



CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
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 October 2012
- B. Second December City Council Meeting Date Change
- C. Heritage Clubhouse HVAC Retrofit
- D. Police Department Purchase of Sharp Copiers
- E. Police Department Cumulative Purchases Over \$50,000 in 2012
- F. Police Department Payment to Exceed \$50,000 to the North Metro Task Force in 2012
- G. Second Reading of Councillor's Bill No. 47 to Amend W.M.C. Title V Chapter 7 re Solid Waste Collection

9. Appointments and Resignations

10. Public Hearings and Other New Business

- A. Renaming of Chelsea Park
- B. Resolution No. 38 re City of Westminster 2013 Legislative Policy Statement
- C. Councillor's Bill No. 48 re 2012 3rd Quarter Budget Supplement Appropriation
- D. Councillor's Bill No. 49 re Amendments to the W.M.C. Concerning Storm Water Quality

11. Old Business and Passage of Ordinances on Second Reading

- A. TABLED to 2/25/13 - Continued Public Hearing and Action on the Second Amended Preliminary Development Plan and the Eighth Amended Official Development Plan for the Hyland Village Subdivision

12. Miscellaneous Business and Executive Session

- A. City Council

13. Adjournment

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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



WESTMINSTER
Strategic Plan
2012-2017
Goals and Objectives

STRONG, BALANCED LOCAL ECONOMY

- Maintain/expand healthy retail base, increasing sales tax receipts
- Attract new targeted businesses, focusing on primary employers and higher paying jobs
- Develop business-oriented mixed use development in accordance with Comprehensive Land Use Plan
- Retain and expand current businesses
- Develop multi-modal transportation system that provides access to shopping and employment centers
- Develop a reputation as a great place for small and/or local businesses
- Revitalize Westminster Center Urban Reinvestment Area



FINANCIALLY SUSTAINABLE CITY GOVERNMENT PROVIDING EXCEPTIONAL SERVICES

- Invest in well-maintained and sustainable city infrastructure and facilities
- Secure and develop long-term water supply
- Focus on core city services and service levels as a mature city with adequate resources
- Maintain sufficient reserves: general fund, utilities funds and self insurance
- Maintain a value driven organization through talent acquisition, retention, development and management
- Institutionalize the core services process in budgeting and decision making
- Maintain and enhance employee morale and confidence in City Council and management
- Invest in tools, training and technology to increase organization productivity and efficiency



SAFE AND SECURE COMMUNITY

- Citizens are safe anywhere in the City
- Public safety departments: well equipped and authorized staffing levels staffed with quality personnel
- Timely response to emergency calls
- Citizens taking responsibility for their own safety and well being
- Manage disaster mitigation, preparedness, response and recovery
- Maintain safe buildings and homes
- Protect residents, homes, and buildings from flooding through an effective stormwater management program



VIBRANT NEIGHBORHOODS IN ONE LIVABLE COMMUNITY

- Develop transit oriented development around commuter rail stations
- Maintain and improve neighborhood infrastructure and housing
- Preserve and restore historic assets
- Have HOAs and residents taking responsibility for neighborhood private infrastructure
- Develop Westminster as a cultural arts community
- Have a range of quality homes for all stages of life (type, price) throughout the City
- Have strong community events and active civic engagement



BEAUTIFUL AND ENVIRONMENTALLY SENSITIVE CITY

- Have energy efficient, environmentally sensitive city operations
- Reduce energy consumption citywide
- Increase and maintain greenspace (parks, open space, etc.) consistent with defined goals
- Preserve vistas and view corridors
- A convenient recycling program for residents and businesses with a high level of participation



Mission statement: We deliver exceptional value and quality of life through SPIRIT.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, NOVEMBER 12, 2012, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Atchison moved, seconded by Councillor Lindsey, to approve the minutes of the regular meeting of October 22, 2012, as presented. The motion carried unanimously.

CITY MANAGER'S REPORT

Mr. McFall commended staff in Open Space and Parks, Recreation and Libraries for organizing a successful grand opening of the Metzger Farm Open Space, jointly owned by the City of Westminster and the City and County of Broomfield. The Master Plan for the property had been prepared and adopted by the two partners, and the property would be an asset in both communities for generations to come.

CITY COUNCIL REPORTS

Mayor Pro Tem Winter reminded residents of the special partnership the Fire Department had with Santa Claus. Santa visits would be determined by lottery and the deadline to register for the lottery drawing was November 15. The Fire Department had been providing transportation for Santa Claus since 1937.

EMPLOYEE LENGTH OF SERVICE AWARDS

Council presented service awards to employees with 20, 25, and 30 years of tenure with the City and thanked them and their families for the years and years of dedication to the organization. Mayor Pro Tem Winter presented certificates and pins to Troy Gordanier and Scott Takahashi for 20 years of service. Mayor McNally presented certificates, pins and stipends to Michael Lynch, John O'Brien, and Chris Redig for 25-years of service. Councillor Atchison presented a certificate and pin to Michelle Shjandemaar for 30 years of service to the City.

MAINTENANCE SOLUTIONS FINANCIAL MANAGEMENT ACHIEVEMENT AWARD

Councillor Kaiser presented the Achievement Award for Financial Management from Maintenance Solutions magazine to Facilities Manager Jerry Cinkosky, Maintenance Foreman Brian Grucelski, and HVAC Specialist Greg Pries. The award recognized the Building Operations and Maintenance Division for improved heating and cooling systems in City facilities that resulted in saving hundreds of thousands of dollars in long-term operating costs for maintenance and energy spending.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: authorize the City Manager to purchase waterworks materials and water pipe from the low bidders Dana Kepner, HD Supply, and Mountain States Pipe and Supply, in the amount of \$314,598, and authorize cumulative 2012 purchases from Dana Kepner Company in an amount not to exceed \$238,000 and from HD Supply in an amount not to exceed \$180,000; based on the report and recommendation of the City Manager, determine that the public interest would be best served by ratifying the expenditure of \$54,120 for city facilities parking lot patching; authorize the City Manager

to execute a \$149,880 contract with the low bidder, Glacier Construction Co., Inc., for construction of the sodium hypochlorite storage tank liners at the Reclaimed Water Treatment Facility and authorize a 10% construction contingency for a total construction budget of \$164,868; approve the Stipulation and Plan for exclusion of recently annexed territory from the Southwest Adams County Fire Protection District; and final passage on second reading of Councillor's Bill No. 46 amending the Municipal Judge's salary in Section 1-7-2 of the Westminster Municipal Code.

Councillor Major moved that all items on the consent agenda excluding 8A concerning 2012 utility materials and water pipe purchases be approved. Mayor Pro Tem Winter seconded the motion and it carried with all Council members voting affirmatively.

2012 UTILITY MATERIALS AND WATER PIPE PURCHASES (CONSENT AGENDA ITEM 8A)

It was moved by Councillor Major and seconded by Mayor Pro Tem Winter to authorize the City Manager to purchase waterworks materials and water pipe from the low bidders, Dana Kepