	<u>446,981</u>	<u>1,086,187</u>		<u>1,747,861</u>	<u>661,674</u>	
<b>Revenues Over(Under) Expenditures</b>	<u>5,935,398</u>	<u>5,380,145</u>	(1)	<u>6,208,661</u>	<u>828,516</u>	

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

**City of Westminster  
Financial Report  
For Nine Months Ending September 30, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Storm Drainage Fund</b>						
<b>Revenues</b>						
Charges for Services	2,698,000	2,023,500		1,987,716	(35,784)	98.2%
Interest Income	38,000	28,500		17,406	(11,094)	61.1%
Miscellaneous	88,262	66,197	(1)	88,381	22,184	133.5%
Sub-total Storm Drainage Revenues	<u>2,824,262</u>	<u>2,118,197</u>		<u>2,093,503</u>	<u>(24,694)</u>	98.8%
Carryover	130,728	130,728		130,728	0	100.0%
Total Revenues	<u>2,954,990</u>	<u>2,248,925</u>		<u>2,224,231</u>	<u>(24,694)</u>	98.9%
<b>Expenditures</b>						
General Services	86,200	53,358		32,370	(20,988)	60.7%
Community Development	178,990	131,916		130,721	(1,195)	99.1%
PR&L Park Services	200,000	85,800		85,762	(38)	100.0%
Public Works & Utilities	329,810	206,131		110,586	(95,545)	53.6%
Total Expenditures	<u>795,000</u>	<u>477,205</u>		<u>359,439</u>	<u>(117,766)</u>	75.3%
<b>Revenues Over(Under) Expenditures</b>	<u>2,159,990</u>	<u>1,771,720</u>	(2)	<u>1,864,792</u>	<u>93,072</u>	

(1) Revenue variance is due to a reimbursement for the LDC/Crestview Water District interceptor relocate project.

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

**City of Westminster  
Financial Report  
For Nine Months Ending September 30, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Golf Courses Combined</b>						
<b>Operating Revenues</b>						
Charges for Services	3,019,336	2,644,738		2,848,591	203,853	107.7%
Miscellaneous	0	0	(1)	109,727	109,727	
Total Revenues	<u>3,019,336</u>	<u>2,644,738</u>		<u>2,958,318</u>	<u>313,580</u>	111.9%
<b>Operating Expenditures</b>						
Central Charges	211,700	160,299		134,636	(25,663)	84.0%
Recreation Facilities	2,652,958	2,086,984		1,996,920	(90,064)	95.7%
Total Expenditures	<u>2,864,658</u>	<u>2,247,283</u>		<u>2,131,556</u>	<u>(115,727)</u>	94.9%
<b>Operating Income (Loss)</b>	<u>154,678</u>	<u>397,455</u>		<u>826,762</u>	<u>429,307</u>	
<b>Other Revenues and Expenditures</b>						
Interest Income	0	0		5,528	5,528	
Other Financing Sources	1,101,069	1,101,069		1,101,069	0	100.0%
Other Financing Use	(1,107,149)	(1,107,149)		(1,107,149)	0	100.0%
Debt Service	(727,741)	(411,806)		(411,806)	0	100.0%
Interfund Transfers	579,143	434,357		434,357	0	100.0%
Carryover	375,000	375,000		375,000	0	100.0%
Total Other Revenue (Expenditures)	<u>220,322</u>	<u>391,471</u>		<u>396,999</u>	<u>5,528</u>	
<b>Revenues Over(Under) Expenditures</b>	<u>375,000</u>	<u>788,926</u>	(2)	<u>1,223,761</u>	<u>434,835</u>	

(1) Reflects one-time payment from Trimble to be appropriated for golf course alterations at Heritage.

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

**City of Westminster  
Financial Report  
For Nine Months Ending September 30, 2014**

Description	Budget	Notes	Actual	(Under) Over Budget	% Budget
<b>Legacy Ridge Fund</b>					
<b>Operating Revenues</b>					
Charges for Services	1,609,968		1,547,056	138,334	109.8%
Total Revenues	<u>1,609,968</u>		<u>1,547,056</u>	<u>138,334</u>	109.8%
<b>Operating Expenditures</b>					
Central Charges	98,900		57,440	(17,131)	77.0%
Recreation Facilities	1,335,665		955,081	(126,808)	88.3%
Total Expenditures	<u>1,434,565</u>		<u>1,012,521</u>	<u>(143,939)</u>	87.6%
<b>Operating Income (Loss)</b>	<u>175,403</u>		<u>534,535</u>	<u>282,273</u>	
<b>Other Revenues and Expenditures</b>					
Interest Income	0		3,196	3,196	
Other Financing Sources	540,431		540,431	0	100.0%
Other Financing Use	(543,431)		(543,431)	0	100.0%
Debt Service	(204,133)		(188,198)	0	100.0%
Interfund Transfers	31,730		23,797	0	100.0%
Carryover	100,000		100,000	0	100.0%
Total Other Revenue (Expenditures)	<u>(75,403)</u>		<u>(64,205)</u>	<u>3,196</u>	
<b>Revenues Over(Under) Expenditures</b>	<u>100,000</u>	(1)	<u>470,330</u>	<u>285,469</u>	

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

**City of Westminster  
Financial Report  
For Nine Months Ending September 30, 2014**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Heritage at Westmoor Fund</b>						
<b>Operating Revenues</b>						
Charges for Services	1,409,368	1,236,016		1,301,535	65,519	105.3%
Miscellaneous	0	0	(1)	109,727	109,727	
<b>Total Revenues</b>	<u>1,409,368</u>	<u>1,236,016</u>		<u>1,411,262</u>	<u>175,246</u>	114.2%
<b>Operating Expenditures</b>						
Central Charges	112,800	85,728		77,196	(8,532)	90.0%
Recreation Facilities	1,317,293	1,005,095		1,041,839	36,744	103.7%
<b>Total Expenditures</b>	<u>1,430,093</u>	<u>1,090,823</u>		<u>1,119,035</u>	<u>28,212</u>	102.6%
<b>Operating Income (Loss)</b>	<u>(20,725)</u>	<u>145,193</u>		<u>292,227</u>	<u>147,034</u>	
<b>Other Revenues and Expenditures</b>						
Interest Income	0	0		2,332	2,332	
Other Financing Sources	560,638	560,638		560,638	0	100.0%
Other Financing Use	(563,718)	(563,718)		(563,718)	0	100.0%
Debt Service	(523,608)	(223,608)		(223,608)	0	100.0%
Interfund Transfers	547,413	410,560		410,560	0	100.0%
Carryover	275,000	275,000		275,000	0	100.0%
<b>Total Other Revenue (Expenditures)</b>	<u>295,725</u>	<u>458,872</u>		<u>461,204</u>	<u>2,332</u>	
<b>Revenues Over(Under) Expenditures</b>	<u>275,000</u>	<u>604,065</u>	(2)	<u>753,431</u>	<u>149,366</u>	

(1) Reflects one-time payment from Trimble to be appropriated for golf course alterations at Heritage.

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

CITY OF WESTMINSTER  
GENERAL RECEIPTS BY CENTER  
MONTH OF SEPTEMBER 2014

Center Location Major Tenant	Current Month			Last Year			Percentage Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	464,607	15,948	480,555	448,404	10,899	424,400	4	46	13
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	365,313	3,141	368,454	353,408	1,414	354,822	3	122	4
SHOPS AT WALNUT CREEK 104TH & REED TARGET	256,727	1,499	258,226	257,112	1,919	259,031	0	(22)	0
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	250,545	1,251	251,796	219,630	1,398	221,029	14	(11)	14
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	186,885	59,579	246,464	138,917	16,836	155,753	35	254	58
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	190,661	392	191,053	178,656	343	178,999	7	14	7
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	184,420	1,910	186,330	247,051	38,558	285,610	(25)	(95)	(35)
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	184,397	633	185,030	177,587	474	178,061	4	34	4
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	177,054	3,050	180,104	163,449	900	164,348	8	239	10
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	127,686	373	128,059	117,282	705	117,988	9	(47)	9
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	117,514	2,852	120,366	64,784	614	65,398	81	364	84
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	115,893	4,125	120,017	104,302	192	104,494	11	2,048	15
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	93,860	149	94,009	81,908	326	82,233	15	(54)	14

CITY OF WESTMINSTER  
GENERAL RECEIPTS BY CENTER  
MONTH OF SEPTEMBER 2014

WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	85,303	354	85,657	82,444	606	83,050	3	(42)	3
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	67,370	104	67,474	60,048	199	60,248	12	(48)	12
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	63,242	369	63,611	63,475	292	63,767	0	26	0
WESTMINSTER MALL 88TH & SHERIDAN JC PENNEY	54,600	592	55,192	53,531	402	12,867	2	47	329
WESTMOOR NW OF 108TH AND WADSWORTH GE ACCESS	4,754	49,647	54,401	7,890	26,657	34,546	(40)	86	57
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	52,942	405	53,347	48,999	226	49,225	8	79	8
WILLOW RUN 128TH & ZUNI SAFEWAY	49,715	210	49,924	49,020	313	49,333	1	(33)	1
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	15,225	30,439	45,664	13,223	27,288	40,511	15	12	13
NORTHVIEW 92ND AVE YATES TO SHERIDAN H MART	44,202	257	44,460	28,718	147	28,864	54	75	54
GREEN ACRES NORTH SIDE 112TH SHER-FED CONOCO/FRCC	41,711	1	41,711	46,205	0	46,205	(10)	--	(10)
BROOKHILL IV E SIDE WADS 90TH-92ND MURDOCH'S	34,326	108	34,435	30,600	68	30,669	12	59	12
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE	33,504	335	33,839	27,964	375	28,339	20	(11)	19
TOTALS	<u>3,262,456</u>	<u>177,723</u>	<u>3,440,178</u>	<u>3,064,607</u>	<u>131,151</u>	<u>3,119,790</u>	<u>6</u>	<u>36</u>	<u>10</u>



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

Center Location Major Tenant	Current Month			Last Year			Percentage Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	4,057,072	135,710	4,192,782	3,956,733	136,372	4,093,105	3	0	2
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	3,029,955	29,448	3,059,403	3,042,900	24,531	3,067,431	0	20	0
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	2,401,265	42,509	2,443,774	2,187,292	6,160	2,193,452	10	590	11
SHOPS AT WALNUT CREEK 104TH & REED TARGET	2,298,204	16,141	2,314,345	2,291,641	29,172	2,320,813	0	(45)	0
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	1,839,995	16,383	1,856,378	1,959,133	51,603	2,010,736	(6)	(68)	(8)
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	1,596,824	12,986	1,609,810	1,578,961	5,927	1,584,888	1	119	2
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	1,595,280	22,220	1,617,500	1,548,653	7,557	1,556,210	3	194	4
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	1,580,914	5,857	1,586,771	1,512,766	13,862	1,526,628	5	(58)	4
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	1,394,864	244,528	1,639,392	1,251,344	178,147	1,429,491	11	37	15
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	1,235,757	6,851	1,242,608	1,170,224	11,123	1,181,347	6	(38)	5
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	1,043,692	16,466	1,060,158	979,345	13,529	992,874	7	22	7
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	844,054	5,108	849,162	786,524	3,860	790,384	7	32	7
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	746,905	6,231	753,136	687,880	3,573	691,453	9	74	9

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

WESTMINSTER CROSSING 136TH & I-25 LOWE'S	636,406	7,904	644,310	603,951	26,584	630,535	5	(70)	2
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	585,452	5,120	590,572	566,578	5,355	571,933	3	(4)	3
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	533,689	3,505	537,194	518,120	5,940	524,060	3	(41)	3
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	444,745	6,451	451,196	407,665	17,254	424,919	9	(63)	6
WESTMINSTER MALL 88TH & SHERIDAN JC PENNEY	438,578	8,531	447,109	436,899	6,227	443,126	0	37	1
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	405,169	32,528	437,697	406,171	1,823	407,994	0	1,684	7
NORTHVIEW 92ND AVE YATES TO SHERIDAN H MART	378,154	4,751	382,905	244,711	20,735	265,446	55	(77)	44
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE	313,094	2,679	315,773	278,521	4,305	282,826	12	(38)	12
WILLOW RUN 128TH & ZUNI SAFEWAY	303,528	1,839	305,367	305,995	2,365	308,360	(1)	(22)	(1)
BROOKHILL IV E SIDE WADS 90TH-92ND MURDOCH'S	302,918	5,033	307,951	274,035	5,612	279,647	11	(10)	10
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	239,631	3,548	243,179	231,738	5,390	237,128	3	(34)	3
MEADOW POINTE NE CRN 92ND & OLD WADS CARRABAS	210,740	2,132	212,872	220,064	731	220,795	(4)	192	(4)
TOTALS	<u>28,456,885</u>	<u>644,459</u>	<u>29,101,344</u>	<u>27,447,844</u>	<u>587,737</u>	<u>28,035,581</u>	<u>4</u>	<u>10</u>	<u>4</u>



**Agenda Memorandum**

City Council Meeting  
October 27, 2014



**SUBJECT:** Quarterly Insurance Claims Report – July through September 2014

**Prepared By:** Martee Erichson, Risk Manager

**Recommended City Council Action**

Accept the Third Quarter 2014 Insurance Claims Report.

**Summary Statement**

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

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

Information on the status of each claim received during the 3rd quarter of 2014 is provided on the attached spreadsheet. All Incident Report forms are signed and reviewed by appropriate supervisors, Safety Committee representatives and department heads. Follow-up action, including discipline if necessary, is taken on incidents where City employees are at fault.

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

- Twelve of the 23 claims reported in the third quarter of 2014 are closed at this time.
- Total claims for the quarter and year-to-date are broken down by department as follows:

Department	3rd Qtr 2014			YTD Total
	Total Claims	Open	Closed	
Community Development	1	0	1	1
Fire	1	0	1	3
General Services	1	0	1	1
Parks, Recreation and Libraries (PRL)	4	3	1	11
Police (PD)	7	4	3	17
Public Works and Utilities (PWU) - Street Maintenance	5	1	4	15
Public Works and Utilities (PWU) - Utility Field Operations	4	3	1	13
<b>TOTAL</b>	<b>23</b>	<b>11</b>	<b>12</b>	<b>61</b>

Risk Management supports Council’s Strategic Plan goal of Excellence in City Services by working to mitigate the cost of claims to the City and maintaining a loss control program that strives to keep City streets and facilities safe for the general public.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment – Quarterly Insurance Report

Quarterly Insurance Claims Report – July through September 2014

Claim Number	Loss Date	Dept.	Claimant	Address	Claim Description	Payment	Status	Notes
2014-228	7/23/2014	PD	Leland Britton	2100 W 100th Ave #440, Thornton CO 80260	Claimant alleges his cell phone screen was cracked when a Westminster Police Officer dropped the phone.	\$ 200.00	Closed	Claim denied based on Colorado Governmental Immunity Act; however, claimant was offered payment under the City's "good neighbor" settlement program.
2014-226	7/24/2014	PWU - Util	Ed Twele	3183 114th Loop, Westminster CO 80031	Water main break caused severe damage to claimant's home.	\$ 4,225.15	Open	Claim denied based on a finding of no negligence on the part of the City; however, claimant was offered payment under the City's "good neighbor" settlement program.
2014-309	7/24/2014	PWU - Streets	Benjamin Alarcon	9775 Ogden Ct., Thornton CO 80229	Claimant's attorney alleges claimant suffered injuries and damages resulting from a motorcycle accident on Interstate 25 near 120th Avenue.	\$ -	Closed	Claim denied based on the fact the location of the accident is not within the City's jurisdiction.

Quarterly Insurance Claims Report – July through September 2014

2014-234	7/29/2014	PRL	Michael Vernon	10651 W 102nd Ave., Westminster CO 80021	Claimant alleges damage to his vehicle when he drove over a parking lot line marker that got stuck in his tire.	\$ -	Open	CIRSA investigating
2014-237	7/31/2014	PD	James Music	9233 Lamar St., Westminster CO 80030	Claimant alleges his trailer was damaged when a Neighborhood Services employee taped a vehicle courtesy notice on the trailer, which took the paint off when removed.	\$ -	Open	CIRSA investigating
2014-292	8/17/2014	PWU - Streets	Rick Crew	960A Loveland St., Golden CO 80401	Claimant alleges damage to his vehicle when asphalt pulled away from the street with his tire when he pulled away from a curb his vehicle was parked at.	\$ -	Open	CIRSA investigating

Quarterly Insurance Claims Report – July through September 2014

2014-258	8/18/2014	PWU - Streets	Tim Seaman	9650 W 82nd Pl., Arvada CO 80005	Claimant alleges his car was damaged due to road construction.	\$ -	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City. Claimant was referred to the contractor doing the road work.
2014-291	9/10/2014	PWU - Util	Dominic Hottingor	425 W 11th St., Akron CO 80720	Employee driving a City vehicle rear-ended the claimant's vehicle.	\$ -	Open	CIRSA investigating
2014-307	9/26/2014	PD	Jerome Pfannestiel	560 Poppy Dr., Brighton CO 80601	Claimant was injured by a police dog when he failed to respond to Westminster Police Officers commands to stand back while the officers performed a search for a criminal in the claimant's backyard.	\$ -	Open	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.

Quarterly Insurance Claims Report – July through September 2014

CLAIMS SUBMITTED RECENTLY WITH OCCURRENCE DATE PRIOR TO 3rd QUARTER 2014:								
2013-352	11/27/2013	PD	Thomas Bolda	11755 Newton Dr., Westminster CO 80031	Claimant's vehicle was damaged when a Westminster Police Officer backed his patrol vehicle into the claimant's vehicle.	\$ 600.00	Closed	Claim denied based on the Claimant's failure to meet the time notification requirements under the Colorado Governmental Immunity Act; however, claimant was offered payment under the City's "good neighbor" settlement program.
2013-408	1/19/2013	PWU - Streets	Randall Croley	6540 E 63rd Place #F, Commerce City CO 80030	Claimant alleges damage to his vehicle when he drove over a median he claims should have had a "divider, keep right" sign warning drivers.	\$ -	Closed	Claim denied based on the fact the location of the accident is not within the City's jurisdiction.
2014-239	1/29/2014	PD	Eric Brandt	7100 Stuart St #4, Westminster CO 80030	Citizen alleges he suffered injuries and a violation of his constitutional rights from an incident involving a search and seizure by Westminster Police Officers at his residence	\$ -	Open	CIRSA investigating



Quarterly Insurance Claims Report – July through September 2014

2014-254	2/4/2014	PD	Debra Balducci and Shawna Pooley	4376 Garrison St, Wheat Ridge CO 80033	Claimants' attorney alleges injuries resulting in death to family member, Don Pooley, due to actions of Westminster Police Officers.	\$ -	Open	CIRSA investigating
2014-255	2/5/2014	PWU - Streets	Alexander May	7690 Julian St., Westminster CO 80030	Claimant's attorney alleges claimant was injured in a car accident that occurred on westbound U.S. 36 due to ice on the road.	\$ -	Closed	Claim denied based on the fact the location of the accident is not within the City's jurisdiction.
2014-240	2/6/2014	GS	Scott Myers	14152 Roaring Fork Cir., Broomfield CO 80123	Claimant's attorney alleges the claimant was injured when a large piece of ice fell off the Ice Centre Building hitting the claimant	\$ -	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City. Claimant was referred to Hyland Hills Recreation District

Quarterly Insurance Claims Report – July through September 2014

2014-077	2/25/2014	PWU - Util	David and Shawna Twist	8003 Raleigh St., Westminster CO 80031	Claimants' allege damage to their driveway due to a water main break	\$ -	Closed	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2014-290	3/11/2014	CD	David Maes	8267 90th Pl., Westminster CO 80021	Claimant's attorney alleges claimant suffered injuries in a car accident due to the light signal being covered with snow.	\$ -	Closed	Claim denied based on the fact the identified light signal is not within the City's jurisdiction.
2014-204	4/24/2014	PRL	Amber Perlman	8300 Sheridan Blvd #8B, Westminster CO 80003	Claimant's attorney alleges claimant was injured when her wheelchair tipped over due to an uneven drop off at a maintenance driveway.	\$ -	Closed	Claim denied based on Colorado Governmental Immunity Act, investigation found no evidence of negligence on the part of the City and, based on limited information provided, the accident is not within the City's jurisdiction.

Quarterly Insurance Claims Report – July through September 2014

2014-202	5/21/2014	PRL	Andrew Makely	9607 W 107th Dr., Westminster CO 80021	Claimant alleges his fence was damaged when City Parks employees were mowing a nearby trail.	\$ -	Open	CIRSA investigating
2014-310	5/28/2014	PRL	Campden Witte(minor), c/o Morgan Witte	13288 Lost Lake Way, Broomfield CO 80020	Claimants' attorney alleges injury to the claimant when he stepped into the grass at a City park in bare feet and experienced alleged chemical burns to his feet.	\$ -	Open	Claim denied based on Colorado Governmental Immunity Act and investigation found no evidence of negligence on the part of the City.
2014-160	6/11/2014	PD	Sungsik Kim	8645 Yukon St #E303, Arvada CO 80005	Claimant's vehicle was damaged when a Westminster Police Officer backed his patrol vehicle into the claimant's vehicle.	\$ 521.32	Closed	
2014-187	6/27/2014	PWU - Util	Pam Lingenfeter	11876 107th Ave., Westminster CO 80021	Claimant alleges damage to her driveway due to water leak at her meter.	\$ 1,197.00	Open	Claim denied based on a finding of no negligence on the part of the City; however, claimant was offered payment under the City's "good neighbor" settlement program.

Quarterly Insurance Claims Report – July through September 2014

2014-186	6/30/2014	Fire	Martin Miller	2460 W 65th Pl., Denver CO 80221	Claimant alleges damage to his vehicle when he changed into a lane occupied by a City ambulance.	\$ 5.00	Closed	Claim denied based on a finding of no negligence on the part of the City.
					<b>TOTAL</b>	<b>\$ 6,748.47</b>		



**Agenda Memorandum**

City Council Meeting  
October 27, 2014



**SUBJECT:** Special Legal Services for Formal Tax Hearings

**Prepared By:** Leslie C. Annand, Assistant City Attorney

**Recommended City Council Action**

Authorize the City Manager to sign contracts for legal services on an as-needed basis in a form acceptable to the City Attorney's Office with counsel selected by the City Attorney's Office to advise the Finance Director in formal tax hearings held pursuant to Section 4-1-26, W.M.C.

**Summary Statement**

- The City's Finance Director desires legal advice on evidentiary and procedural matters during formal tax hearings.
- The City Attorney's Office has determined that, under the Attorneys Code of Professional Responsibility, it is not able to both represent the City and advise the Finance Director in contested hearings such as these.
- In May of 2013, Council authorized the expenditure of \$5,000 for services during hearings arising through the end of 2013 into 2014. Those funds have since been exhausted.
- The proposed expenditure, in the amount of \$5,000, is intended to cover these services for future hearings that may arise.

**Expenditure Required:** Not to exceed \$5,000

**Source of Funds:** Audit Revenue Contra Account

**Policy Issue**

Should the City retain special legal counsel to advise the Finance Director during sales tax hearings?

**Alternative**

Not hire special legal counsel. This alternative is not recommended, as the Finance Director desires legal advice on evidentiary and procedural matters during the hearings.

**Background Information**

The City Attorney's Office believes outside counsel is needed to advise the Finance Director on evidentiary and procedural matters in conducting formal tax hearings pursuant to Section 4-1-26, W.M.C. The City Attorney's Office will be representing the City at these hearings and it would be a conflict of interest to both represent the City and advise the Finance Director. The proposed approval of \$5,000 for these services is intended to cover any tax hearings that may arise, until such time as this amount has been exhausted. Funds are available for these services in the Audit Revenue Contra Account, which is the account designated for direct expenses incurred in conducting tax audits.

City Council action on this item addresses the Strategic Plan Goal of Dynamic, Diverse Economy.

Respectfully submitted,

J. Brent McFall  
City Manager



**Agenda Memorandum**

City Council Meeting  
October 27, 2014



**SUBJECT:** Special Legal Counsel Services for Creation of a Collective Bargaining Ordinance

**Prepared By:** Debbie Mitchell, General Services Director  
Leslie Annand, City Attorney's Office

**Recommended City Council Action**

Authorize the City Manager to enter into an agreement for special legal counsel services with the law firm of Clark Baird Smith LLP, in an amount not to exceed \$25,000 in connection with the proposed creation of a collective bargaining ordinance.

**Summary Statement**

- City Council has previously found merit in approving special legal counsel to assist the City Attorney's Office as needed, rather than expanding staff.
- Staff is recommending that City Council authorize the City Manager to execute a legal services agreement with the law firm of Clark Baird Smith LLP for assistance in creating an ordinance that allows collective bargaining between the City and a portion of the Fire Department employees and that defines the parameters of collective bargaining as allowed by the City Charter. The firm of Clark Baird Smith LLP currently represents over 150 public and private sector employers in their labor and employment matters with 80% of those employers being public entities, many of which are home rule units of government. The firm has extensive experience drafting municipal ordinances permitting collective bargaining.

**Expenditure Required:** \$25,000

**Source of Funds:** General Fund - Contingency

**Policy Issue**

Should the City retain special legal counsel to assist with creating an ordinance allowing collective bargaining?

**Alternative**

City Council could elect not to retain this type of special legal counsel assistance or seek such assistance from another source. Staff believes this outside assistance is critical to assure that a quality draft ordinance is created and that it is in compliance with the City Charter.

**Background Information**

At a Study Session on August 18, 2014, City Council directed Staff to draft an ordinance that allows collective bargaining between the City and a portion of the Fire Department employees and would serve as guidance and rules for the purpose of collective bargaining.

Staff solicited a Request for Quote (RFQ) per the guidelines of the Administrative Memo 14-02, Purchasing Procedures, to five law firms that have experience working with public employers on labor and employment matters. As a result, three quotes were received and reviewed by staff.

Staff is recommending the firm of Clark Baird Smith LLP based on information from their submitted RFQ and a follow up interview conducted by representatives of General Services and the City Attorney's Office. The firm currently represents over 150 public and private sector employers in labor and employment matters with 80% of those employers being public entities, many of which are home rule units of government. The firm has extensive experience drafting municipal ordinances permitting collective bargaining. With the legal assistance from the firm of Clark Baird Smith, staff is confident that a legally defensible draft ordinance that adheres to the provisions and guidelines of the City Charter and follows public sector best practices will be generated for consideration by City Council. The firm has extensive experience and resources to draw from as the City ordinance is drafted. Attached is the Response to the City of Westminster Request for Quotation as well as resumes of the two principal attorneys, Lisa Callaway and James Baird, who will act as leads on the City initiative.

City Council action on this item addresses the Strategic Plan goal of Excellence in City Services by gaining expertise through legal consulting services in the development of an ordinance guiding future collective bargaining with Fire Departments employees.

Respectfully submitted,

J. Brent McFall  
City Manager

**Attachments:**

- Attachment A - Clark Baird Smith LLP RFQ Response with Attorney Resumes
- Attachment B - Sample Contract



**RESPONSE TO THE CITY OF WESTMINSTER  
REQUEST FOR QUOTATION**

Submitted By:

Lisa R. Callaway and Jill D. Leka  
Clark Baird Smith LLP  
6133 North River Road  
Suite 1120  
Rosemont, IL 60018  
Telephone: (847) 378-7700  
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Email: [lcallaway@cbslawyers.com](mailto:lcallaway@cbslawyers.com) and [jleka@cbslawyers.com](mailto:jleka@cbslawyers.com)

Date of Submission: August 29, 2014

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**CLARK BAIRD SMITH** LLP

ATTORNEYS AT LAW

6133 N. RIVER ROAD, SUITE 1120, ROSEMONT, IL 60018

847.378.7700 OFFICE • 847.378.7070 FAX

August 29, 2014

**VIA EMAIL AND FEDERAL EXPRESS**

Ms. Dee Martin  
Workforce Planning and Compensation Manager  
City of Westminster  
4800 West 92nd Avenue  
Westminster, CO 80031

**Re: Possible Representation for the City of Westminster**

Dear Ms. Martin:

Thank you for inviting our firm to respond to the City of Westminster's request for quotation for the provision of legal services. Our firm would welcome the opportunity to represent the City.

**History of Clark Baird Smith LLP**

Our firm consists of 12 lawyers, all of whom represent public employers in labor and employment law matters. While our firm is relatively new, having been formed on September 1, 2010, our attorneys collectively have over 200 years of experience representing public employers in Illinois and elsewhere.

Ten of our 12 attorneys previously worked with the Chicago-based law firm, Seyfarth Shaw LLP. We left Seyfarth Shaw to create our own, suburban-based law firm, in order to cut costs, reduce overhead, and pass along the savings to our clients by way of reduced hourly rates. It was our experience that employers could not afford the ever-increasing hourly rates that a large firm charged. As a result, many of Seyfarth Shaw's public employer clients sought more cost effective representation opportunities.

Since our move on September 1, 2010, however, we have been able to maintain dramatically reduced hourly rates from what our prior firm had charged. That reduced rate structure, coupled with our extensive public sector labor and employment experience, prompted more than 100 clients who previously worked with us at Seyfarth Shaw to continue legal representation with our new firm.

Our firm currently represents over 150 public and private sector employers in Illinois and other states, in their labor and employment matters. Approximately 80



percent of these employers are public sector entities, many of which are home rule units of government. Those labor and employment services cover any and all of the following areas:

- Negotiation of collective bargaining agreements
- Interest arbitration
- Grievance arbitration
- Drafting of and review of municipal provisions, rules and ordinances
- Day-to-day employment counseling
- Workplace investigations
- Unfair labor practice charges
- Federal and state court litigation of various employment disputes
- Defense of discrimination charges before state and federal administrative agencies
- Wage and hour compliance and litigation defense work
- Employee disability counseling and litigation (e.g., ADA and FMLA)
- General compliance issues

Our firm and its attorneys are uniquely equipped to provide the City with labor and employment legal representation in the above areas and fields.

### **Ability to Provide Services**

**A. Experience Drafting Ordinances and Other Municipal Rules.** We work closely with our clients, to ensure their municipal codes and other relevant governing documents are in compliance with applicable law, best practices and provide the flexibility necessary in order to successfully manage the labor relations function. Our firm has extensive experience drafting municipal ordinances permitting collective bargaining. As we have been involved in the drafting of state public sector labor laws and have actively participated in impasse and interest arbitration procedures for negotiations in many different states, such experience makes our Firm uniquely qualified to draft a collective bargaining ordinance that is most favorable in protecting the needs of the public employer. Some examples of our relevant experience include:

- Ted Clark and Jim Baird represented the Colorado Municipal League in drafting a management-oriented interest arbitration statute and a treatise entitled "Practical Labor Relations for Public Employers;"
- Ted Clark drafted a bargaining ordinance for the City of Chicago;
- Firm attorneys have drafted bargaining ordinances for a number of other public sector employers, in Illinois and other states;
- Ted Clark was retained to represent the Illinois Municipal League in negotiations that led to enactment of the public sector labor relations statutes in Illinois.

**B. Experience Representing Employers in Colorado and Beyond.** In addition to providing legal advice in the area of labor relations to the Colorado Municipal League, our attorneys have the following relevant experience in Colorado and beyond:

- Jim Baird represented the City of Aurora, Colorado and provided advice on collective bargaining and impasse resolution;
- Jim Baird provided legal advice to the City and County of Denver related to collective bargaining, interest arbitration and assisted in preparing for comparable worth litigation;
- Firm attorneys have provided legal advice to public sector employers in more than 40 states, including employers in the nearby states of Arizona, New Mexico, Nevada, Wyoming, and Montana;
- Bob Smith represented the Las Vegas (Nevada) Metropolitan Police Department (combined city and county department), in labor relations matters, including representation in an arbitration case resulting in a positive outcome for the Department, saving the Department several million dollars;
- Firm attorneys Lisa Callaway or Bob Smith present annually as the keynote speaker at the Rocky Mountain Public Employer Labor Relations Association's conference.

**C. Labor Negotiations Experience.** Clark Baird Smith LLP's lawyers have successfully negotiated hundreds of collective bargaining agreements with public sector unions across the country. At any given time, the firm's public sector lawyers are involved in dozens of contract negotiations with law enforcement, fire protection, correctional, professional/technical, public works, teacher and support staff bargaining units. Our attorneys continually monitor ongoing wage and benefit trends and innovative contract language, as well as emerging trends in union negotiating tactics and legislative developments.

Depending on our clients' needs, Clark Baird Smith LLP attorneys act directly as spokespersons in collective bargaining negotiations, or act as background advisors providing guidance on strategy, survey research, applicable legal principles, emerging developments relating to public sector bargaining and innovative contract language.

The firm has recently represented the following Illinois municipalities in fire department negotiations:

- Village of Arlington Heights
- Algonquin - Lake in the Hills Fire Protection District
- City of Bloomington
- City of Decatur
- City of Des Plaines
- City of Highland Park
- City of Lake Forest
- City of Lincoln
- City of Normal
- City of North Chicago
- City of Rockford
- City of St. Charles
- City of Sterling
- Darien-Woodridge Fire Protection District
- Elburn & Countryside Fire Protection District
- Frankfort Fire Protection District Board of Commissioners
- Itasca Fire Protection District
- Lisle-Woodridge Fire Protection District
- North Maine Fire Protection District
- Prospect Heights Fire Protection
- Village of Barrington
- Village of Carpentersville
- Village of Chicago Ridge
- Village of Downers Grove
- Village of Elk Grove Village
- Village of Glenview
- Village of Hanover Park
- Village of Lake Zurich
- Village of Lansing
- Village of Lombard
- Village of Morton Grove
- Village of Mundelein
- Village of Northbrook
- Village of River Forest
- Village of Schaumburg
- Village of Skokie
- Village of South Holland
- Village of Winnetka

**D. Contract Administration.** For virtually all of the Illinois public sector employers that we represent in collective bargaining, we also provide ongoing advice and assistance with respect to issues of contract interpretation that arise during the term of a contract. This includes advice with respect to whether the employer has the right to take a desired action under the contract, as well as assistance in responding to grievances that may be filed by a union. In addition, we advise department heads who are considering the imposition of discipline and/or who are investigating disciplinary matters, and we assist public employers in the analysis and selection of arbitrators for grievances that have been appealed to arbitration. We also represent many such employers during subsequent arbitration hearings.

Clark Baird Smith LLP attorneys have handled innumerable grievance arbitration cases involving both disciplinary and contract interpretation issues. As a result of our extensive representation of public and private sector employers in grievance arbitration, we have a vast reservoir of data on individual arbitrators, as well as experience handling virtually any kind of issue that might arise under a collective bargaining agreement.

**E. Day-to-Day Labor Relations and Compliance Advice.** If needed, Clark Baird Smith LLP would be available to provide timely advice by phone, e-mail, and/or in person. We fully appreciate and understand that labor related issues frequently need a quick response. Of course, the nature and scope of the issue on which a legal opinion is requested would necessarily affect the amount of time that it would take to prepare the requested legal opinion.

**F. Employment Litigation.** The Firm has significant experience in employment discrimination cases. Our attorneys have been involved in the full range of employment discrimination claims, including discrimination allegations and Section 1983 claims related to sex, race/color, national origin, religion and disability.

We are proficient in all stages of employment discrimination litigation. We counsel clients on avoiding such situations. We assist in subsequent complaint investigations and responses to discrimination charges. Our attorneys explore options such as summary judgment and alternative dispute resolution in order to efficiently and effectively serve our clients, but consistently prepare cases for trial. A number of our lawyers are considered true "trial" attorneys, with extensive courtroom experience before both judges and juries.

**G. Wage and Hour.** Clark Baird Smith LLP represents numerous public sector employers in wage and hour investigations and litigation. Our firm has regularly advised public sector clients on the day-to-day issues concerning compliance with the federal Fair Labor Standards Act, and state wage and hour laws. Our attorneys conduct training programs for managers and supervisors concerning their FLSA obligations, and we frequently conduct half-day and multi-day audits of police, fire and civilian departments to ensure compliance with all applicable wage and hour regulations. We also represent public employers during federal and state Department of Labor investigations, and in wage-hour litigation in federal and state trial and appellate courts.

**H. Other Firm Experience.** While we are known primarily as an employment law firm, our attorneys do provide general legal advice to various clients, and have considerable experience in assembling teams of recognized and highly qualified experts when necessary to provide guidance in areas outside our expertise. For example, our firm serves as the General Counsel to the Illinois Public Employer Labor Relations Association ("IPELRA"), and provides that organizations with general guidance on a wide variety of legal matters, including general contract law, liability issues, legislative matters and day-to-day legal issues which arise.

Jill Leka serves as General Counsel to the National Public Employer Labor Relations Association (NPELRA), and provides similar guidance. Jill is also General Counsel for a large community college district in downstate Illinois, where our firm has advised on construction matters, contract issues, litigation, real estate acquisition, and District financial activities, including special financing. We have, on occasion, also been asked to provide general legal advice to many public employers over the years, often because of the confidence we have earned as employment counsel. We have frequently been asked, for example, to supervise work by outside insurance counsel for many of our clients, to ensure that the work is of the highest quality and the clients' interests are well served and protected.

### **Resumes/Biographies**

If we are retained by the City, your work likely would be performed directly by Lisa Callaway or Jill Leka, partners with the firm. We may consult with other firm attorneys on matters where another firm attorney has specific experience. Please note, however, that all 12 of our attorneys would be available to perform work for the City on an as needed basis. To that end, I have enclosed for your review biographies for each of our firm's attorneys, which further describe our individual experience and background. See Exhibit A.

### **Schedule of the Firm's Fees**

Our firm does not require a contract for services. As attorneys, we would be ethically bound to serve the City in an "at will" capacity. This means that the City could terminate the attorney-client relationship at any time. That being said, we do have certain billing and representation practices that we apply to all of our clients. The public sector hourly rate for Lisa Callaway is \$295 per hour and the public sector hourly rate for Jill Leka is \$315 per hour. The public sector hourly rates for our associate attorneys currently range from \$195 to \$280 per hour, depending upon their experience. Other firm partners' hourly rates are \$315 per hour, with the exception of Ted Clark, whose hourly rate is \$325 per hour. We also require that our clients sign an engagement letter.



**Conclusion**

I hope this information is helpful to you. Jill and I would welcome the opportunity to further discuss this proposal and our qualifications and experience, and to convince you that we are the right firm for this important assignment.

If you have any questions about any of this, please do not hesitate to call me directly.

Very truly yours,

**CLARK BAIRD SMITH LLP**

By:   
Lisa R. Callaway

By:   
Jill D. Leka

Enclosures

# Clark Baird Smith LLP

## Lisa R. Callaway



(847) 378 - 7715

[lcallaway@cbslawyers.com](mailto:lcallaway@cbslawyers.com)

LISA R. CALLAWAY is a partner with Clark Baird Smith LLP and brings twenty-five years of experience providing skilled employment and labor law counsel to public and private sector clients.

Before joining Clark Baird Smith LLP in 2011, Lisa was the Vice President and General Counsel for The Management Association of Illinois, a not-for-profit employers' association that assists more than 1,000 businesses, public sector entities and organizations with legal and human resources issues. While there, she assisted employers in collective bargaining, arbitration, employment discrimination, wage and hour, and general labor and employment law matters. She also provided training, conducted workplace investigations and advised public and private sector on business issues. Lisa was also part of the senior management team and her experience extends to managing a small business.

Lisa's previous experience includes practicing labor and employment law with two Chicago law firms, including Seyfarth Shaw LLP, where she represented primarily school districts, community colleges and municipalities. She has negotiated numerous public and private sector collective bargaining agreements. She has also litigated cases in federal and state courts and before the National Labor Relations Board, the Equal Employment Opportunity Commission, the Illinois Human Rights Commission and the Illinois Educational Labor Relations Board.

Lisa frequently lectures on labor and employment law issues and has authored articles on sexual harassment, employment discrimination, employment termination, Sarbanes-Oxley, social media and workplace Internet/e-mail abuse. Representative groups before whom Lisa has presented include the American Bar Association, State and Local Government Committee; Illinois Public Employer Labor Relations Association; Illinois Association of School Boards; Material Handling Equipment Distributors Association; the National Association of Fire Equipment Distributors; National Business Institute; National Association for Business Resources; Western States Labor Relations

Association; Chicago Labor and Employment Relations Association and Illinois Society for Human Resources Management.

Lisa is an adjunct faculty member at Loyola University of Chicago, Graduate School of Business, and has been a guest lecturer for the Loyola University Institute of Human Resources and Industrial Relations and Department of Education and Northern Illinois University, Department of Education.

She is a past chairperson of the Chicago Bar Association, School Law Committee. She currently serves as a commissioner on the City of Elmhurst Zoning and Planning Commission and is an advocate and active member of the Illinois Chapter of the Juvenile Diabetes Research Foundation (JDRF).

### **Education**

J.D., Loyola University of Chicago (1989)

M.S.I.R., Loyola University of Chicago (1993)

B.A. (cum laude), Loyola University of Chicago (1986)

### **State Bar Admissions**

Illinois

### **Federal Court Admissions**

U.S. Supreme Court

U.S. District Court for the Northern District of Illinois (Trial Bar)

U.S. Court of Appeals for the Seventh Circuit

### **Affiliations**

American Bar Association (Labor and Employment Section)

Labor and Employment Relations Association

Chicago-Kent College of Law Kenneth M. Piper Endowment Advisory Board

# Clark Baird Smith LLP

## James Baird

James Baird  
(847) 378 - 7702  
jbaird@cbslawyers.com



### Experience

Jim's labor and employment practice is particularly focused on the representation of public and private sector clients in union representation, collective bargaining, grievance and interest arbitrations, workplace counseling and unfair labor practice matters. He has successfully negotiated over 200 collective bargaining agreements on behalf of public, private and federal employers throughout the country.

Jim is an elected Fellow in the College of Labor and Employment Lawyers. In 2009, the ABA's Section of State and Local Government Law awarded Jim the Jefferson Fordham Society's "Lifetime Achievement Award."

In 2004, Jim was elected to the Board of Governors of the American Bar Association, where he served as one of the 36 Governors of the 405,000 member attorney Association. In 2006, Jim was appointed by the ABA's President to Chair the Board of Governor's Finance Committee. He has held various offices in the ABA Sections of State and Local Government Bargaining, including Chair of the Section in 1994. Jim recently completed a three year term as a Commissioner on the prestigious ABA Commission on Racial and Ethnic Diversity in the Profession.

Jim has practiced labor and employment law, representing employer clients, since 1972. During this time, he has negotiated labor contracts with such unions as HERE/UNITE, the United Auto Workers, the International Brotherhood of Teamsters, the International Brotherhood of Electrical Workers, the Seafarers International Union, the International Brotherhood of Carpenters, the Food and Commercial Workers Union, the International Union of Operating Engineers; the Fraternal Order of Police; the Metropolitan Alliance of Police; the International Association of Fire Fighters; the Service Employees International Union; AFSCME and a number of other private and

public sector state, federal and local labor organizations.

Jim has handled over 50 elections under the Illinois Public Labor Relations Act, tried numerous precedent-setting representation cases under that Act, and has represented employers in over 40 interest arbitration cases under the IPLRA. In addition to his collective bargaining activities, Jim has advised private employers in more than 130 NLRB election situations, he has tried numerous NLRB representation and unfair labor practice cases, and has conducted many grievance arbitration hearings on behalf of management.

Prior to his work in Chicago, Jim served as a Legal Assistant-Attorney Advisor to Sam Zagoria, Member, and later to Frank W. McCulloch, Chairman, National Labor Relations Board, Washington, D.C., from 1968 to 1970. As a Legal Assistant-Attorney Advisor, Jim prepared cases for NLRB consideration, researched and drafted majority decisions and dissenting opinions, and advised the NLRB on various legal issues as appropriate. From 1970 to 1972, Jim served as Assistant Director and Counsel to the Washington, D.C. based Labor-Management Relations Service of the National League of Cities, U.S. Conference of Mayors, and National Association of Counties.

Jim regularly advises private and public employers in a wide variety of labor and employment law issues. He has also advised the Federal Deposit Insurance Corporation and the U.S. Customs Service on negotiations, interest arbitration and general labor relations law matters.

Jim served for 29 years as Labor Relations Counsel to both the National Public Employer Labor Relations Association, and also to the Illinois Public Employer Labor Relations Association. Additionally, he has served as Chairman of the Illinois State Chamber of Commerce Labor Relations Committee (1978-80) and is a former member of the National Dispute Panel of the American Arbitration Association. Jim has also served as Management Chairman of the ABA Labor and Employment Law Section's Committee on State and Local Government Bargaining (1976-79) and was Management Chairman of that Section's Committee on State Labor Law (1975-76).

Jim has authored or co-authored the following books: *Maintaining Public Services: The NPELRA Strike Planning Manual* (NPELRA 1978); *Practical Labor Relations for Public Employers* (Colorado Municipal League 1979); *Smarter Bargaining: A Guide to Contract Language for Today's Public Negotiator* (IPELRA 1981, 1988); *Surviving Police/Fire Collective Bargaining and Interest Arbitration in Illinois* (1985); *Public Employee Privacy: A Legal and Practical Guide to Issues Affecting the Workplace* (ABA 1995); *Freedom of Speech in the Public Workplace* (ABA 1998); and *Sexual Harassment in the Public Workplace* (ABA 2001).

Jim has spoken throughout the country on labor and employment relations issues to colleges, universities and such professional associations as the U.S. Conference of Mayors, the International Personnel Management Association, the National Academy of Arbitrators, the FMCS, and the National and Illinois Public Employer Labor Relations Associations, as well as to numerous state PELRAs, the National Employment Law Institute, Police Chief and Fire Chief's Associations, and the California and Illinois Municipal League Attorneys Conferences, among others. He has also addressed attendees at the Chicago-Kent school of Law Public Sector Law Conference on seven separate occasions.

### **Education**

Master of Laws-Labor Law, George Washington Univ. School of Law, with highest honors (1970)

J.D., University of Wisconsin Law School (1968)

B.S., Michigan State University (1965)

**CONTRACT FOR LEGAL SERVICES**

THIS AGREEMENT is made this \_\_\_\_\_ day of October, 2014, by and between Clark Baird Smith LLP (the "Firm") and the CITY OF WESTMINSTER, COLORADO (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, pursuant to C.R.C.P., Rule 205.1.

**AGREEMENT**

1. The Firm shall furnish the following special legal services to the City (the "Services"): The Firm shall act as special counsel to the City on collective bargaining issues and related general labor and employment matters.
2. Lisa R. Callaway of the Firm 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 of Lisa R. Callaway at the rate of \$295 per hour and James Baird at the rate of \$315 per hour, in accordance with the Firm's terms of engagement for legal services.
5. This Contract may be terminated by the City with or without cause.
6. No payments to the Firm shall be made prior to the approval of this Contract by the Westminster City Council.
7. Payments pursuant to this Contract shall not exceed \$10,000 without further written authorization by the City and not to exceed \$25,000, in total.
8. The Westminster City Council authorized this contract on \_\_\_\_\_, 2014.
9. To the extent this Agreement constitutes a public contract for services pursuant to C.R.S. § 8-17.5-101 et seq., the following provisions shall apply: The Firm shall not knowingly employ or contract with an illegal alien to perform work under this Agreement. In addition, the Firm shall not enter into a contract with a subcontractor that fails to certify to the Firm that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement. If the Firm obtains actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with an illegal alien, the Firm shall notify the subcontractor and the City within three (3) days that the Firm has actual knowledge that the subcontractor is employing or contracting with an illegal alien. Furthermore, the Firm shall terminate such subcontract with the subcontractor if, within three (3) days of receiving the notice required pursuant to this paragraph, the subcontractor does not stop employing or contracting with the illegal alien. Except that the Firm shall not terminate the contract with the subcontractor if during such three (3) days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

The Firm certifies that, prior to executing this Agreement, it has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement through participation in either the E-verify program administered by the United States Department of

SAMPLE

Homeland Security and the Social Security Administration (the "E-verify Program"), or the employment verification program administered by the Colorado Department of Labor and Employment (the "Colorado Verification Program"). The Firm shall not use either the E-verify Program or the Colorado Verification Program procedures to undertake pre-employment screening of job applicants while performing this Agreement.

The Firm shall comply with all reasonable requests by the Colorado Department of Labor and Employment made in the course of an investigation undertaken pursuant to the authority established in C.R.S. § 8-17.5-102(5).

To the extent required by C.R.S. § 8-17.5-102(1), by submitting a bid, the Firm certifies that at the time of bid submission it did not knowingly employ or contract with an illegal alien who will perform work under this Agreement, and that the Firm will participate in the E-verify Program or the Colorado Verification Program in order to verify the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement.

10. The Firm's billing policy and record retention policy are attached here to as Exhibits A and B.

FIRM NAME

By \_\_\_\_\_

**CITY OF WESTMINSTER, COLORADO**

By \_\_\_\_\_

Approved as to legal form:

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





**Agenda Memorandum**

City Council Meeting  
October 27, 2014



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

**Prepared By:** Jeffery Bowman, Fleet Manager

**Recommended City Council Action**

Approve Fleet Maintenance cumulative purchases in 2014 with Dellenbach Chevrolet for the purchase of four vehicles, not to exceed \$110,000 through year end.

**Summary Statement**

- The Westminster Municipal Code requires that all purchases over \$75,000 be brought to City Council for approval. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$75,000.
- The Fleet Maintenance Division uses Colorado State bid awards and Westminster solicited bid awards to Dellenbach Chevrolet to purchase three Chevrolet Colorado pickup trucks and one Chevrolet Volt. Total aggregate purchases from Dellenbach Chevrolet will likely exceed \$75,000 during 2014, as three Chevrolet Colorado pickup trucks totaling \$70,584 are already on order. Staff is asking for approval of one Chevrolet Volt, with total purchases not to exceed \$110,000 for four vehicles.
- Adequate funds were budgeted and are available for this expense.

**Expenditure Required:** \$70,584 – 2014 General Capital Outlay Replacement Fund  
\$39,416 – 2014 General Capital Outlay Replacement Fund – Public Safety Tax

**Source of Funds:** 2014 General Capital Outlay Replacement Fund  
2014 General Capital Outlay Replacement Fund – Public Safety Tax

**Policy Issue**

Should Council approve the cumulative purchase of four vehicles from Dellenbach Chevrolet that total over \$75,000 in 2014?

**Alternative**

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

**Background Information**

The Westminster Municipal Code requires that all purchases over \$75,000 be brought to City Council for approval. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$75,000. As part of the 2014 Budget, City Council approved the replacement of three Chevrolet Colorado-class pickup trucks from the GCORF fund and one Chevrolet Volt from the GCORF-PST fund. Fleet Maintenance has ordered three Chevrolet Colorado pickup trucks totaling \$70,584 and has identified Dellenbach as a vendor where the total cumulative purchases or expenses will exceed \$75,000 for the year 2014. Dellenbach Chevrolet was also awarded the state of Colorado bid for the Chevrolet Volt and thus requires Council authorization for this purchase. Staff is seeking approval for this cumulative expenditure for the calendar year 2014. Funds are available in the GCORF and GCORF-PST account.

City of Westminster bid number F-30-0-2014 was mailed to eight Front-range General Motors dealerships and three responded with quotes. The bid tabulation of the responding dealerships is below:

	<b>Trans-west GMC</b>	<b>John Elway Chevrolet</b>	<b>Dellenbach Chevrolet</b>
<b>(One) 2X4 Crew Cab Price:</b>	\$21,940	\$22,913	\$22,012
<b>(Two) 4X4</b>	\$25,731 ea.	\$26,507 ea.	\$24,286 ea.
<b>Extended Cab Price:</b>	\$51,462	\$53,014	\$48,572
<b>3.6 Liter V6 (Option)</b>	\$1050	No Pricing	\$1145
<b>Total Cost to COW for Three 4 CYL. Trucks;</b>	\$73,402	\$75,927	<b>\$70,584</b>

Fleet Maintenance believes the Colorado State Bid Award AH 2014, to Dellenbach Chevrolet for the Chevrolet Volt, at \$32,192 provides the best pricing available. In addition, Fleet Maintenance has applied for and was approved for a grant through Regional Air Quality Council, in the amount of \$8,260 to offset the purchase price. The full amount to be paid on four vehicles to Dellenbach Chevrolet is expected to be \$102,776, and total expenditures to Dellenbach Chevrolet during the remainder of the year will not exceed \$110,000.

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

Page 3

The City's approach to these types of collective purchases from any single vendor, such as Dellenbach Chevrolet, assures that purchases in excess of \$75,000 are identified in advance and brought to City Council for approval and helps to achieve City Council's Strategic Plan Goal of "Excellence in City Services" by spending tax dollars in a responsible manner.

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 8 F

### Agenda Memorandum

City Council Meeting  
October 27, 2014



**SUBJECT:** Purchase of Street Sweeper

**Prepared By:** Jeffery H. Bowman, Fleet Manager

### Recommended City Council Action

Based on the results of the National Joint Powers Alliance bid, award the bid of an Elgin Street Sweeper to Faris Machinery for \$246,985.50.

### Summary Statement

- City Council action is requested to award the bid of an Elgin Street Sweeper to Faris Machinery for \$246,985.50 based on the results of National Joint Powers Alliance (NJPA) bid award number 022014-FSC.
- This street sweeper was previously approved and is within the amount authorized by City Council in the 2014 General Capital Outlay Replacement Fund budget.
- The City saves considerable dollars by purchasing vehicles through the cooperative bids, like NJPA. The City will save \$4,865, or 3% using the NJPA bid award.

**Expenditure Required:** \$246,985.50

**Source of Funds:** General Capital Outlay Replacement Fund

**Policy Issue**

Should the City approve the use of the National Joint Powers Alliance (NJPA) bid for the purchase of a replacement street sweeper as outlined in this agenda memorandum?

**Alternatives**

1. Reject the NJPA bid and instruct Staff to re-bid this replacement vehicle. This alternative is not recommended because the NJPA bid reflects the purchasing power in participating governmental units by meeting specific needs that could be better provided by a service cooperative than by the members themselves.
2. Do not purchase the proposed replacement street sweeper in 2014. This alternative is not recommended because this vehicle has a maintenance history that makes it impractical to keep in regular service.

**Background Information**

As part of the 2014 General Capital Outlay Replacement Fund budget, City Council approved the purchase of replacement vehicles within the Public Works and Utilities Department. The approved replacement street sweeper identified in the table below has reached a point where it is no longer economically reasonable to maintain in service. Please note, the life-to-date vehicle maintenance costs in the table do not include accident repairs or fuel cost.

**General Capital Outlay Replacement Fund**

DEPARTMENT	OLD UNIT #	YEAR	REPLACEMENT MAKE/MODEL	MILES	LIFE-TO-DATE VEHICLE MAINTENANCE COST	NEW VEHICLE MAKE/MODEL	PRICE	NJPA BIDDER AWARDED
Street Division	6129	2001	Johnson Street Sweeper	3183 Hrs.	\$26,069	Elgin Broom Bear	\$246,697	Faris Machinery

The following is a descriptive price schedule for the Elgin Broom Bear street sweeper, including the \$4,864.50 discount extended to the City of Westminster by Faris Machinery, through the NJPA.

Qty.	Part Number	Description	Unit Price	Total
1	1113136	Elgin Broom Bear Street Sweeper with dual side brooms, high dump hopper, elevator stall alarm, and elevator flush-out system	\$134,625.00	\$134,625.00
1	1114603	Factory Mounting	\$2,135.00	\$2,135.00
1	1104970	Hopper Up Alarm	\$335.00	\$335.00
1	1101560	Midwest Auto Lube System, Sweeper & Chassis	\$6,570.00	\$6,570.00
1	0701681	Broom Bear Operator's Book	\$65.00	\$65.00
1	0702461	Broom Bear Service Book	\$235.00	\$235.00
1	0702241	Broom Bear Parts Book	\$350.00	\$350.00
1	Std.	Regular Main Broom for PM-10	\$0.00	\$0.00
1	1111656	Hydraulic Oil Temp Gauge	\$325.00	\$325.00
1	1103898	Rear Mounted Strobes Top of Rear Door	\$530.00	\$530.00
1	1102736	Rear Mounted Strobes Bottom of Rear Door	\$435.00	\$435.00
1	1102735	LED Stop/Tail/Turn Lights	\$280.00	\$280.00
1	1115481	PM-10 Water System	\$2,795.00	\$2,795.00
1	1100656	In-Cab Side Broom Tilt RH	\$1,090.00	\$1,090.00
1	1100660	In-Cab Side Broom Tilt LH	\$1,090.00	\$1,090.00
1	1101385	Carbide Dirt Shoes	\$515.00	\$515.00
1	1108830	Water Purge for Air System	\$335.00	\$335.00
1	0704005	M2 Parts Book	\$385.00	\$385.00
1	0704006	M2 Operator's Book	\$40.00	\$40.00
1	0704007	M2 Service Book	\$310.00	\$310.00
1	1075400	AM/FM/CD Audio System	\$810.00	\$810.00
1	1080756	Fender Mounted Mirror LH Side	\$480.00	\$480.00
1	1081188	Spare Chassis Key	\$35.00	\$35.00
1	1081747	Bostrom Air Ride Seats	\$1,540.00	\$1,540.00
1	1102759	Rear Mounted LED Arrow Stick	\$1,585.00	\$1,585.00
1	1101379	Broom Hour Meter	\$340.00	\$340.00
1	Special	Long 48" Chute on Hopper Door	\$920.00	\$920.00
1	4810001	White Paint	\$0.00	\$0.00
1	1114619	Rubber Conveyor Belt	\$0.00	\$0.00
1		Mechanical Main Broom Suspension	\$0.00	\$0.00
1	FRT-118-010	Freight From Factory to Colorado	\$3,995.00	\$3,995.00
		Total Sweeper Price		\$162,150.00
		Less 3% NJPA Discount		<b>(4,864.50)</b>
		Price After NJPA Discount		\$157,285.50
1	1116788	2015 Freightliner M2 Chassis with 2013 Emissions, Heated/Remote Control Mirrors	\$89,700.00	\$89,700.00
1		Total Price After All Discounts FOB Westminster, CO		\$246,985.50

**SUBJECT:**

Purchase of Street Sweeper

Page 4

Fleet Maintenance believes the NJPA bid award to Elgin Equipment through Faris Machinery for the 2015 Elgin Broom Bear street sweeper, mounted on a Freightliner chassis at \$246,985.50 provides the best pricing available. This street sweeper replacement using the NJPA purchasing agreement helps to achieve City Council's Strategic Plan Goal of "Excellence in City Services" by spending tax dollars in a responsible manner.

Respectfully submitted,

J. Brent McFall  
City Manager



Agenda Memorandum

City Council Meeting  
October 27, 2014



**SUBJECT:** Orchard Parkway – Amended Construction Engineering Services Contract

**Prepared By:** David W. Loseman, Assistant City Engineer

**Recommended City Council Action**

Authorize the City Manager to execute an amended construction engineering services contract for the Orchard Parkway (136<sup>th</sup> Avenue to 144<sup>th</sup> Avenue) and 142<sup>nd</sup> Avenue (Orchard Parkway to Huron Street) Project with JR Engineering in the amount of \$71,080, bringing the total contract amount to \$393,620.

**Summary Statement**

- Scott Contracting has been constructing the Orchard Parkway Project since November 2013. The work is currently 90% complete, but the phasing of the project had to be revised in order to accommodate the contractor of the Saint Anthony North Hospital. The hospital construction access has been provided via the intersection of 144<sup>th</sup> Avenue and Orchard Parkway, which prevented Scott Contracting from completing the paving of this intersection in a timely manner. The phasing revision required the City’s contractor to first concentrate on that portion of the project located south of the 144<sup>th</sup> Avenue/Orchard Parkway intersection, then move the hospital construction access to the newly finished segment of 142<sup>nd</sup> Avenue, thus allowing Scott Contracting to complete the project. The result of this rephrasing is that it will now take an additional 55 days to complete the project, placing the completion date in mid-November.
- Scott Contracting is not requesting any additional charges for this rephrasing, but the company is requesting a contract extension of 55 days. This means that an additional 55 days of construction engineering services are needed to pay JR Engineering, the construction engineering firm on the project. Staff received a proposal from JR Engineering for this amendment in the amount of \$71,080. This will bring JR Engineering’s total contract amount to \$393,620, which is approximately 5.43% of the cost of construction. Even with this amendment, this fee percentage is very favorable based on past project experience where these fees generally are closer to 8%.

**Expenditure Required:** \$71,080

**Source of Funds:** General Capital Improvement Fund – Orchard Parkway Project



## **Policy Issue**

Should the City amend the existing Orchard Parkway construction engineering contract with JR Engineering?

## **Alternative**

An alternative to this proposed action is to not approve this amendment and, instead, complete the roadway project without any construction engineering services for the last 55 days of work. Staff does not recommend this alternative. Construction engineering services from a private firm are extremely valuable to assist City staff during project oversight, especially during the final “clean-up” activities that are needed as a project reaches completion.

## **Background Information**

For many years, the owners of the properties bounded by I-25, 136<sup>th</sup> Avenue, Huron Street and 144<sup>th</sup> Avenue have expressed an interest in developing their properties. In addition, the Saint Anthony North Hospital complex, currently under construction, has increased the need to complete the public infrastructure around this site so it will be functional when the hospital opens in the near future. Orchard Parkway will be the main north-south road serving these properties. This major street will be located half way between I-25 and Huron Street running between 136<sup>th</sup> Avenue and 144<sup>th</sup> Avenue. The first segment of the street located between 136<sup>th</sup> Avenue and the approximate 137<sup>th</sup> Avenue alignment was constructed several years ago by the developer of the Lowe’s building supplies store. The road will be a two lane facility between 136<sup>th</sup> Avenue and 142<sup>nd</sup> Avenue and a four lane facility between 142<sup>nd</sup> Avenue and 144<sup>th</sup> Avenue. It will include a raised landscaped median, on-street bicycle lanes and all attendant utilities.

Developers typically construct these improvements abutting their properties. However, in this particular instance, the owners have asked the City to construct all of these improvements in a more unified manner. Staff agrees with this approach, mainly due to the number of property ownerships that are involved. It is likely that the various properties will not be developed within identical time frames, so Orchard Parkway could evolve as a disjointed series of dead end segments if left as a development responsibility. The characteristic that distinguishes Orchard Parkway from almost all other major streets within the City is that no width of roadway whatsoever currently exists between 144<sup>th</sup> Avenue and the approximate 137<sup>th</sup> Avenue alignment. This is very different from the evolution of a typical arterial street in which an historic, two-lane facility is incrementally widened by developers along the corridor. In short, Orchard Parkway would not be functional until the last segment is constructed by a developer of any one of the adjacent tracts along the route, and this could take several years to occur.

Once construction of the proposed project is completed, City staff will establish a recovery agreement to obtain reimbursement from each owner of abutting land for the design and construction of the cost of the project. The recovery payment plus accrued interest would be repaid to the City as each property abutting Orchard Parkway develops. One particular owner, AZG, has already paid the City for their portion of the project between 144<sup>th</sup> Avenue and 142<sup>nd</sup> Avenue in the amount of \$2.4 million and, therefore, would not be subject to the recovery.

The roadway construction began in November 2013 by Scott Contracting, and that work is currently 90% complete. The phasing of the project had to be revised from what was originally planned in order to accommodate the construction of the Saint Anthony North Hospital. The hospital construction access has been via the intersection of 144<sup>th</sup> Avenue and Orchard Parkway in order to accommodate deliveries and the over 100 workers who are constructing the hospital. The use of this access has prevented Scott Contracting from completing this intersection as part of the originally planned Orchard Parkway Project. The phasing revision required construction of approximately 90% of the project located south of the 144<sup>th</sup> Avenue intersection with Orchard Parkway, then implementing a relocation of the hospital construction access to the newly finished roadway segment of 142<sup>nd</sup> Avenue. The result of this rephrasing is that it now will take an additional 55 days to complete the project. Staff was able to successfully negotiate with Scott Contracting representatives, who will not seek any general condition charges due to this rephrasing.

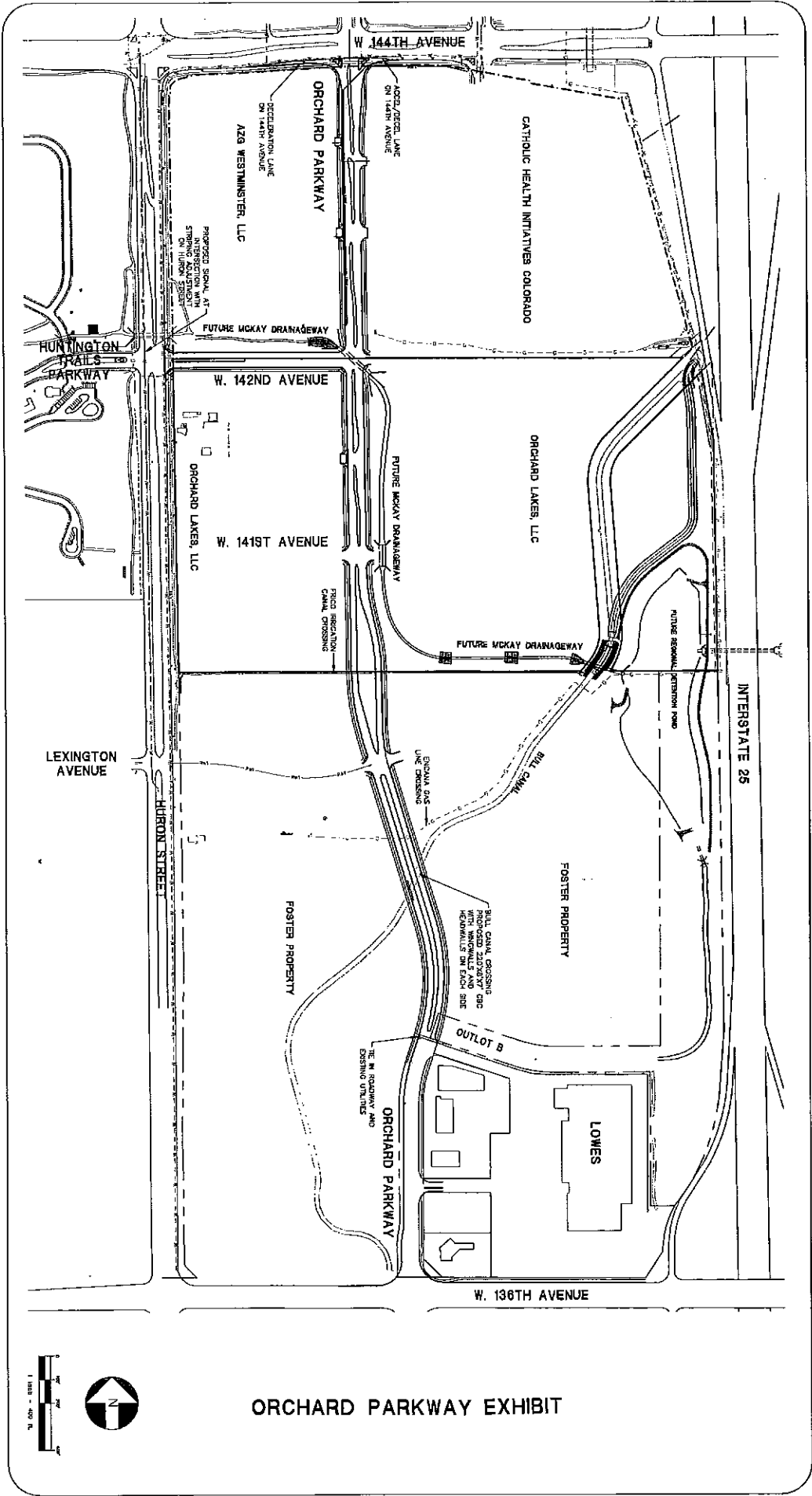
But, the contractor is requesting a contract extension of 55 days, which will have an impact upon the City's contract with its construction engineer. Staff believes that the \$71,080 additional cost to the City for these services was a necessary demonstration of support for the new hospital, which will reap many financial benefits for the City for decades to come.

The construction of the Orchard Parkway, 137<sup>th</sup> Avenue to 144<sup>th</sup> Avenue, and 142<sup>nd</sup> Avenue, Orchard Parkway to Huron Street, Project fulfills the City Council's goals of providing a Vibrant and Inclusive Neighborhood; Excellence in City Services; a Dynamic, Diverse Economy; Ease of Mobility; and a Beautiful, Desirable, Environmentally Responsible City.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment: Orchard Parkway Exhibit



ORCHARD PARKWAY EXHIBIT



## Agenda Item 8 H

### Agenda Memorandum

City Council Meeting  
October 27, 2014



**SUBJECT:** Engineering Services Contract for the McKay Drainageway Project

**Prepared By:** David W. Loseman, Assistant City Engineer

### Recommended City Council Action

Based on the recommendation of the City Manager, find that the public interest is best served by a negotiated contract with JR Engineering, LLC for construction engineering services for the McKay Drainageway Channel and Regional Detention Pond Project, authorize the City Manager to execute a contract with JR Engineering, LLC in the amount of \$223,520 for these construction engineering services, and authorize a project contingency of \$25,000.

### Summary Statement

The McKay Drainageway Project is a planned system of drainage facilities in the general area between 136<sup>th</sup> Avenue and 144<sup>th</sup> Avenue and east from Zuni Street to Big Dry Creek at Washington Street in Thornton. The only remaining unimproved portion of the drainageway lies between I-25 and Huron Street (see attached Project Map) where a wide, shallow floodplain still exists. This floodplain is a significant constraint to the development of one of the larger vacant sites in the City.

The preliminary design of the drainage improvements necessary to reduce the width of the floodplain was pursued by City staff until 2009 when development interest in the site waned. In the past year, that interest has increased, and the City recently received the rights-of-way needed for the project from the adjacent property owners. The final design is completed, and the project advertisement for construction is currently underway with bids scheduled to be opened on November 7.

JR Engineering is currently under contract with the City providing construction engineering services for the Orchard Parkway (136<sup>th</sup> Avenue to 144<sup>th</sup> Avenue) Construction Project. This project is located adjacent to the McKay Drainageway Project with much of the roadway storm drainage discharging into the McKay Drainageway. Due to JR Engineering's familiarity with the Orchard Parkway Project and surrounding area as well as the convenience and cost-savings associated with having one consulting firm working on two adjacent projects Staff believes that it would be logical for this company to perform these same services on the McKay Drainageway Project as well.

Adequate funds are available for this expense.

**Expenditure Required:** \$248,520

**Source of Funds:** General Capital Improvement Fund—McKay Lake Outfall Drainage account

## **Policy Issue**

Should the contract for construction engineering services of the McKay Drainageway improvements be awarded to JR Engineering, LLC as a sole source selection?

## **Alternative**

The alternative to the recommended action is to solicit proposals from other construction engineering firms for this work. Staff does not recommend this alternative for this particular project because JR Engineering is already working on the Orchard Parkway Project, and the McKay Drainageway project is, in effect, a “second phase” of this roadway project. In addition, JR’s proposed fee is only 5.68% of the anticipated cost of construction, which is very competitive with fees paid on similarly sized project where fees are typically closer to 8%.

## **Background Information**

The planning and construction of the improvements needed to reduce the width of the floodplain of the McKay Lake Drainageway have been underway for more than fifteen years. The McKay basin contains approximately 1800 acres and extends from its confluence with Big Dry Creek at 140<sup>th</sup> Avenue and Washington Street upstream to the southern portions of Broomfield. Previously completed projects include the rehabilitation of the dam at the McKay Lake Open Space, the installation of a channel through the Huntington Trails Subdivision and, most recently, the construction of a culvert under I-25 and channelization from there to Big Dry Creek. With the completion of that most recent project in 2010, only the portion of the basin located between I-25 and Huron Street (see Project Map) remains unimproved, and those properties are still encumbered by a wide, shallow floodplain that constrains development within the North Huron Planned Unit Development, located between 136<sup>th</sup> Avenue and 144<sup>th</sup> Avenue.

The preliminary design of the McKay Drainageway was being coordinated with the North Huron PUD developers up until 2009 when economic factors dampened their interest. Recently, that interest has increased, and recent development proposals that call for modifications to the preliminary plan for the drainageway have been received by City staff. The owners of the PUD properties have recently agreed to dedicate the necessary rights-of-way for the drainage improvements. The Foster family, owners of the southern portion of undeveloped property within the PUD, have provided a deed for the land needed for improvements on their property.

Staff believes that the McKay Drainageway is actually a logical continuation of the work that is currently underway on the Orchard Parkway Project. For example, the significant McKay Channel crossing at the intersection of 142<sup>nd</sup> Avenue and Orchard Parkway was constructed earlier this year as part of the Orchard Parkway Project. It would be most beneficial if the same construction engineering firm that is working on the Orchard Parkway Project could also perform these services on the McKay Drainageway Project. Staff’s negotiations with JR Engineering personnel revealed that this firm is highly motivated to be awarded the second job as indicated by the very reasonable fee proposal for the McKay Project.

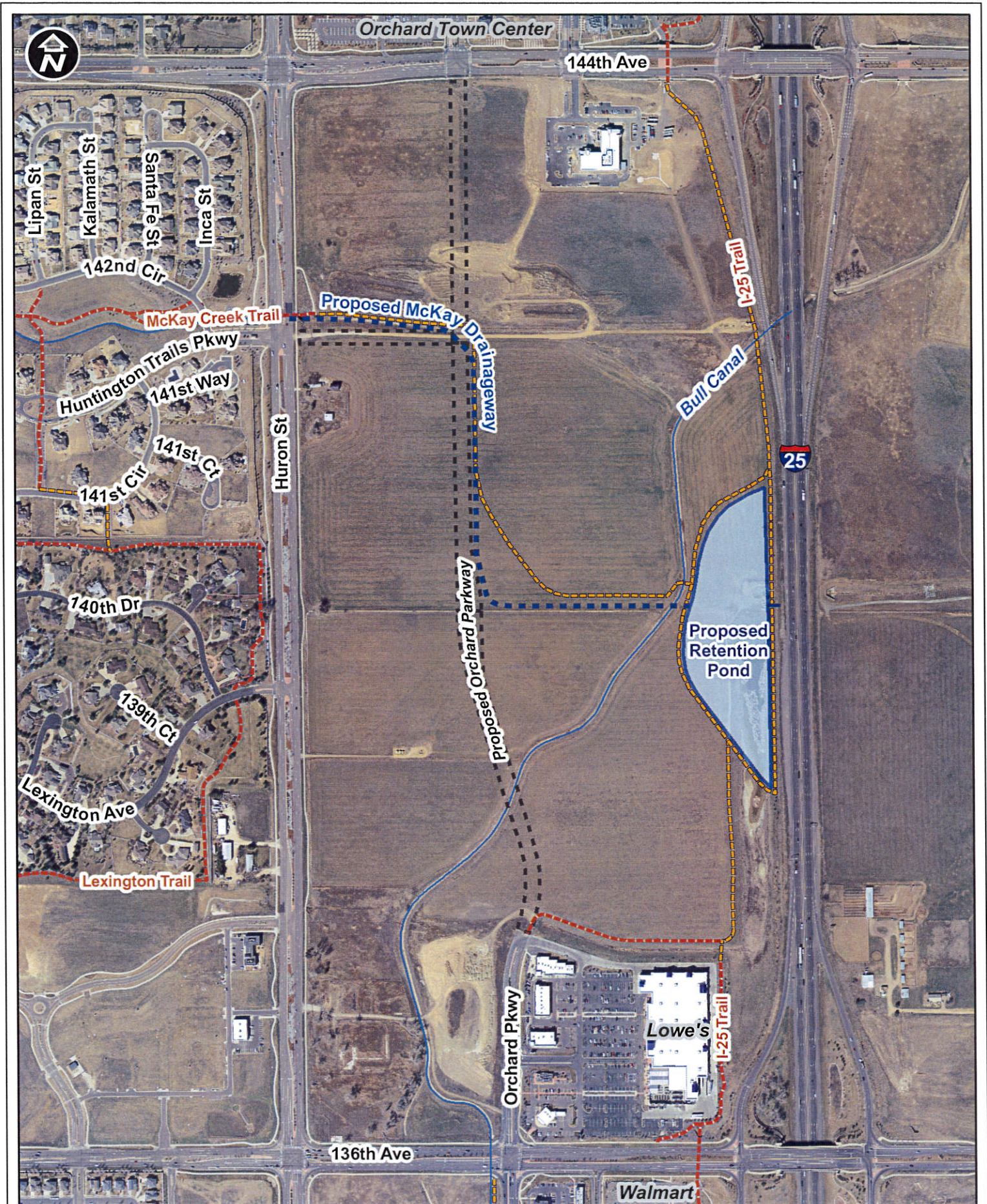
Staff is recommending that the award of the contract for construction engineering services of the McKay Drainageway improvements be made to JR Engineering, LLC at its proposed fee amount of \$223,520. A contingency of \$25,000 is also recommended for a total authorization request of \$248,520. JR Engineering’s proposed fee is approximately 5.68% of the anticipated cost of construction.

The award of this contract is in line with the City Council's goals of providing a Vibrant and Inclusive Neighborhood, Excellence in City Services, a Dynamic, Diverse Economy, and a Beautiful, Desirable, Environmentally Responsible City.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment: Project Map



- Existing Trails
- Proposed Trails

# Project Map





**Agenda Memorandum**

City Council Meeting  
October 27, 2014



**SUBJECT:** 95<sup>th</sup> Avenue and Federal Boulevard Lift Station Construction and Engineering Contracts

**Prepared By:** Julie Koehler, Senior Engineer  
Stephen Grooters, Senior Projects Engineer

**Recommended City Council Action**

Authorize the City Manager to execute a contract with the low bidder, Lillard & Clark Construction Co. in the amount of \$477,039 for construction of the 95<sup>th</sup> Avenue and Federal Boulevard Lift Station Rehabilitation Project plus a contingency of \$47,704 for an expenditure of \$524,743 and authorize an amendment to the design contract with Lidstone and Associates, Inc. to include engineering services during construction in the amount of \$69,220 plus a contingency of \$6,922 for an expenditure of \$76,142, increasing the total authorized expenditure with Lidstone and Associates, Inc. from the previously approved amount of \$108,167 to \$184,309.

**Summary Statement**

- In 2011 Staff completed an evaluation of all City lift stations and developed a prioritized plan for recommended improvements. The next step in the Lift Stations Repair Program is rehabilitating the lift station at the intersection of 95<sup>th</sup> Avenue and Federal Boulevard, which is at the end of its useful life.
- The existing lift station is prone to clogging and frequent maintenance requirements. Rehabilitating this lift station is necessary to reduce excessive maintenance and to prevent equipment failures and sewer back-ups.
- Due to the changing bid climate, construction bids were higher than anticipated. Staff requested \$250,000 of additional funds from the Utility Capital Project Reserve to allow this project to proceed. Council approved the appropriation of these funds on first reading on October 13, 2014.
- Staff recommends City Council award the construction contract to the low bidder, Lillard & Clark Construction Co. and amend the engineering contract with Lidstone and Associates, Inc. to include engineering services during construction.
- Construction is scheduled to be completed by the spring of 2015.
- Adequate funding for the project will be available upon adoption of Councillor's Bill No. 32 on second reading, also scheduled on this meeting's consent agenda.

**Expenditure Required:** \$600,885

**Source of Funds:** Utility Capital Improvement Fund - 95<sup>th</sup> and Federal Lift Station Rehabilitation Project



### **Policy Issues**

- Should City Council authorize a contract with the low bidder Lillard & Clark Construction Co. for construction of the 95<sup>th</sup> Avenue and Federal Boulevard Lift Station Rehabilitation project?
- Should the City authorize a contract amendment with Lidstone and Associates, Inc. for engineering services during construction?

### **Alternatives**

1. City Council could choose to reject all of the construction bids and rebid the project. The City received two bids from qualified construction companies. The lowest bid and the engineer's opinion of cost are less than four percent apart. It is unlikely that new bids would be lower or that the City would receive more bids. Staff recommends awarding the contract to the low bidder, Lillard & Clark Construction Company (Lillard & Clark).
2. City Council could direct Staff to reduce the scope of the current project. Staff does not recommend this alternative, as only the most essential elements of the 95<sup>th</sup> Avenue and Federal Boulevard Lift Station Rehabilitation project were included in the project.
3. City Council could choose to construct the improvements at a later date. Staff recommends no delay in construction of this critical project. The existing equipment is at the end of its useful life and the facility requires frequent maintenance. A delay in the project increases the risk to the City of sewer back-ups and impacts to City customers.
4. City Council could choose not to authorize an amendment with Lidstone and Associates, Inc. (Lidstone) and request engineering proposals for engineering services during construction. Lidstone was originally selected for design services during a competitive process that anticipated subsequent engineering services during construction. In addition, it is Staff's assessment that Lidstone provides the best value for this project based on their familiarity with the project requirements and the City infrastructure involved. Staff believes that the negotiated scope is competitive for the work and recommends that Lidstone be retained for engineering services during construction.

### **Background Information**

The City owns and operates six lift stations that are used to transfer wastewater from low-lying areas and neighborhoods of the City into the City's wastewater collection system through which the wastewater then flows by gravity to treatment facilities. In 2011, Staff completed an evaluation of each lift station and developed a prioritized plan for recommended improvements. Staff most recently completed the construction of the 87<sup>th</sup> Avenue and Wadsworth Boulevard Lift Station and the design of repairs to the North Huron Lift Station. The next project in the Lift Stations Repair Program is the rehabilitation of the 95<sup>th</sup> Avenue and Federal Boulevard Lift Station. This lift station is at the end of its useful life and has a history of pump clogging and frequent maintenance.

In January 2014, City Council authorized a contract for engineering design to rehabilitate the station and design was completed in August. As mentioned in the October 13, 2014 Agenda Memo, the bid climate for construction has tightened. Staff anticipated this and contacted nine qualified contractors to obtain bids. Four of the contractors declined to participate due to high existing workloads and the unavailability of work crews during the required construction schedule. The remaining five contractors expressed initial interest and attended the mandatory pre-bid meeting. Two bids were received and are summarized in the following table.

<b>Contractors</b>	<b>Bid Price</b>
Velocity Constructors	\$645,279
Lillard & Clark Construction Co.	\$477,039
Engineer’s Opinion of Probable Construction Cost	\$459,718
2012 City Construction Cost Estimate Developed For the 2013/14 Budget Process	\$350,000

A review of the bids received indicated that Lillard & Clark’s bid was valid and the dollar amount reasonable for the scope of the work. For reference, Lillard & Clark’s bid is within approximately four percent of the Engineer’s Opinion of Probable Construction Cost, indicating that rebidding the project is unlikely to result in lower bids. The second bid is 35 percent higher than the low bid. Staff recommends executing a contract with Lillard & Clark for construction of this project. Construction is anticipated to commence following award of the contract and substantial completion is anticipated in spring of 2015.

Lidstone was selected for the design and bidding phases of the project through a competitive process that anticipated subsequent engineering services during construction. The Lidstone design contract was authorized by City Council in January 2014. Following successful completion of the project design in August, Staff negotiated a contract amendment with Lidstone for engineering services during construction in the amount of \$69,220. Staff is recommending a contingency of \$6,922 for this amendment for a total expenditure increase of \$76,142. Staff recommends executing a contract amendment with Lidstone based on the quality of their project design work, familiarity with existing conditions and the design of the repairs required, and their ability to streamline project tasks.

Funding for the project includes the 2013 Utilities Capital Improvements Fund and additional funds appropriated by Councillor’s Bill No. 32. Councillor’s Bill No. 32 was passed by City Council on first reading on October 13, 2014 and Staff is requesting that City Council approve the second reading of this action as a separate action to provide the necessary funding to complete this critical project.

<b>Project Expenses</b>	<b>Amount</b>
Lidstone engineering contract with contingency	\$ 108,167
Lidstone construction services with contingency	\$ 76,142
Lillard & Clark with contingency	\$ 524,743
Other project costs (permits, etc.)	\$ 40,948
<b>Total Project Expenses</b>	<b>\$ 750,000</b>

<b>Funding</b>	<b>Amount</b>
Utility Capital Improvement Fund - 95 <sup>th</sup> and Federal LS Rehabilitation Project	\$ 500,000
– Utility Capital Project Reserve Fund (CPR)	\$ 250,000
<b>Total Project Funding</b>	<b>\$750,000</b>

The 95<sup>th</sup> and Federal Lift Station Rehabilitation project meets City Council’s Strategic Plan goal of providing “Excellence in City Services” by rehabilitating aging infrastructure to provide improved and effective service to customers while reducing maintenance costs at this critical facility.

Respectfully submitted,

J. Brent McFall  
City Manager



# Agenda Item 8 J

## Agenda Memorandum

City Council Meeting  
October 27, 2014



**SUBJECT:** Second Reading of Councillor’s Bill No. 27 re 2015/2016 Appropriations

**Prepared By:** Steve Smithers, Deputy City Manager  
Barbara Opie, Assistant City Manager  
Aric Otzelberger, Assistant to the City Manager  
Ben Goldstein, Senior Management Analyst

**Recommended City Council Action:**

Pass Councillor’s Bill No. 27 on second reading appropriating funds for fiscal years 2015 and 2016.

**Summary Statement**

- City Council action is requested to pass the attached Councillors Bill on second reading to appropriate funds for fiscal years 2015 and 2016.
- The 2015/2016 Budget reflects all City operations and services to be provided to Westminster citizens and businesses in 2015/2016. This budget is balanced based on no tax increases or new taxes. 2015 will be the twenty-third and 2016 will be the twenty-fourth consecutive years maintaining the City’s property tax mill levy at 3.65 mills. The 2015/2016 Budget reflects the City’s ongoing work towards sustainability.
- The total 2015 Budget is \$192,534,667, excluding \$52,530,630 in reserves and projected carryover and \$1,000,000 in contingency. The total 2016 Budget is \$206,388,197, excluding \$40,623,087 in reserves and projected carryover and \$1,000,000 in contingency.
- This Councillor’s Bill was passed on first reading on October 13, 2014.

**Expenditure Required:**

2015 = \$192,534,667, plus \$52,530,630 in reserves and projected carryover and \$1,000,000 in contingency; and  
2016 = \$206,388,197, plus \$40,623,087 in reserves and projected carryover and \$1,000,000 in contingency

**Source of Funds:**

General; Utility; General Reserve; General Fund Stabilization Reserve; Utility Fund Rate Stabilization Reserve; Utility Fund Capital Projects Reserve; Golf Course; Fleet Maintenance; General Capital Outlay Replacement; Sales & Use Tax; Parks, Open Space and Trails (POST); Conservation Trust; General Capital Improvement; and Debt Service Funds

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3737**

COUNCILLOR'S BILL NO. **27**

SERIES OF 2014

INTRODUCED BY COUNCILLORS  
**Seitz - Winter**

**A BILL  
FOR AN ORDINANCE MAKING APPROPRIATIONS TO PAY THE EXPENSE OF  
CONTINUING THE PUBLIC BUSINESS FOR THE YEAR 2015 AND 2016 AND OTHER  
PURPOSES REQUIRED BY THE CHARTER AND BY ANY OTHER LAW**

THE CITY OF WESTMINSTER ORDAINS:

Section 1: Carryover as of December 31, along with revenue for the calendar and fiscal year are combined and reflected as the total in each of the following funds:

**NON-EMERGENCY RESERVE AND NEW REVENUE**

	Fiscal Year 2015	Fiscal Year 2016
a. General Fund	\$104,464,044	\$107,046,268
b. Utility Fund	67,069,617	79,967,800
c. General Capital Improvement Fund	11,563,000	10,192,000
d. Fleet Maintenance Fund	2,696,894	2,765,364
e. General Capital Outlay Replacement Fund	2,628,793	2,468,457
f. General Debt Service Fund	7,704,333	7,694,808
g. Conservation Trust Fund	932,000	750,000
h. Sales and Use Tax Fund	74,923,597	76,603,521
i. Parks Open Space & Trails Fund	5,666,403	5,603,927
j. General Reserve Fund	0	0
k. General Fund Stabilization Reserve Fund	0	0
l. Utility Fund Rate Stabilization Reserve Fund	0	0
m. Utility Fund Capital Projects Reserve Fund	930,000	10,730,000
n. Golf Course Fund	<u>3,937,720</u>	<u>3,872,126</u>
Total Funds Available	\$282,516,401	\$307,694,271
Less Transfers	<u>-88,981,734</u>	<u>-100,306,074</u>
GRAND TOTAL	\$193,534,667	\$207,388,197

Section 2: The following amounts are hereby appropriated for expenditure by fund to be expended by the City Manager in accordance with the City Charter.

	Fiscal Year 2015	Fiscal Year 2016
a. General Fund	\$104,464,044	\$107,046,268
b. Utility Fund	67,069,617	79,967,800
c. General Capital Improvement Fund	11,563,000	10,192,000
d. Fleet Maintenance Fund	2,696,894	2,765,364
e. General Capital Outlay Replacement Fund	2,628,793	2,468,457
f. General Debt Service Fund	7,704,333	7,694,808
g. Conservation Trust Fund	932,000	750,000
h. Sales and Use Tax Fund	74,923,597	76,603,521
i. Parks Open Space & Trails Fund	5,666,403	5,603,927
j. General Reserve Fund	0	0
k. General Fund Stabilization Reserve Fund	0	0
l. Utility Fund Rate Stabilization Reserve Fund	0	0
m. Utility Fund Capital Projects Reserve Fund	930,000	10,730,000
n. Golf Course Fund	<u>3,937,720</u>	<u>3,872,126</u>
Total Funds Available	\$282,516,401	\$307,694,271
Less Transfers	<u>-88,981,734</u>	<u>-100,306,074</u>
GRAND TOTAL	\$193,534,667	\$207,388,197

Section 3. This ordinance shall become effective January 1, 2015.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 13<sup>th</sup> day of October, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 27<sup>th</sup> day of October, 2014.

ATTEST:

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Mayor

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City Clerk



**Agenda Memorandum**

City Council Meeting  
October 27, 2014



**SUBJECT:** Second Reading of Councillor's Bill No. 28 Amending the Westminster Municipal Code re Municipal Judge Salary

**Prepared By:** Debbie Mitchell, General Services Director

**Recommended City Council Action**

Pass Councillor's Bill No. 28 on second reading amending Section 1-7-2 of the Westminster Municipal Code by setting the salary for the Municipal Judge for 2015.

**Summary Statement**

- City Council previously approved a revised employment agreement with John A. Stipech for services as Presiding Judge. The agreement will go into effect January 1, 2015, contingent upon the approval of this ordinance on second reading.
- In the previously approved agreement, Judge Stipech's 2015 combined salary and deferred compensation will be \$141,622. This agreement allows the Judge to designate a portion of his salary as City-paid deferred compensation to be paid as a lump sum at the beginning of 2015. The new combined salary and deferred compensation for 2015 is 2.5 percent higher than the Judge's compensation in 2014.
- The previously approved agreement with Judge Stipech is similar to the current employment agreement with the exceptions of the effective dates of the contract and the changes in compensation.
- The City Charter requires that the Presiding Judge's salary be approved by ordinance.
- This Councillor's Bill was passed on first reading on October 13, 2014.

**Expenditure Required:** \$141,622 plus the cost of fringe benefits as described in the attached employment agreement

**Source of Funds:** 2015 General Fund - Municipal Court Division Budget

Respectfully submitted,

J. Brent McFall  
City Manager

**Attachments**

- Employment Agreement
- Ordinance

## **EMPLOYMENT AGREEMENT**

THIS AGREEMENT, effective as of the 1st day of January, 2015, by and between the City of Westminster, State of Colorado, a municipal corporation, hereinafter called "the CITY," and JOHN A. STIPECH, hereinafter called "EMPLOYEE," both of whom understand as follows:

WHEREAS, the CITY desires to continue to employ the services of John A. Stipech as Presiding Municipal Judge of the City of Westminster as provided by City Charter, Chapter XVI, Section 16.2; and

WHEREAS, it is the desire of the City Council of the CITY (the "City Council") to provide certain benefits, establish certain conditions of employment, and to set working conditions of EMPLOYEE; and

WHEREAS, it is the desire of the City Council to (1) secure and retain the services of EMPLOYEE and to provide inducement for him to remain in such employment; (2) make possible full work productivity by assuring EMPLOYEE'S morale and peace of mind with respect to future security; (3) act as a deterrent against malfeasance or dishonesty for personal gain on the part of EMPLOYEE; and (4) provide a just means for terminating EMPLOYEE'S services at such time as he may be unable to fully discharge his duties or when the CITY may desire to otherwise terminate his employ; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

### SECTION 1. DUTIES:

A. The CITY hereby agrees to continue the employment of EMPLOYEE as Presiding Municipal Judge of the CITY to perform the duties and functions specified in Section 16.2 of the City Charter, Chapter 22 of Title I of the City Code and such other legally and ethically permissible and proper duties and functions as the City Council shall from time to time assign.

B. EMPLOYEE shall administer the judicial component of the Municipal Court and shall be responsible for providing judicial coverage to insure efficient and expeditious hearing of all matters scheduled for hearing in the Municipal Court.

C. EMPLOYEE and the Court Administrator shall prepare and submit jointly a proposed budget for the Municipal Court, following guidelines established by the City Manager. This budget shall be reviewed by the City Manager's Office and submitted to the City Council for final approval as part of the City Manager's recommended City Budget. Requests for changes in the budget during the fiscal year shall also be submitted through the City Manager's Office.

D. EMPLOYEE shall supervise the judicial staff of the Municipal Court as may be authorized by the City Council. EMPLOYEE shall provide advice and direction to the Court Administrator in connection with the governance of the Court staff.

E. Except as otherwise expressly provided in this Agreement, EMPLOYEE shall be subject to the City of Westminster Personnel Policies and Rules, dated July 1, 2013, as amended ("Personnel Policies and Rules").

### SECTION 2. TERM

A. It is the intent of the City Council and EMPLOYEE that EMPLOYEE will serve as Presiding Judge for calendar years 2015 and 2016. During the term of this Agreement, EMPLOYEE agrees to remain in the exclusive employ of the CITY. Further, EMPLOYEE agrees not to become employed by any other employer until this Agreement is terminated. Notwithstanding the foregoing, the term "employed" shall not be construed to include other judicial service, private law practice, teaching, writing, consulting work or other related activities performed on EMPLOYEE'S time off.

B. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the CITY to terminate the services of EMPLOYEE at any time and for any reason, subject only to the provisions set forth in Section 3 of this Agreement.

C. Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from his position with the CITY, subject only to the provisions set forth in Section 3 of this Agreement.

D. This Agreement is for a one-year term, but shall be automatically renewed for 2016 unless terminated no later than October 31, 2015.

### SECTION 3. TERMINATION, NOTICE AND SEVERANCE PAYMENT:

A. In the event the City Council decides to terminate EMPLOYEE's employment with the CITY before expiration of the aforementioned term of employment and during such time EMPLOYEE is willing and able to perform the duties of Presiding Municipal Judge, then, and in that event, the CITY agrees to give EMPLOYEE six (6) months' prior written notice or, if no such notice is given, to pay EMPLOYEE a lump sum cash payment equal to his Base Salary for the ensuing six (6) months, plus or minus the pro rata share of deferred compensation to which EMPLOYEE is entitled based on his termination date and the amount of deferred compensation already paid to EMPLOYEE for that year (the "Severance Payment"). In the event the CITY elects to terminate this Agreement without giving EMPLOYEE six (6) months' advance written notice thereof, the EMPLOYEE shall have as his sole and exclusive remedy the Severance Payment as provided in this paragraph and EMPLOYEE shall have no other rights or claims against the CITY and hereby expressly waives and releases the same; provided, however, that in the event the EMPLOYEE is terminated because of his conviction of any illegal act, then, and in that event, the CITY has no obligation to give notice or pay the Severance Payment .

B. In the event the CITY at any time during the employment term reduces the salary or other financial benefits of EMPLOYEE in a greater percentage than an applicable across-the-board reduction for all City employees, or in the event the CITY refuses, following written notice, to comply with any other provisions benefiting EMPLOYEE herein, or the EMPLOYEE resigns following a written suggestion by at least four (4) members of the City Council that he resign, then, and in that event, EMPLOYEE may, at his option, be deemed to be "terminated" at the date of such reduction and be entitled to the Severance Payment as described in subsection A of this Section 3.

C. In the event EMPLOYEE voluntarily resigns his position with the CITY before expiration of the aforesaid term of employment, then EMPLOYEE shall give the CITY no less than sixty (60) days' notice in advance in writing, and this agreement shall terminate on the effective date of the resignation.

D. The parties may, by mutual written agreement, shorten the time required for written notification of termination or resignation set forth in this Section 3.

E. In the event this Agreement is not renewed by the City Council, such non-renewal shall be considered a termination as provided for in Section 3.A hereof and shall entitle EMPLOYEE to the Severance Payment described therein.

### SECTION 4. SALARY AND EVALUATIONS:

A. Effective January 1, 2015, the CITY agrees to pay EMPLOYEE for his services rendered pursuant hereto an annual gross salary ("Gross Salary") of \$141,622 which consists of a base salary ("Base Salary") and the amount EMPLOYEE elects to take in deferred compensation. EMPLOYEE may elect to receive a portion of his Gross Salary in the form of a lump sum amount of deferred compensation up to the then current maximum allowed by law. The Base Salary shall be payable in installments at the same time as other employees of the CITY are paid.



B. The CITY agrees to review EMPLOYEE'S performance annually, no later than October 31 of each year. Salary evaluation each year shall be at the discretion of the CITY. Such evaluation shall consider the salary of judges of similar municipalities.

C. Pursuant to the City Charter, the Base Salary and deferred compensation provided in this Section shall be approved by ordinance of the City Council.

#### SECTION 5. HOURS OF WORK:

It is recognized that EMPLOYEE must devote a great deal of his time outside normal office hours to business of the CITY, and to that end, EMPLOYEE will be allowed to take compensatory time off as he shall deem appropriate during normal office hours, in compliance with the Personnel Policies and Rules.

#### SECTION 6. TRANSPORTATION:

EMPLOYEE'S duties require that he have an EMPLOYEE-provided automobile. EMPLOYEE shall be responsible for paying of liability, property, maintenance, repair and regular replacement of said automobile. The CITY shall pay EMPLOYEE a monthly car allowance of \$500 to assist in compensating for these costs.

#### SECTION 7. DUES AND SUBSCRIPTIONS:

The CITY agrees to budget and to pay the professional dues of EMPLOYEE necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the CITY.

#### SECTION 8. PROFESSIONAL DEVELOPMENT:

The CITY agrees to budget and to pay registration, travel and subsistence expenses of EMPLOYEE for professional and official travel to meetings and occasions related to the professional development of EMPLOYEE and to official and other functions as a representative of the CITY, including, but not limited to, the American Bar Association, the Colorado Bar Association, the Colorado Municipal Judges Association, and continuing legal education courses and seminars related to topics of the judiciary. In addition to reasonably funding educational/training programs for EMPLOYEE'S professional staff, sufficient funds shall be budgeted to permit EMPLOYEE to attend at least one national, one statewide, and one local educational/training program each calendar year.

#### SECTION 9. GENERAL EXPENSES:

The CITY recognizes that certain expenses of a non-personal, job-affiliated nature are incurred by EMPLOYEE, and hereby agrees to reimburse or to pay said non-personal, job-affiliated expenses. Disbursement of such monies shall be made upon receipt of duly executed expense vouchers, receipts, statements, or personal affidavit.

#### SECTION 10. FRINGE BENEFITS:

The CITY shall provide EMPLOYEE with all benefits that are provided to Department Head level employees by the Personnel Policies and Rules; provided that when such benefits are in conflict with this Agreement, this Agreement shall control. EMPLOYEE'S years of service with the City in an unbenefited capacity will be treated as years of continuous municipal service when the level of EMPLOYEE'S benefits is computed.

SECTION 11. OTHER TERMS AND CONDITIONS OF EMPLOYMENT:

A. The City Council shall fix any other terms and conditions of employment as it may from time to time determine, relating to the performance of EMPLOYEE, provided such terms and conditions are not inconsistent with the provisions of this Agreement, the City Charter or any other law.

B. EMPLOYEE is ultimately responsible for providing judicial coverage of all docketed matters in the Westminster Municipal Court.

SECTION 12. GENERAL PROVISIONS:

A. The text herein shall constitute the entire agreement between the parties.

B. This Agreement shall be binding upon and inure to the benefit of the heirs at law and executors of EMPLOYEE.

C. This Agreement becomes effective on January 1, 2015, and, if automatically renewed, shall be in effect through December 31, 2016.

D. If any provision, or any portion hereof contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the portion thereof shall be deemed severable, and the remainder shall not be affected, and shall remain in full force and effect.

E. The parties agree that this Agreement is entered into and shall be governed by the laws of the State of Colorado.

F. Effective January 1, 2015, this Agreement replaces and supersedes prior employment agreements between CITY and EMPLOYEE.

G. Nothing in this Agreement shall be construed as creating a multiple fiscal year obligation on the part of the CITY within the meaning of Colorado Constitution Article X, Section 20.

IN WITNESS WHEREOF, the City of Westminster, Colorado, has caused this Agreement to be signed and executed on its behalf by its Mayor, and duly attested by its City Clerk, and EMPLOYEE has voluntarily signed and executed this Agreement.

APPROVED by the Westminster City Council on October 13, 2014, contingent upon approval of the Councillor's Bill amending the Municipal Judge salary.

ATTEST:

\_\_\_\_\_  
Herb Atchison, Mayor

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

\_\_\_\_\_  
John A. Stipech

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Acting City Attorney

BY AUTHORITY

ORDINANCE NO. **3738**

COUNCILLOR'S BILL NO. **28**

SERIES OF 2014

INTRODUCED BY COUNCILLORS  
**Pinter - Winter**

**A BILL  
FOR AN ORDINANCE SETTING THE SALARY OF THE MUNICIPAL JUDGE FOR 2015**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 1-7-2, W.M.C., is hereby AMENDED as follows:

**1-7-2: MUNICIPAL JUDGE:** The salary of the Municipal Judge shall be as follows:

\$141,622 per annum, effective January 1, 2015, payable bi-weekly inclusive of any amounts provided as City-paid deferred compensation. Such deferred compensation amount may, at the Municipal Judge's option, be paid as a lump sum at the beginning of the calendar year.

Section 2. 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, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2014.

ATTEST:

\_\_\_\_\_  
Mayor

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

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
Acting City Attorney



**Agenda Memorandum**

City Council Meeting  
October 27, 2014



**SUBJECT:** Second Reading of Councillor's Bill No. 30 Amending the Westminster Municipal Code re Specific Plan District Creation

**Prepared By:** Mac Cummins, Planning Manager

**Recommended City Council Action**

Pass Councilor's Bill No. 30 on second reading making revisions to the Westminster Municipal Code concerning Specific Plan District creation.

**Summary Statement**

- Staff is proposing City Council add a new zoning category to the Municipal Code, that would be called Specific Plan District (SPD); and would be intended for use in redevelopment areas. The expectation for this District has been established in the most recent Comprehensive Plan, when the City established "Focus Areas," which are intended to be further defined by a Specific Plan at a future date. The intent of a SPD is to merge the concepts of regulatory zoning requirements (setbacks, parking, height, etc.) with the negotiated design requirements of our standard Planned Unit Development (PUD) zoning into one "Euclidean" zoning category that will have all requirements located in one place (i.e., in each specific plan). This will, in staff's opinion, make the process of development review approval in these targeted areas easier, more efficient, less costly, and more expeditious than a negotiated PUD zone process.
- Specific Plans are intended to serve as comprehensive, self-contained, and generally self-executing regulatory documents for the governance, control and implementation of land uses and development within a SPD, consistent with the goals and objectives of the SPD's Focus Area designation in the Comprehensive Plan.
- This Specific Plan District creation was discussed with City Council at two previous study sessions and Council directed staff to bring this forward for official action.
- The Councillor's Bill was approved on first reading by City Council on October 13, 2014.

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

Respectfully submitted,

J. Brent McFall  
City Manager

BY AUTHORITY

ORDINANCE NO. **3739**

COUNCILLOR'S BILL NO. **30**

SERIES OF 2014

INTRODUCED BY COUNCILLORS  
**Winter - Seitz**

A BILL

FOR AN ORDINANCE AMENDING SECTIONS 11-4-1, 11-4-6, 11-4-7, 11-4-7.5, 11-5-2, 11-5-3, 11-5-5, 11-5-6, 11-5-13 OF THE WESTMINSTER MUNICIPAL CODE CONCERNING ZONING, AND PROCEDURES AND REQUIREMENTS FOR THE APPROVAL OF ANNEXATIONS, REZONINGS, DEVELOPMENT PLANS, AND PLATS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-4-1, W.M.C., is hereby AMENDED to read as follows:

**11-4-1: ESTABLISHMENT OF DISTRICTS:** (2534 3497) The City hereby establishes the following defined zoning districts:

RE ONE-FAMILY RESIDENTIAL DISTRICT. A residential district for large-lot single-family detached dwelling units.

R1 ONE-FAMILY RESIDENTIAL DISTRICT. A residential district for medium-lot single-family detached dwelling units.

RA ONE-FAMILY RESIDENTIAL DISTRICT. A residential district for single-family detached dwelling units.

R2 TWO-FAMILY RESIDENTIAL DISTRICT. A residential district allowing a mix of single-family detached dwelling units and duplexes.

R3 MULTIPLE-FAMILY RESIDENTIAL DISTRICT. A residential district allowing a mix of single-family-, duplex, and low-density multi-family dwelling units.

R4 MULTIPLE-FAMILY RESIDENTIAL DISTRICT. A residential district allowing a mix of single-family, duplex, and low- and medium-density multi-family dwelling units.

R5 MOBILE HOME DISTRICT. A residential district specifically tailored for mobile home parks.

T1 TRANSITIONAL DISTRICT. A mixed-use district allowing both office and residential uses.

B1 BUSINESS DISTRICT. A restricted retail and office district where no outside storage of goods and merchandise is allowed.

C1 COMMERCIAL DISTRICT. A retail and office district where outside storage of merchandise is permitted.

C2 HEAVY COMMERCIAL DISTRICT. A commercial district where more intensive activities and uses not compatible with residential and other business uses are allowed.

M1 INDUSTRIAL DISTRICT. A manufacturing and office district.

O1 OPEN DISTRICT. An agricultural and open district for providing an area of the City devoted to the production of agricultural crops and livestock, as well as preserving and protecting agricultural and non-urbanized areas until urbanization is warranted and the appropriate change in district classification is made.

PUD PLANNED UNIT DEVELOPMENT DISTRICT. A district where a maximum amount of flexibility is allowed in order to create a unified, innovative approach to mixed use design.

SPD SPECIFIC PLAN DISTRICT. A district intended to implement comprehensive land use and development policies, objectives and requests specifically designated as Focus Areas in the City's Comprehensive Plan.

Section 2. Section 11-4-6, subsection (R) W.M.C., is hereby AMENDED to read as follows:

(C) CITY EXEMPTION FROM COMPLIANCE: All property, uses, structures, and facilities owned or operated by the City ~~for the purpose of providing municipal services~~ or the Westminster Urban Renewal Authority are exempt from complying with all zoning and subdivision regulations and are exempt from all Preliminary Development Plan, Official Development Plan, Specific Plan, and platting procedures contained in this Code.

In addition, the ~~acquisition purchase and sale of land, wherever located,~~ by the City or the Westminster Urban Renewal Authority for open space, park, rights-of-way, or other public purposes ~~is~~are exempt from complying with all zoning and subdivision regulations and all Preliminary Development Plan ~~and~~, Official Development Plan, Specific Plan, and platting requirements contained in this Code.

Section 3. Section 11-4-6, W.M.C., is hereby AMENDED by the addition of the new subsection (S) to read as follows:

(S) APPLICABILITY. For PUD and Specific Plan Districts, the provisions of this section shall apply to the extent not modified in an approved Official Development Plan or Specific Plan for the underlying development within such district.

Section 4. Section 11-4-7, subsection (A), W.M.C., is hereby AMENDED to read as follows:

**11-4-7: PUD -- PLANNED UNIT DEVELOPMENT DISTRICT: (2534 2975 3497)**

(A) AUTHORIZATION: The provisions of this Title concerning Planned Unit Development (PUD) districts are enacted pursuant to the home rule provisions of Article XX of the Colorado Constitution and the authority and powers contained in Chapters 2, 4 and 411.5 of the City Charter.

Section 5. Title XI, Chapter 4, W.M.C., is hereby AMENDED by the addition of a new Section 11-4-7.5 as follows:

**11-4-7.5: SPD – SPECIFIC PLAN DISTRICT**

(A) GENERAL PROVISIONS: The SPD is intended to provide a mechanism for establishing a more fluid and accessible form of classifying and regulating land uses and development within Focus Areas,

defined as such in the Comprehensive Plan. The primary policy objectives and considerations behind a SPD designation include:

(1) the Focus Area to which it is attached presents uniquely important development or redevelopment opportunities and benefits to the City;

(2) the Focus Area, due to development or redevelopment complexities, is reasonably expected to develop over a longer period of time compared to other developments of the City of similar size;

(3) the development or redevelopment of the Focus Area in accordance with its corresponding Specific Plan is considered vital to the success in achieving the primary goals of the Comprehensive Plan;

(4) the SPD designation is deemed reasonably necessary to accomplish the land use and development objectives of the corresponding Focus Area ;

(5) the Focus Area is located near major crossroads or transit centers, and its designation as a SPD is deemed reasonably necessary to develop the Focus Area as a major City gateway or transit oriented development;

(6) the SPD and the Specific Plan will promote the creation of a cohesive neighborhood identity within the Focus Area, which will attract new employers and residents.

(B) PERMITTED USES:

(1) The following uses are permitted in a SPD District:

(a) All uses listed as permitted by the Specific Plan for the SPD.

(b) Public utilities.

(c) Temporary, on-site construction and real estate sales.

(d) All uses, structures, and facilities owned or operated by the City.

(2) All uses in a SPD must conform with the City's Comprehensive Plan.

(3) All uses in a SPD shall be subject to the limitations, conditions, restrictions, and all other provisions of the SPD's Specific Plan and Official Development Plan, and all applicable provisions of this Code.

Section 6. Section 11-5-2, subsections (A) and (B) W.M.C., are hereby AMENDED to read as follows:

**11-5-2: REZONING REQUIREMENT: (2534 2598)**

(A) No zoning or rezoning for any property within the City shall be granted unless the zoning or rezoning is to Planned Unit Development, Specific Plan District, or O1, provided, however:

(1) For property without ~~current~~ Planned Unit Development or Specific Plan zoning, such property may be rezoned to a ~~non-PUD~~ zoning classification other than Planned Unit Development or Specific Plan, if such property is:

(a) Less than two (2) acres; and

(b) Previously developed or partially developed, or, if undeveloped, such property abuts an existing zone of the same zone being requested.

(2) For property with current Planned Unit Development zoning, such property may be rezoned to a ~~non-PUD~~ zoning classification, in other than Planned Unit Development or Specific Plan, at the discretion of City Council, based on Council's finding of all of the following conditions:

- (a) The surrounding land uses are zoned for residential use or are zoned O1;
- (b) The size of the property is not more than two (2) acres in size;
- (c) The change in zoning to a zoning other than Planned Unit Development will not adversely impact the surrounding neighborhood; and
- (d) the proposed zoning will result in a project of lower residential density than the PUD existing at the time.

(B) Any application for zoning or rezoning, including any City initiated zoning or rezoning, shall be subject to review and approval by the Planning Commission and City Council in accordance with the procedures set forth in Section 11-5-13, W.M.C. Individual land uses within a Planned Unit Development district may be added or changed pursuant to approval, by motion of City Council, of a ~~Preliminary Development Plan or an Amended Preliminary Development Plan~~ setting forth the permitted land uses within the Planned Unit Development. No rezoning from one (1) Individual land uses within a Specific Plan District may be added or changed pursuant to approval, by motion of City Council, of a Specific Plan Amendment setting forth the permitted land uses within the Specific Plan District. No zoning or rezoning from one zoning district to another shall be effective, except pursuant to a duly adopted ordinance of the City Council. Preliminary and Official Development Plans, and amendments thereto, may be approved by motion of the City Council.

Section 7. Section 11-5-3, subsection (B) is hereby AMENDED and subsection (E), W.M.C., has been added to read as follows:

**11-5-3: STANDARDS FOR APPROVAL OF ZONINGS AND REZONINGS: (2534)**

(B) The City may initiate a rezoning of any property in the City without the consent of the property owner, including property annexed or being annexed to the City, when provided a City initiated zoning or rezoning shall not take effect unless City Council ~~determines~~finds, as part of the final rezoning ordinance, anyat least one of the following:

(1) The current zoning is inconsistent with one (1) or more of the goals or objectives of the City's Comprehensive Land Use Plan.

(2) The current zoning is incompatible with one (1) or more of the surrounding land uses, either existing or approved.

(3) The surrounding development is or may be adversely impacted by the current zoning.

(4) The City's water, sewer or other services are or would be significantly and negatively impacted by the current zoning and the property is not currently being served by the City.

(E) Any zoning or rezoning to Specific Plan District shall satisfy the standards set forth in Section 11-5-20, W.M.C.



Section 8. Section 11-5-5, subsections (C) and (D), W.M.C. are hereby AMENDED to read as follows:

**11-5-5: OFFICIAL DEVELOPMENT PLAN (ODP) REQUIREMENT: (2534)**

(C) For any property zoned Planned Unit Development or Specific Plan, the City shall have the option to require that an ODP filed with the City cover the entire ownership or substantially the same ownership as determined by the City.

(D) For any property not zoned Planned Unit Development or Specific Plan, any ODP filed with the City shall reflect a plan for the development or redevelopment of all contiguous land under or substantially under the same ownership. This requirement shall apply to all ODP's, even if the landowner has no immediate plans for the development or redevelopment of such land. The intent is to insure that a unified plan is approved for all land under or substantially under the same ownership.

Section 9. Section 11-5-6, subsection (A), W.M.C., is hereby AMENDED to read as follows:

**11-5-6: OFFICIAL DEVELOPMENT PLAN (ODP) WAIVER: (2534 2598 3664)**

(A) ~~No ODP waiver shall be granted for any property zoned Planned Unit Development or Specific Plan.~~

Section 10. Section 11-5-13, subsections (A) and (D), W.M.C., are hereby AMENDED to read as follows:

**11-5-13: PUBLIC HEARINGS FOR LAND DEVELOPMENT APPROVALS: (2534 3368)**

(A) The following public hearing procedure shall apply to any application for the approval of a PDP, amended PDP, ODP, ~~or~~ amended ODP, Specific Plan, or Specific Plan Amendment and any zoning or rezoning for which a public hearing is required in pursuant to this Chapter ~~to be reviewed and approved by the Planning Commission or~~. For any City-initiated application, the City Council term "applicant" shall mean the City.

(1) A public hearing before the Planning Commission shall be scheduled by the City.

(2) Notice of public hearings scheduled before the Planning Commission shall be published and posted at least ten (10) days prior to such hearing.

(3) Notice of public hearings scheduled before the City Council shall be published and posted at least four (4) days prior to such hearing.

(4) Notice of the public hearing shall be published by the City by one (1) publication in the official newspaper of the City.

(5) The notice of the public hearing shall also be posted on the property by the City using at least one (1) sign with a minimum area of thirty (30) square inches, with lettering not less than one and one-quarter inches (1 ¼") in height, at an appropriate location on site that is reasonably visible to vehicular and pedestrian traffic passing adjacent to the site.

(6) Mailed notice of the public hearing shall be given by the applicant by sending such notice by first-class mail to all owners within the area covered by the ~~PDP, ODP, or PDP or ODP amendment, application~~ and any owners and any homeowner's associations registered with the City within

three hundred feet (300') of the subject property; provided, however, the City may extend this distance beyond three hundred feet (300'), based on the location and configuration of adjacent properties, neighborhoods and business areas.

(7) It shall be the responsibility of the applicant to:

(a) Prepare the list of property owners who are required to receive notice. Such list shall contain the name and mailing address of property owners from the County's records, keyed to the appropriate lot and block number on the County Assessor's maps.

(b) Prepare a map using County Assessor's maps identifying the subject site, and the location and lot and block number of the properties to be notified.

(c) Deliver to the Planning Manager the items listed above in a format acceptable to the Planning Manager at least fifteen (15) days prior to the date of hearing.

(d) Mail, by first-class mail, the individual notices to the listed property owners, at least ten (10) days prior to the date of the hearing. Also, the applicant shall provide the Planning Manager, prior to the hearing, a certification that the required notices were mailed and the date of such mailing(s).

(8) The City shall prepare the form of the notice to be issued. At the public hearing, the Planning Manager shall verify that the required notices were issued. Any person with actual notice of the public hearing shall have no standing to object to the commencement or conduct of the public hearing, even if such person failed to receive one (1) or more of the forms of notice prescribed above.

(D) No application or fee shall be required for a City-initiated application.

Section 11. Title XI, Chapter 5, W.M.C., is hereby AMENDED by the addition of a new subsection to read as follows:

**11-5-20: SPECIFIC PLANS:**

(A) GENERAL INTENT: Specific Plans are intended to serve as comprehensive, self-contained, and generally self-executing regulatory documents for the governance, control and implementation of land uses and development within a Specific Plan District, consistent with the goals and objectives of the Specific Plan District's Focus Area designation in the Comprehensive Plan.

(B) SPECIFIC PLAN AND OFFICIAL DEVELOPMENT PLAN REQUIREMENT: No property within a Specific Plan District may be used, improved or developed without the prior approval of a Specific Plan and an Official Development Plan for the property proposed to be developed.

(C) APPLICABILITY OF MUNICIPAL CODE TO SPECIFIC PLAN DISTRICTS: Municipal Code provisions related to land use and development in the City shall apply to land use and development in Specific Plan Districts, unless such provision is specifically negated or modified in an applicable Specific Plan.

(D) SPECIFIC PLAN INITIATION:

(1) A Specific Plan may be initiated by the City Council or by an application signed by at least 50% of the owners who own at least 50% of the property in the Specific Plan District.

(2) Amendments to a Specific Plan may be initiated by the City Council or by at least 50% of the owners who own at least 50% of the property in the Specific Plan District.

(E) SPECIFIC PLAN CONTENT: A Specific Plan shall include, but not be limited to text and illustrations sufficient, in the opinion of the Planning Manager, to specify all of the following in detail:

(1) The distribution, location and extent of individual land uses, including open space, within the area covered by the plan;

(2) The proposed distribution, location, extent and intensity of major components of public and private transportation, waste water, water, drainage, solid waste disposal, energy, parks, schools and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan;

(3) Land use regulations and development, design and performance standards that govern each use or physical area identified by the specific plan. These regulations and standards may include, but not be limited to the following:

(a) A listing of allowable uses within each land use designation and applicable definitions, use classifications, supplemental standards (height, intensity, etc.) and requirements for discretionary entitlement application and other permits

(b) Standards governing site coverage, lot size and dimensions (where applicable), yard and setback requirements, usable open space, landscaping and related performance standards;

(c) Site development standards that address adjacent zoning district and development, where applicable;

(d) Standards and guidelines for the architectural, landscaping, streetscape and other urban design features for development within the specific plan area. Streetscape design shall include, but not be limited to, plant and materials palette, landscape design and placement, lighting, street furniture and equipment screening; and

(e) Supplemental illustrations establishing the basic architectural and environmental character to be attained throughout the specific plan area.

(4) A program of implementation measures, including regulations, programs, public works projects, financing measures and a statement of consistency with any existing master/capital improvements plan necessary to carry out subsections 1, 2 and 3 listed above; and

(5) A statement of relationship of the specific plan to the Comprehensive Plan, including a statement of how the specific plan implements the goals and policies of the Comprehensive Plan.

(6) All necessary maps within the area covered by the proposed plan;

(7) A legal and physical description of the site including boundaries, easements, existing topography, natural features, existing buildings, structures and utilities;

(F) OFFICIAL DEVELOPMENT PLANS: In addition to all other requirements in this Chapter pertaining to ODPs and ODP amendments, the Planning Manager may require an application for the approval of an ODP or ODP Amendment within a Specific Plan District to include any or all of the following:

(1) A site plan, drawn to scale that depicts all proposed on-site improvements and utilities and the locations of same in accordance with the standards established in the Specific Plan;

(2) A landscape plan drawn to scale that sets forth information pertinent to the landscape requirements of the relevant specific plan and the Westminster Municipal Code and shows all existing trees and shrubs on the site;

(3) Grading and drainage plans unless the City Engineer determines they are unnecessary for the review process;

~~(4) Architectural (D) — A City initiated amendment to a Preliminary Development Plan or Official Development Plan shall be authorized only after notice and hearing before City Council. In addition to the notice and hearing requirements set forth above, a City initiated amendment shall be preceded by registered, mailed notice to the owner, setting forth the grounds for the proposed amendment and a statement that a copy of the proposed amended Preliminary Development Plan is on file and available for inspection in the offices of the Director of Community Development. A City initiated amendment to a Preliminary Development Plan shall be effective immediately upon its approval by City Council after notice and hearing pursuant to this Section. Constructive notice of the amendment shall be given immediately following its approval by City Council by recording the findings and order of Council, together with a copy of the plan as amended, in the real estate records of the county in which the property is located. No application or fee shall be required for a City initiated Preliminary or Official Development Plan amendment.~~ plans and exterior elevations indicating profiles, glazing and materials drawn to scale. Colored architectural elevations and a materials board with physical samples shall be submitted with drawings;

(5) Three dimensional massing model demonstrating mass, articulation, building placement and cast shadow analysis;

(6) Scale drawings of all signs and light standards with details of height, area, color and materials specified therein, including a photometric plan;

(7) A Phasing Plan if applicable; and

(8) Any other documents or information necessary to determine compliance of the ODP or ODP amendment with the requirements of the applicable Specific Plan.

(G) APPROVAL PROCESS: All Specific Plans and Specific Plan Amendments shall be subject to review by the Planning Commission and City Council in accordance with the procedure set forth in Section 11-5-13 of this Code.

(H) STANDARDS FOR APPROVAL OF SPECIFIC PLANS AND SPECIFIC PLAN AMENDMENTS: Prior to the approval of a Specific Plan or Specific Plan Amendment, the City Council shall find all of the following:

(1) The proposed plan or plan amendment is in conformance with the City's Comprehensive Plan and all City policies, standards and sound planning principles and practices.

(2) There is either existing capacity in the City's streets, drainage and utility systems to accommodate the proposed plan or plan amendment, or arrangements have been made to provide such capacity in a manner and timeframe acceptable to City Council.

(3) The proposed plan or amendment is in compliance with all applicable provisions of this Code, including but not limited to this Section 11-5-20.

(4) The proposed plan advances and implements the objectives and policies set forth in Section 11-4-7.5 and the property's associated Focus Area as set forth in the City's Comprehensive Plan.

(I) SUBDIVISION: An Official Development Plan may be used as the basis for a subdivision and subsequent sale or transfer of land within a Specific Plan District provided that a Specific Plan has been approved and the Official Development Plan contains legally defined and described boundaries of the parcels being created by the subdivision.

Section 12. This ordinance shall take effect upon its passage after second reading.

Section 13. 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, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of October, 2014.

ATTEST:

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

\_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM:

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



## Agenda Item 8 M

### Agenda Memorandum

City Council Meeting  
October 13, 2014



**SUBJECT:** Second Reading of Councillor's Bill No. 31 re Johnson Open Space Acquisition Grant Supplemental Appropriation

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

### Recommended City Council Action

Pass Councillor's Bill No. 31 on second reading appropriating funds received from the Adams County Open Space Grant Program in the amount of \$754,600 for the Johnson open space acquisition grant.

### Summary Statement

- This Councillor's Bill was passed on first reading on October 13, 2014.
- Council previously authorized the Department of Community Development to pursue a grant in the amount of \$754,600 from the Adams County Open Space grant program for the acquisition of the Johnson parcel located at 11645 Federal Boulevard (see attached map). Adams County awarded the grant to Westminster in the requested amount of \$754,600. The City provided a match of \$323,400 using 2013 carryover funds from the Parks, Open Space, and Trails fund.
- The City acquired this parcel on May 29, 2014.
- City Council action is needed to appropriate these grant funds.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment: Councillor's Bill

- BY AUTHORITY

ORDINANCE NO. **3740**

COUNCILLOR'S BILL NO. **31**

SERIES OF 2014

INTRODUCED BY COUNCILLORS  
**Garcia - Pinter**

**A BILL  
FOR AN ORDINANCE AMENDING THE 2014 BUDGET OF THE PARKS, OPEN SPACE AND  
TRAILS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE  
2014 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2014 appropriation for the Parks, Open Space and Trails Fund initially appropriated by Ordinance No. 3655 is hereby increased by \$754,600. This appropriation is due to the receipt of Adams County grant funds.

Section 2. The \$754,600 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item #10Q, dated October 13, 2014 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Parks, Open Space and Trails Fund	<u>\$754,600</u>
Total	<u>\$754,600</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13<sup>th</sup> day of October, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27<sup>th</sup> day of October, 2014.

ATTEST:

\_\_\_\_\_  
Mayor

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



**Agenda Memorandum**

City Council Meeting  
October 27, 2014



**SUBJECT:** Second Reading of Councillor's Bill No. 32 re 95<sup>th</sup> Avenue and Federal Boulevard Lift Station Rehabilitation Project Supplemental Appropriation

**Prepared By:** Julie Koehler, Senior Engineer  
Stephen Grooters, Senior Projects Engineer

**Recommended City Council Action**

Pass Councillor's Bill No. 32 on second reading appropriating wastewater funds from the Utility Capital Project Reserve in the amount of \$250,000 for the 95<sup>th</sup> Avenue and Federal Boulevard Lift Station Rehabilitation Project.

**Summary Statement**

- In 2011 Staff completed an evaluation of all City lift stations and developed a prioritized plan for recommended improvements. The next step in the Lift Stations Repair Program is rehabilitating the lift station at the intersection of 95<sup>th</sup> Avenue and Federal Boulevard, which is at the end of its useful life.
- Due to the changing bid climate, bids were higher than anticipated and \$250,000 of additional funds are requested to allow this critical project to proceed. Staff recommends using funds from the Utility Capital Project Reserve.
- This bill was approved on first reading by City Council on October 13, 2014.

**Expenditure Required:** \$250,000

**Source of Funds:** Utility Capital Project Reserve Fund

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment: Ordinance



BY AUTHORITY

ORDINANCE NO. **3741**

COUNCILLOR'S BILL NO. **32**

SERIES OF 2014

INTRODUCED BY COUNCILLORS  
**Winter - Seitz**

**A BILL  
FOR AN ORDINANCE AMENDING THE 2014 BUDGET OF THE UTILITY CAPITAL  
PROJECT RESERVE AND WASTEWATER FUNDS AND AUTHORIZING A  
SUPPLEMENTAL APPROPRIATION FROM THE 2014 ESTIMATED REVENUES IN THESE  
FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2014 appropriation for the Utility Capital Project Reserve and Wastewater Funds initially appropriated by Ordinance No. 3655 is hereby increased by \$500,000. This increase is due to the appropriation of reserve funds.

Section 2. The \$500,000 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10R, dated October 13, 2014 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Utility Capital Project Reserve Fund	\$250,000
Wastewater Fund	<u>250,000</u>
Total	<u>\$500,000</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13<sup>th</sup> day of October, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27<sup>th</sup> day of October, 2014.

ATTEST:

\_\_\_\_\_  
Mayor

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



Agenda Memorandum

City Council Meeting  
October 27, 2014



**SUBJECT:** Second Reading of Councillor’s Bill No. 33 re Amend the Westminster Municipal Code Concerning Water and Wastewater Rate Adjustments

**Prepared By:** Christine Gray, Senior Management Analyst  
Jody Andrews, Director of Public Works and Utilities

**Recommended City Council Action**

Pass Councillor’s Bill No. 33 on second reading implementing water, wastewater and reclaimed water rate adjustments for 2015 and 2016 by amending sections 8-7-7, 8-8-5 and 8-12-7 of the Westminster Municipal Code.

**Summary Statement**

- The City develops water and wastewater Utility rates to pay for the costs of operating and maintaining the City’s water and wastewater infrastructure.
- Staff recommends increasing water rates by 4.0% in 2015 and 4.0% in 2016, and wastewater rates by 6.25% in 2015 and 6.25% in 2016.
- The recommended rate increases are a continuation of the City’s financial policies to provide for the long-term repair and replacement of the City’s aging Utility by gradually reducing the reliance on tap fees as the City approaches build out conditions.
- The combined 2015 increase in cost for the average single family home would be \$2.80 per month. The combined 2016 increase over 2015 would be \$2.94 per month.
- The combined 2015 increase in cost for a low water use home would be \$1.77 per month. The combined 2016 increase over 2015 would be \$1.85 per month.
- The water rate increase would also apply to the cost of reclaimed water. To simplify reclaimed water costs for current and prospective customers, Staff recommends amending the Westminster Municipal Code to include a reclaimed water rate schedule.
- This bill was approved on first reading by City Council on October 13, 2014.

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

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment: Ordinance

BY AUTHORITY

ORDINANCE NO. **3742**

COUNCILLOR'S BILL NO. **33**

SERIES OF 2014

INTRODUCED BY COUNCILLORS  
**Seitz - Pinter**

**A BILL**

**FOR AN ORDINANCE AMENDING SECTIONS 8-7-7, 8-8-5 AND 8-12-7 OF THE WESTMINSTER MUNICIPAL CODE CONCERNING THE CITY'S WATER RATE SCHEDULE, SANITARY SEWER SERVICE, RECLAIMED WATER RATE SCHEDULE AND INCREASING USER CHARGES**

WHEREAS, the City of Westminster operates a water and wastewater enterprise utility; and

WHEREAS, the City Charter requires that the utility be self-supporting; and

WHEREAS, costs to operate the Water and Wastewater Utility have increased since the last rate increase; and

WHEREAS, since the Utility is an enterprise, exempt from the TABOR amendment, the City Council may set rates to adequately fund the operation of the enterprise; and

WHEREAS, water rates have been designed to encourage water conservation.

NOW THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 8-7-7, subsections (B), (C) and (D), W.M.C., are hereby AMENDED to read as follows:

**8-7-7: WATER RATE SCHEDULE:** (1320 1364 1467 1659 1743 1819 1954 1960 2025 2080 2169 2179 2367 2460 2635 2968 3145 3298 3306 3438 3545 3546 3654 3683)

(B) RESIDENTIAL: Three (3) dwelling units or less served by one meter (1) primarily used for residential occupancy shall, in 20135, be charged a ~~six-seven~~ dollars and ~~ninety-three~~forty-eight cents (\$~~6.937~~.48) per month meter service charge, and shall, in 20146, be charged a seven dollars and ~~twenty-seventy-seven~~ cents (\$~~7.2077~~) per month meter service charge plus:

<b>201<u>35</u> Block Rate</b>	<b>201<u>46</u> Block Rate</b>	<b>Monthly Consumption Range</b>
\$ <u>2.6647</u> per 1,000 gallons	\$ <u>2.7656</u> per 1,000 gallons	First 4,000 gallons
\$ <u>4.4008</u> per 1,000 gallons	\$ <u>4.5724</u> per 1,000 gallons	5,000 to 20,000 gallons
\$ <u>6.5405</u> per 1,000 gallons	\$ <u>6.8029</u> per 1,000 gallons	21,000 gallons and over

per unit. Unit consumption shall be determined by dividing the number of units using one meter.

(C) RESIDENTIAL IRRIGATION, TOWNHOME/CONDOMINIUM (CONSISTING OF FOUR UNITS OR MORE), PUBLIC/QUASI-PUBLIC USERS: Shall, in 20135, be charged a monthly meter service charge based on the meter size as listed in Schedule A plus: five dollars and ~~seven-forty-eight~~ cents (\$~~5.4807~~) per thousand (1,000) gallons, and shall, in 20146, be charged a monthly meter service charge based on the meter size as listed in schedule A plus: five dollars and ~~twenty-seven~~sixty-nine cents (\$~~5.2769~~) per thousand (1,000) gallons.

Non-irrigation accounts for multiple residential units consisting of four (4) units or more that are not individually metered and that are classified as town homes or condominiums and can demonstrate that they are eighty percent (80%) owner occupied on a complex wide basis shall, in 20135, be charged a

monthly meter service charge based on the meter size as listed in Schedule A plus: four dollars and ~~eighteen-fifty-one~~ cents (\$4.5118) per thousand (1,000) gallons, and shall, in 2014~~6~~, be charged a monthly meter service charge based on the meter size as listed in Schedule A plus: four dollars and ~~thirty-four~~ sixty-nine cents (\$4.3469) per thousand (1,000) gallons, for all water delivered through the meter. The Director of Finance is authorized to prescribe and accept such forms of documentation as the Director may deem sufficient to demonstrate an applicant's eligibility for the rate described in this paragraph. For purposes of this Section, a town home or condominium is a residential unit physically attached to another residential unit and separately owned.

(D) COMMERCIAL: Commercial users shall, in 2013~~5~~, be charged a monthly meter service charge based on meter size as listed in Schedule A plus: five dollars and ~~seven-forty-eight~~ cents (\$5.0748) per thousand (1,000) gallons for the number of gallons used per monthly billing up to the breakpoint for the meter size listed in Schedule A, and shall, in 2014~~6~~, be charged a monthly meter service charge based on meter size as listed in Schedule A plus: five dollars and ~~twenty-seven~~ sixty-nine cents (\$5.2769) per thousand (1,000) gallons for the number of gallons used per monthly billing up to the breakpoint for the meter size listed in Schedule A. In 2013~~5~~, commercial users shall be charged six dollars and ~~seventeen~~ sixty-six cents (\$6.4766) per thousand (1,000) gallons for all consumption exceeding the breakpoint on a monthly basis for the applicable meter size as listed in Schedule A, and in 2014~~6~~, six dollars and ~~forty-one~~ ninety-two cents (\$6.4192) per thousand (1,000) gallons for all consumption exceeding the breakpoint on a monthly basis for the applicable meter size as listed in Schedule A.

Schedule A					
Meter Size Code	Meter Size	Number of Service Commitments	2013 <del>5</del> Monthly Meter Service Charge	2014 <del>6</del> Monthly Meter Service Charge	Breakpoint for Second Tier Based on Meter Size (Gallons)
1	5/8" X 3/4"	1	<del>\$6.93</del> <u>\$7.48</u>	<del>\$7.20</del> <u>\$7.77</u>	20,000
2	3/4" x 3/4"	1.5	<del>\$11.00</del> <u>\$11.89</u>	<del>\$11.44</del> <u>\$12.36</u>	30,000
3	1"	2.5	<del>\$15.15</del> <u>\$16.38</u>	<del>\$15.75</del> <u>\$17.03</u>	50,000
5	1-1/2"	5	<del>\$23.90</del> <u>\$25.84</u>	<del>\$24.85</del> <u>\$26.87</u>	100,000
6	2"	8	<del>\$33.15</del> <u>\$35.84</u>	<del>\$34.47</del> <u>\$37.27</u>	160,000
7	2" x 5/8"	8	<del>\$33.15</del> <u>\$35.84</u>	<del>\$34.47</del> <u>\$37.27</u>	160,000
8	3"	17.5	<del>\$67.80</del> <u>\$73.33</u>	<del>\$70.51</del> <u>\$76.26</u>	350,000
9	3" x 3/4"	17.5	<del>\$67.80</del> <u>\$73.33</u>	<del>\$70.51</del> <u>\$76.26</u>	350,000
10	4"	30	<del>\$79.76</del> <u>\$86.26</u>	<del>\$82.95</del> <u>\$89.71</u>	600,000
11	4" x 1"	30	<del>\$79.76</del> <u>\$86.26</u>	<del>\$82.95</del> <u>\$89.71</u>	600,000
12	6"	62.5	<del>\$123.64</del> <u>\$133.72</u>	<del>\$128.58</del> <u>\$139.06</u>	1,250,000
13	6" x 1-1/2"	62.5	<del>\$123.64</del> <u>\$133.72</u>	<del>\$128.58</del> <u>\$139.06</u>	1,250,000
14	6" x 3"	62.5	<del>\$123.64</del> <u>\$133.72</u>	<del>\$128.58</del> <u>\$139.06</u>	1,250,000
15	8"	90	<del>\$201.03</del> <u>\$217.43</u>	<del>\$209.07</del> <u>\$226.12</u>	1,800,000
18	10"	145	<del>\$279.24</del> <u>\$302.01</u>	<del>\$290.40</del> <u>\$314.09</u>	2,900,000
20	10" x 12" x 6"	215	<del>\$346.25</del> <u>\$374.50</u>	<del>\$360.10</del> <u>\$389.48</u>	4,300,000

Section 2. Section 8-8-5, subsection (D), W.M.C. is hereby AMENDED to read as follows:

**8-8-5: SERVICE AND USER CHARGES WITHIN THE CITY OF WESTMINSTER AND SHAW HEIGHTS; LIEN ON PROPERTY:** (1131 1312 1320 1430 1455 1528 1788 1819 1900 1954 2025 2030 2080 2097 2123 2166 2197 2460 2634 2635 2836 2955 2968 3145 3281 3298 3306 3438 3496 3545 3654 3683)

(D) The rates for user charges hereinafter set forth are based generally upon the quantity and quality of sewage collected and they are subject to change periodically as circumstances require. The minimum monthly amount for use of the City of Westminster sanitary sewerage system by residential, including multiple unit residential, and public users shall, in 2013~~5~~, be a sum equal to four dollars and ~~fifty~~

~~two~~ninety-nine cents (\$~~4.52~~99) per thousand (1,000) gallons, and shall, in 2014~~6~~, be a sum equal to ~~four~~five dollars and ~~seventy-three~~cents (\$~~4.70~~5.30) per thousand (1,000) gallons, multiplied by the average monthly water consumption per user billed during the months of January through March. The minimum monthly rate for use of the City of Westminster's Sanitary Sewage System by multiple units and commercial users shall, in 2013~~5~~, be a sum equal to five dollars and ~~five-fifty-seven~~cents (\$~~5.05~~57) per thousand (1,000) gallons, and shall, in 2014~~6~~, be a sum equal to five dollars and ~~twenty-five~~ninety-one cents (\$~~5.25~~91) per thousand (1,000) gallons, multiplied by the average monthly water consumption per user billed during the months of January through March. The minimum monthly sewer charge for commercial users may be appealed to the Utility Billing Division for user charges resulting from the average monthly water billed during the period of January through March and may be adjusted if the water billed during the months of July through September is less. Commercial users shall be allowed to install a separate meter to record out of house use which consumption will not be assessed a sewer use charge. The meter readings actually taken prior to and closest to the specified time frame shall be used for purposes of accomplishing the required calculation. However, City Council may by Resolution adjust the period of time to be used to calculate said user charges when, in the opinion of the Council, climate conditions and water consumption patterns warrant such an adjustment. The monthly charge shall apply to an account that is billed for more than fifteen (15) days service. Any new occupant of a residential unit shall, in 2013~~5~~, be charged ~~twenty-two dollars and sixty-eight~~twenty-five dollars and five cents (\$~~22.68~~25.05), and shall, in 2014~~6~~, be charged ~~twenty-three dollars and fifty-eight~~twenty-six dollars and sixty-one cents (\$~~23.58~~26.61) minimum monthly sewer charge until an experience rate has been established. Single-family residential customers that, based upon occupancy patterns, register no water use during any month of the annual calculation period shall be charged based on a monthly minimum volume of two thousand (2,000) gallons per each month of zero water use. Individual reviews of indoor water consumption may be made on a case-by-case basis.

Residential users who appeal the initial sewer charge rate can have the rate adjusted to actual usage of the first four (4) months of occupancy. Any new multi-unit or commercial account shall be charged a rate based on water consumption of similar accounts in the Westminster or the Denver Metro area. Any account not receiving Westminster water will be based on actual consumption, if available, or consumption of similar accounts.

Section 3. Section 8-12-7, W.M.C. is hereby AMENDED by the addition of subsections (C) and (D) as follows:

#### **8-12-7: WATER RATE SCHEDULE (2767 3134)**

(C) Residential, irrigation, townhome/condominium (consisting of four units or more) and public/quasi-public users shall, in 2015, be charged a monthly meter service charge based on the meter size as listed in Schedule A plus: four dollars and thirty-eight cents (\$4.38) per thousand (1,000) gallons, and shall, in 2016, be charged a monthly meter service charge based on the meter size as listed in schedule A plus: four dollars and fifty-five cents (\$4.55) per thousand (1,000) gallons.

(D) Commercial users shall, in 2015, be charged a monthly meter service charge based on meter size as listed in Schedule A plus: four dollars and thirty-eight cents (\$4.38) per thousand (1,000) gallons for the number of gallons used per monthly billing up to the breakpoint for the meter size listed in Schedule A, and shall, in 2016, be charged a monthly meter service charge based on meter size as listed in Schedule A plus: four dollars and fifty-five cents (\$4.55) per thousand (1,000) gallons for the number of gallons used per monthly billing up to the breakpoint for the meter size listed in Schedule A. In 2015, commercial users shall be charged five dollars and thirty-two cents (\$5.32) per thousand (1,000) gallons for all consumption exceeding the breakpoint on a monthly basis for the applicable meter size as listed in Schedule A, and in 2016, five dollars and fifty-three cents (\$5.53) per thousand (1,000) gallons for all consumption exceeding the breakpoint on a monthly basis for the applicable meter size as listed in Schedule A.

<u>Schedule A</u>					
<u>Meter Size Code</u>	<u>Meter Size</u>	<u>Number of Service Commitments</u>	<u>2015 Monthly Meter Service Charge</u>	<u>2016 Monthly Meter Service Charge</u>	<u>Breakpoint for Second Tier Based on Meter Size (Gallons)</u>
<u>1</u>	<u>5/8" X 3/4"</u>	<u>1</u>	<u>\$7.48</u>	<u>\$7.77</u>	<u>20,000</u>
<u>2</u>	<u>3/4" x 3/4"</u>	<u>1.5</u>	<u>\$11.89</u>	<u>\$12.36</u>	<u>30,000</u>
<u>3</u>	<u>1"</u>	<u>2.5</u>	<u>\$16.38</u>	<u>\$17.03</u>	<u>50,000</u>
<u>5</u>	<u>1-1/2"</u>	<u>5</u>	<u>\$25.84</u>	<u>\$26.87</u>	<u>100,000</u>
<u>6</u>	<u>2"</u>	<u>8</u>	<u>\$35.84</u>	<u>\$37.27</u>	<u>160,000</u>
<u>7</u>	<u>2" x 5/8"</u>	<u>8</u>	<u>\$35.84</u>	<u>\$37.27</u>	<u>160,000</u>
<u>8</u>	<u>3"</u>	<u>17.5</u>	<u>\$73.33</u>	<u>\$76.26</u>	<u>350,000</u>
<u>9</u>	<u>3" x 3/4"</u>	<u>17.5</u>	<u>\$73.33</u>	<u>\$76.26</u>	<u>350,000</u>
<u>10</u>	<u>4"</u>	<u>30</u>	<u>\$86.26</u>	<u>\$89.71</u>	<u>600,000</u>
<u>11</u>	<u>4" x 1"</u>	<u>30</u>	<u>\$86.26</u>	<u>\$89.71</u>	<u>600,000</u>
<u>12</u>	<u>6"</u>	<u>62.5</u>	<u>\$133.72</u>	<u>\$139.06</u>	<u>1,250,000</u>
<u>13</u>	<u>6" x 1-1/2"</u>	<u>62.5</u>	<u>\$133.72</u>	<u>\$139.06</u>	<u>1,250,000</u>
<u>14</u>	<u>6" x 3"</u>	<u>62.5</u>	<u>\$133.72</u>	<u>\$139.06</u>	<u>1,250,000</u>
<u>15</u>	<u>8"</u>	<u>90</u>	<u>\$217.43</u>	<u>\$226.12</u>	<u>1,800,000</u>
<u>18</u>	<u>10"</u>	<u>145</u>	<u>\$302.01</u>	<u>\$314.09</u>	<u>2,900,000</u>
<u>20</u>	<u>10" x 12" x 6"</u>	<u>215</u>	<u>\$374.50</u>	<u>\$389.48</u>	<u>4,300,000</u>

Section 4. This ordinance shall be effective for any charges billed after January 1, 2015.

Section 5. 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 13<sup>th</sup> day of October, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27<sup>nd</sup> day of October, 2014.

ATTEST:

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

\_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM:

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



## Agenda Item 10 A

### Agenda Memorandum

City Council Meeting  
October 27, 2014



**SUBJECT:** Councillor's Bill No. 34 re Strasburg Natural Resource Farm Lease Renewal

**Prepared By:** David Meyer, Water Quality Specialist  
Mike Happe, Utilities Planning and Engineering Manager

### Recommended City Council Action

Pass Councillor's Bill No. 34 on first reading authorizing the City Manager to enter into a one-year lease, renewable automatically on an annual basis for four additional one-year terms, for dry-land farming of the Strasburg Natural Resource Farm in return for one third of the gross annual crop sale revenues; and as a part of the lease, authorize the payment of weed control costs not to exceed \$50,000 per calendar year.

### Summary Statement

- The City's Big Dry Creek Wastewater Treatment Facility produces biosolids as a byproduct of the wastewater treatment process.
- The City owns approximately 3,000 acres of farmland for the purpose of applying the biosolids generated by the City's wastewater treatment process to agricultural crops.
- The biosolids are rich in nutrients and are used as agricultural fertilizer for crops grown on the property as part of the City's wastewater biosolids application program.
- Two farmers currently lease property on the Strasburg Natural Resource Farm and coordinate with Staff in the selection and timing of the crops planted on the property.
- The lease for dry-land farming is expiring this year.
- The lease under consideration is a one year lease to Greg Schoonveld for 1,420 acres of non-irrigated (dry-land) fields that are generally used for wheat production. The lease would be automatically renewable every year for four additional one-year terms, and expire in 2019.
- Under this lease agreement Mr. Schoonveld will pay the City one third of the revenue from the sale of the crops produced as payment for use of the land.
- The amount of revenues historically received has ranged from \$0 to approximately \$50,000 per year, but the true value to the City is the mutually beneficial arrangement with an engaged farmer who understands the City's biosolids application program and plants and maintains the crops on the enriched soil.
- Mr. Schoonveld has farmed the property for the last five years. During that time, he has improved the conditions of the fields and gained valuable experience understanding the City's biosolids application program for soil enrichment and crop growth.
- As a condition of the lease, the City will pay chemical and application costs for weed control. These costs are not anticipated to exceed \$50,000 per year.
- Adequate funds are budgeted and available.

**Expenditure Required:** Not to exceed \$50,000 per year

**Source of Funds:** Utility Fund - Big Dry Creek Wastewater Treatment Plant Operating budget

**Policy Issue**

Should City Council renew the City's lease with Greg Schoonveld for one year, renewable automatically on an annual basis for four additional one-year terms, for dry-land farming of the Strasburg Natural Resource Farm in return for one third of the gross annual crop sale revenues?

**Alternatives**

- City Council could decide not to lease these dry land farm fields at this time. This alternative is not recommended. By leasing the land for crop production, the City will provide a beneficial site for the City's wastewater biosolids, utilize the City's investment in the farm property, maintain a viable wastewater biosolids application program, gain revenue from the sale of the crops, and continue to support local agriculture.
- The City could ask for proposals to farm these specific dry land fields. This alternative is not recommended because the City has developed a good working relationship with the current farmer, who has improved field conditions and crop yields. The improvements obtained are the result of the farmer's long-term planning, which will benefit the City in future years if continued. During the past year, the City was approached by one other farmer who expressed interest in participating in the City's farm operation. Staff spoke with the farmer and attempted to meet to discuss a lease opportunity. The farmer did not attend the scheduled meeting and has not made any further contact with the City. Staff does not believe that a new farmer would offer the benefit that the City gains from the understanding our current lessees have regarding the City's operational needs and long term goals.
- The City could ask for a greater percentage of the crop sales revenue as payment for leasing the land. Staff does not recommend this alternative, as the farmer needs to have a financial incentive for farming the fields around the biosolids application program. Further, the true value to the City of this lease is not the share in the crop revenues, but the mutually beneficial arrangement with an engaged farmer who understands the City's biosolids application program and plants and maintains the crops on the enriched soil.

**Background Information**

The City's Big Dry Creek Wastewater Treatment Facility produces biosolids as a byproduct of the wastewater treatment process. The City owns the Strasburg Natural Resource Farm ("the farm") as a location to beneficially apply this nutrient-rich byproduct to agricultural crops. In order for the City's biosolids program to be useful, crops must be grown and harvested. These crops are critical for the uptake of the nutrients supplied by the biosolids. Therefore, the City leases its property to two farmers under two different lease agreements. The lease for a portion of the property that is used for dry-land farming is up for renewal. Council is currently being requested to consider renewal of this lease with Greg Schoonveld for one year, to be automatically renewable on an annual basis for four additional one-year terms, to expire in 2019. The leased property is 1,420 acres of dry land fields, which is generally planted in wheat.

As part of the lease, the City agrees to pay the cost of weed control chemicals and their application. These costs vary from year to year, based on which fields are planted, the history of weed control on each field, and the amount of rain during the year. Staff has paid for these costs in the past, and has operating funds budgeted for this purpose. Staff coordinates weed control with the lessees, and does not anticipate the total expenses at both properties will exceed \$50,000 per year.

The proposed lease is a crop share agreement, where the City receives one third of the revenue from the crop sale and the farmer receives two thirds. Staff acknowledges that farming is weather dependent and that crop sale revenues are variable. Historically the total crop sales from the farm have generated revenues to the City or total ranging from \$0 (when crops were destroyed during hail storms) to approximately \$50,000 per year. Because the agricultural use of the farm land is essential to the success of the City's biosolids program, the value of leasing the property to an active and engaged farmer who is willing, and



has the knowledge and skills, to use the City's biosolids as crop fertilizer far outweighs the revenues received from crop sales.

The relationships developed with the current lessee provides significant value to the City in addition to planting, growing and harvesting a crop. Mr. Schoonveld is local and his proximity to the property provides a level of around-the-clock security that is valuable to Staff, as the lessee often provides the first indication of needed maintenance and alerts the City to weather related damage to the property. Mr. Schoonveld has gained an understanding of the City's biosolids program and the unique timing necessary to coordinate the application of biosolids and the farming practices. The length of time he has been farming the property has also allowed him to invest in the long term improvement of the land, which has resulted in improved weed control and crop yields.

No other farmers have approached the City with serious interest in leasing farm property. One farmer expressed interest during the last year, but did not attend a scheduled meeting with Staff and has not contacted Staff again. Staff believes that renewing Mr. Schoonveld's lease will benefit the City based on his understanding of the City's current operational needs and long term goals.

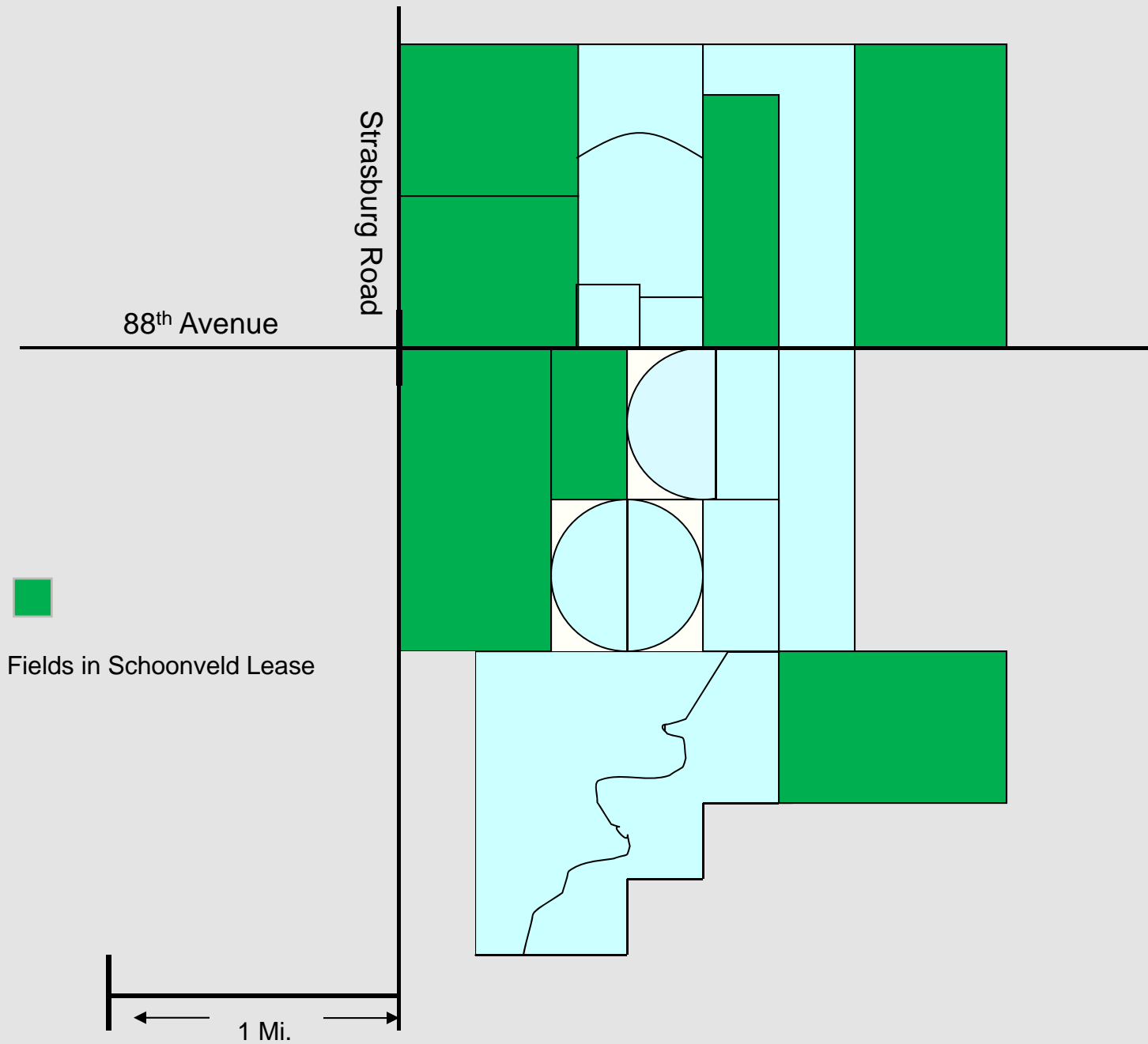
Approving this lease renewal supports City Council's goal of a "Beautiful, Desirable, Environmentally Responsible City" by providing an environmentally beneficial option for the disposal of its wastewater biosolids and continuing the agricultural use of the local farm land.

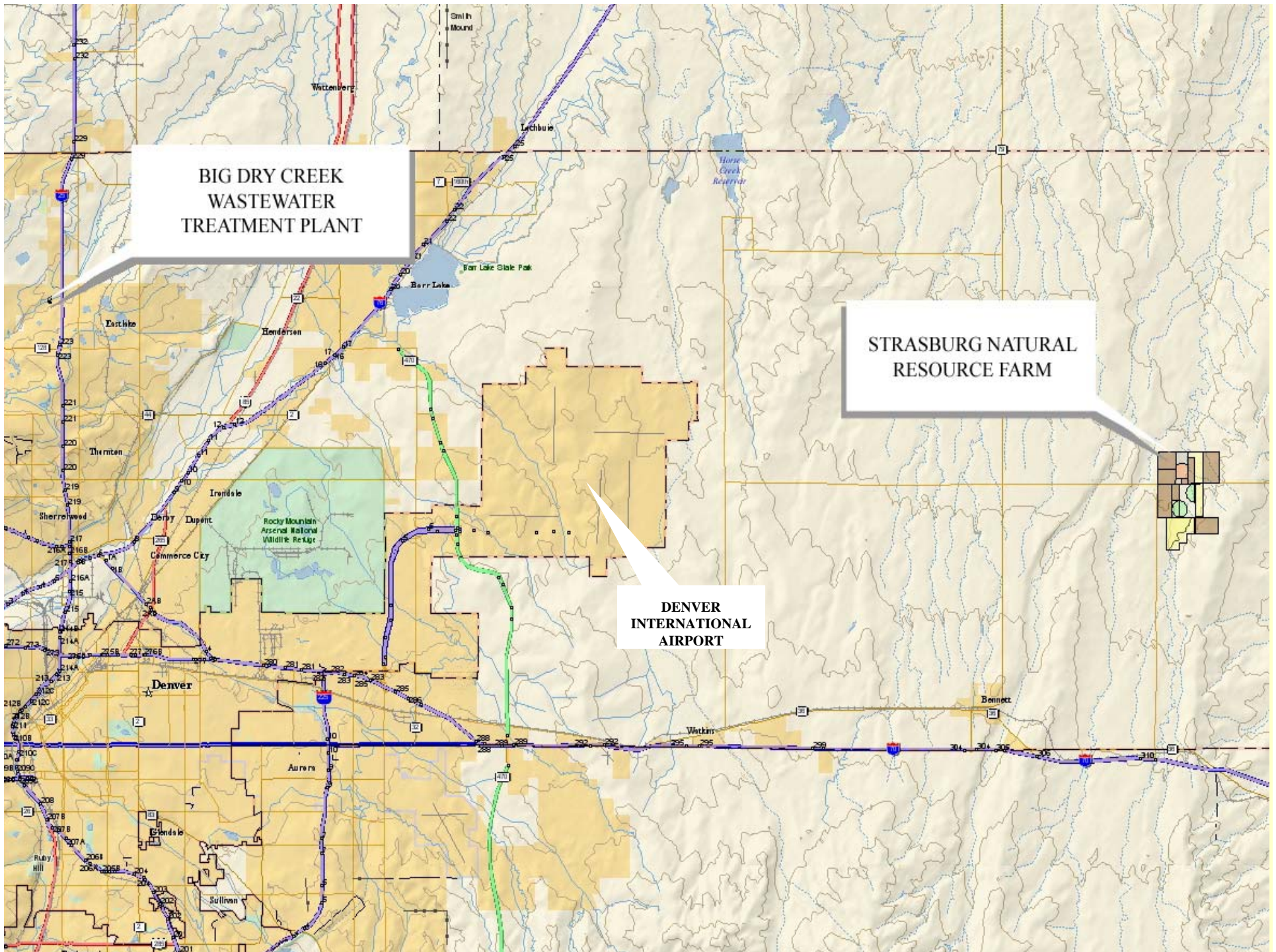
Respectfully submitted,

J. Brent McFall  
City Manager

Attachment: Area Map  
Lease Map  
Councillor's Bill  
2014 Farm Lease

# City of Westminster Strasburg Natural Resource Farm





**BIG DRY CREEK  
WASTEWATER  
TREATMENT PLANT**

**STRASBURG NATURAL  
RESOURCE FARM**

**DENVER  
INTERNATIONAL  
AIRPORT**

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **34**

SERIES OF 2014

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE APPROVING A LEASE AGREEMENT FOR CITY-OWNED PROPERTY  
KNOWN AS THE STRASBURG NATURAL RESOURCE FARM

WHEREAS, the City owns property in central Adams County that it purchased for the purpose of applying biosolids; and

WHEREAS, it is in the City's best interest to enter into a lease to grow crops thereon; and

WHEREAS, the terms of the lease agreement have been accepted and filed with the City Clerk.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. That certain lease between the City and Greg Schoonveld is approved and the City Manager is hereby authorized to execute said lease, in substantially the same form as attached hereto as Exhibit A.

Section 2. 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 27<sup>th</sup> day of October, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10<sup>th</sup> day of November, 2014.

ATTEST:

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

\_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM:

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

## LAND LEASE

### 1. Parties

This lease for the rental of agricultural property is between the City of Westminster ("City") and GREG SCHOONVELD ("lessee").

The person/position authorized to manage the leased premises for the City is:

Name David Meyer  
Address City of Westminster  
13150 N. Huron, Westminster. Colorado 80234  
Phone 303-658-2376

### 2. Leased Premises

The City hereby leases to lessee the premises described below:

1,420 acres of farmable dry land, generally located approximately eight (8) miles north of Strasburg, Colorado, in Adams County. The fields are depicted as CW-22-1-200, CW-22-2-200, CW-23-1-107, CW-23-3-320, CW-27-1-100, CW-27-2-320, and CW-35-1-240 on the map attached hereto as Exhibit A.

### 3. Term

Fixed Term. The initial term of this lease shall be from November 11, 2014, to August 15, 2015. The lease term shall be automatically renewed on an annual basis for four additional one year terms on August 15th of each year, without requirement of further written notice or amendment, terminating no later than August 15, 2019. Either party may choose not to annually renew for the following year by providing written notice to the other party by June 15th, in which case the lease shall terminate on August 15th of that year.

### 4. Rent

A. Fixed Term. The total annual rental price for the term of this lease shall be a one-third (1/3) split of gross profits from the sale of the harvested and locally delivered grain realized from dry land farming, payable prior to December 1<sup>st</sup> of each year. No proration will be made for a term less than a calendar year.

B. Rent payments shall be made to:

City of Westminster. 13150 N. Huron, Westminster. Colorado 80234  
Attn: David Meyer

C. Lessee shall incur and be charged Five Dollars (\$5.00) per day as a late fee for payment of rent received after 5 p.m. o'clock on the 15<sup>th</sup> day of December following each lease year. Such fee, which will be

considered additional rent, may be collected immediately by the City. Late fees may be waived if the City agrees in writing. Lessee should request such waiver by notifying the City on or before the rental due date and mutually arranging an alternative payment date.

A charge of up to Twenty Five Dollars (\$25.00) may be imposed for any lessee's check returned to the City because of insufficient funds.

\_\_\_\_ 5. Use

- A. Lessee's use of the leased premises shall be limited to agricultural purposes, including crop production.
- B. Lessee acknowledges that a major factor in the City's decision to lease the premises is to insure the viability of the leased premises as a receiving site for bio-solids application. For that reason, lessee agrees to co-ordinate, consult, and cooperate with the City's Water Resources and Treatment Program representative in the selection and timing of the crops planted on the leased premises.
- C. Lessee shall not engage in any illegal activities on the premises.
- D. Lessee shall not apply fertilizers without prior approval of City.
- E. Lessee shall not use, store, or dispose of any chemicals that might create liability for the City resulting from contamination from such chemicals.
- F. Lessee shall obtain City's approval of all chemicals, including pesticides and herbicides, prior to their use.

\_\_\_\_ 6. City's Obligations

City agrees to furnish the property, and to:

- A. Provide all posts and fence for fence maintenance; and
- B. Pay taxes on land, improvements, and personal property owned by City; and
- C. Pay the cost of City-approved chemicals purchased by Lessee for weed control and pay the Lessee for application of weed control chemicals at the rate of Five Dollars per Acre (\$5.00/acre).

\_\_\_\_ 7. Lessee's Obligations

Lessee agrees to:

- A. Provide all machinery, equipment and labor necessary to farm the premises properly.

- B. Provide all seed, inoculant, disease-treatment materials, and fertilizers, to the extent they are permitted by the City.
- C. Provide the City with invoices showing the amount and type of weed control chemicals used and the acreage to which they were applied by the end of the month following application.
- D. Coordinate crop selection, field preparation, and planting schedules to allow the City adequate access to apply biosolids.
- E. Maintain and take proper care of, and prevent injury to, all trees and shrubs. Not to cut any trees without the City's prior consent.
- F. Prevent noxious weeds from going to seed on the premises, and keep trim the weeds and grasses on the roads adjoining the leased premises.
- G. Maintain and keep in good repair any established watercourses or ditches on the premises.

\_\_\_ 8. Compensation for Damage

At the conclusion of this Lease, lessee shall pay to City a reasonable compensation for any damage to the property, for which Lessee is responsible, after due allowance is made for damage resulting from ordinary wear and depreciation or from causes beyond Lessee's control.

\_N/A\_ 9. Utilities

\_\_\_ 10. Right to Re-Entry

City reserves the right of itself, its employees, assigns, or prospective buyers, to enter upon the leased premises at any reasonable time for the purpose of viewing the same or making repairs or improvements thereon, or of plowing after severance of crops, or of seeding, or applying bio-solids, provided that such entry and activity shall not interfere with the occupancy of lessee.

If Lessee should fail to carry out substantially the provisions of this Lease, within ten days after service by City of written notice to Lessee of Lessee's failure to fulfill his obligations, City shall have the right to re-enter and to take full possession of the farm and buildings, which Lessee agrees to vacate peaceably without claim for damages.

\_\_\_ 11. Assignment/Subleasing/Release

Lessee shall not assign this lease, or sublet any portion of the leased premises, for any part or all of the term of this lease without prior written consent of the City.

\_\_\_ 12. Nuisance

Lessee agrees not to create any nuisance such as will disturb the peace and quiet of neighbors.

\_\_\_\_ 13. Compensation for Termination of Lease

- A. If terminated for cause, no compensation will be paid to lessee.
- B. If terminated at the end of five years or at the end of any annually renewable year, Lessee will be paid for field preparation activities on fallow fields at the rate of Five Dollars per Acre (\$5.00/acre).

\_\_\_\_ 14. Notice

Unless otherwise specified in this lease, all notices provided by this lease shall be in writing and shall be delivered to the other party personally, or sent by first class mail, postage pre-paid, as follows:

To the City: City of Westminster  
13150 N. Huron  
Westminster, Colorado 80234  
Attn: David Meyer

To lessee: At lessee's last known address. At the time of  
this lease, Lessee current address is: 3600 Headlight Rd., Strasburg,  
CO 80136

Notice to one lessee shall be deemed to be notice to all  
lessees.

15. Insurance

The City's insurance does not cover lessee's personal possessions in the event of loss or damage due to fire, windstorm, flood, theft, vandalism, or other similar cause.

Lessee agrees to carry liability insurance covering bodily injury and property damage in an appropriate amount approved by the City and to make the City an additional named insured under this liability policy, and to provide the City with a copy of such insurance policy as evidence of coverage, throughout the term of the lease. Lessee agrees to provide a Certificate of Insurance demonstrating such coverage no later than September 30, 2014.

\_\_\_\_ 16. Attorney's fees

In the event of any legal action concerning this lease which results in a judgment, the losing party shall pay to the prevailing party reasonable attorney's fees and court costs to be fixed by the court.



\_\_\_\_ 17. Liability

Lessee will indemnify, defend, and hold harmless the City from and against any claim for personal injury or property damage resulting from any act or omission of its agents.

\_\_\_\_ 18. Subordination

This lease shall be subordinate to all existing and future mortgages and deeds of trust upon the property.

\_\_\_\_ 19. Waiver

Any waiver by either party of any breach of any provision of this lease shall not be considered to be a continuing waiver or a waiver of a subsequent breach of the same or a different provision of this lease.

\_\_\_\_ 20. Severability

The unenforceability of any provision or provisions of this lease shall not affect the enforceability of any other provision or provisions.

\_\_\_\_ 21. Joint and Several Liability

If this lease is signed on behalf of lessee by more than one person, then the liability of the persons so signing shall be joint and several. The language "joint and several" means that if more than one person has signed this lease, then each of these persons individually and all of these persons collectively are fully responsible for fulfilling all of the obligations of this lease, except where expressly otherwise agreed between the City and lessee. For example, one person signing the lease may be liable for any or all damages to the premises, even if caused by another person signing the lease, and one person signing the lease is liable for the total amount of rent due, even though other persons have also signed the lease.

22. Signatures/Amendment of Lease

This lease contains the entire agreement of the parties and may not be altered or amended except by mutual written agreement signed by both parties.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ .

CITY OF WESTMINSTER

LESSEE

By: \_\_\_\_\_  
*J. Brent McFall*

\_\_\_\_\_

Title: *City Manager*  
\_\_\_\_\_

Greg Schoonveld  
\_\_\_\_\_

Approved as to legal form:

*Jane St. Greenfield*  
\_\_\_\_\_  
City Attorney's Office



**Agenda Memorandum**

City Council Meeting  
October 27, 2014



**SUBJECT:** Councillor's Bill No 26 Amending the W.M.C. re Salaries for Elective Officers  
(Tabled – October 13, 2014, City Council Meeting)

**Prepared By:** Barbara Opie, Assistant City Manager  
Debbie Mitchell, General Services Director  
Hilary Graham, Acting City Attorney

**Recommended City Council Action**

1. Remove Councillor's Bill No. 26 from the table for consideration.
2. Consider Councillor's Bill No. 26 on first reading, amending the Westminster Municipal Code to allow for automatic biennial adjustments to City Council's compensation in an amount equal to the percentage of the Non-Exempt General Pay Plan's market adjustments; the compensation adjustments will be effective the first full pay period in January, 2016, and effective the first full pay period in even-numbered years thereafter.

**Summary Statement**

- The attached ordinance was part of the proposed budget agenda memorandum adopted on October 13, 2014. One member of City Council was absent that evening, and this item was tabled to allow for the full City Council to be present to consider it.
- City Council directed Staff to research the possibility of amending the Westminster Municipal Code to link City Council's salary with any adjustments made to the city employees' pay plan; the attached ordinance for City Council's consideration would accomplish this City Council proposed change.

**Expenditure Required:** \$1,370 in 2016

**Source of Funds:** General Fund - City Council Operating Budget

## **Policy Issue**

Does City Council wish to amend the Westminster Municipal Code (W.M.C.) regarding elected officials salaries per the attached ordinance?

## **Alternatives**

- City Council could do nothing, leaving the W.M.C. as is, and not adjust the City Council salary in 2016.
- City Council could direct Staff to adjust the City Council salaries for 2016 by a specific amount to be determined and continue to review City Council's salary with each biennial budget cycle.
- If the concern is that compensation does not account for the actual expense of holding office, enact an increase to Council's allowance by ordinance.

## **Background Information**

At one of the operating budget priority reviews with City Council during the summer, City Council requested that Staff research City Council salaries and the possibility of tying the City Council's salary to the annual employee pay plan adjustment. As it does every two years, the Human Resources Division within the General Services Department conducted a salary survey of surrounding jurisdictions' elected officials that are part of the City's annual market survey, and the City Attorney's Office reviewed the possibility of linking the City Council's salaries to the employee pay plan adjustments.

At the September 29, 2014, retreat, Human Resources distributed the City Council salary survey information, and Staff shared follow-up information concerning the Council proposal of amending the Westminster Municipal Code to link City Council's salary to be adjusted annually with any adjustments made to the city employees' pay plan. Staff also shared research from the City Attorney's Office at that time. City Council directed Staff to proceed with drafting a proposed ordinance for City Council's consideration. Funds were reallocated from the Central Charges budget in the General Fund associated with the US 36 Metro Mayors and Commissioners federal lobbyist into the City Council's 2015/2016 budget for these purposes (\$1,370 in 2016) per the Adopted 2015/2016 Budget.

Pursuant to the Westminster City Charter, the City Council's compensation cannot increase nor decrease during the term of office, except members whose terms do not expire at the next regular City election; as such, the ordinance is drafted to make changes biennially after each City election.

The adjustments, as directed by City Council, will be cumulative and tied to the Non-Exempt General Pay Plan market adjustments for the two years prior. This links City Council's biennial salary adjustment to the largest employee population's Pay Plan adjustments. If this adjustment is approved, Staff recommends making the salary adjustments effective the first full pay period in even numbered years (City elections are held in odd numbered years); the first full pay period of the new year is consistent with when the market adjustments to employee Pay Plans are implemented each year. An ordinance is attached for City Council consideration that amends the Westminster Municipal Code concerning salaries for elected officers, adjusting the City Council's salaries biennially and tying the adjustment to the cumulative two-year market adjustment employees' receive.

**Subject:** W.M.C. Amendment to Elective Officers' Salaries

Page 3

The attached ordinance was part of the proposed budget agenda memorandum adopted on October 13, 2014. This item was tabled at that time to allow for the full City Council to be present to consider this item.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. 26

SERIES OF 2014

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING SALARIES FOR ELECTIVE OFFICERS

THE CITY OF WESTMINSTER ORDAINS:

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

**1-7-1: ELECTIVE OFFICERS:** The salaries of the City's elective officers shall be as follows:

Mayor	\$1,400 per month
Mayor Pro Tem, elected by Council	\$1,200 per month
Councillors, other than Mayor or Mayor Pro Tem	\$1,000 per month

Commencing the first full pay period in 2016, City elective officer salaries shall be adjusted by the percentage of the 2015 non-exempt general employee pay plan adjustment rounded to the nearest whole dollar. Biennially thereafter in the first full pay period of the year, City elective officer salaries shall be adjusted by the cumulative percentage of the two (2) previous years' non-exempt general employee pay plan adjustments rounded to the nearest whole dollar.

The City's elective officers shall receive an additional monthly allowance for expenses related to the performance of their respective duties. Commencing January 1, 2011, the below stated allowance shall be adjusted, and biennially thereafter ~~each January~~ in the first full pay period in January, by the then current Denver/Boulder Consumer Price Index, rounded to the nearest whole dollar. This allowance shall be in lieu of any reimbursement to which the Mayor, Mayor Pro Tem or Councillor may otherwise be entitled to for Internet service, fax communications, cell phone usage, and local commuting costs within the city limits. All mileage for trips outside of the City limits shall be a reimbursable expense.

The allowances shall be as follows:

Mayor, Mayor Pro Tem and Councillors	\$300 per month
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In addition, the City shall contribute to the City deferred compensation accounts of each such officer an amount equal to the officer's City deferred compensation contributions. The combined contributions from the City and the elective officer shall be subject to all applicable I.R.S. regulations, but in no event shall such combined contributions from the City and the elective officer exceed 25% of the officer's total City salary.

Section 2. This ordinance shall take effect on passage on 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 27th day of October, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 10th day of November, 2014.

ATTEST:

\_\_\_\_\_  
Mayor

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

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney



WESTMINSTER

## **AGENDA**

**SPECIAL CITY COUNCIL MEETING  
COUNCIL BOARD ROOM  
TUESDAY, October 28, 2014**

**AT NOON (12:00 P.M.)**

**1. Roll Call**

**2. Purpose of Special Council Meeting:**

- A. Convene an Executive Session to Interview Finalists for the City Attorney Position and Discuss Issues that May Be Subject to Negotiation Pursuant to Section 1-11-3(C)(1) and (7), W.M.C., and Section 24-6-402(4)(e) and (f), C.R.S.

**3. Adjournment**





WESTMINSTER

October 23, 2014

City of Westminster  
Office of the  
Council

4800 West 92nd Avenue  
Westminster, Colorado  
80031

303-658-2006  
FAX 303-706-3921

Herb Atchison  
Mayor

Faith Winter  
Mayor Pro Tem

Bruce Baker  
Councillor

Bob Briggs  
Councillor

Alberto Garcia  
Councillor

Emma Pinter  
Councillor

Anita Seitz  
Councillor

Linda Yeager, City Clerk  
City of Westminster  
4800 West 92<sup>nd</sup> Avenue  
Westminster, CO 80031

Dear Linda:

I wish to call a special meeting of the City Council to be held in the Council Board Room on Tuesday, October 28, 2014, beginning at noon for the purpose of convening an executive session to interview finalists for the City Attorney position and discuss issues that may be subject to negotiation pursuant to Section 1-11-3(C)(1) and (7), W.M.C., and Section 24-6-402(4)(e) and (f), C.R.S.

Sincerely,

Herb Atchison  
Mayor

cc: City Council  
J. Brent McFall, City Manager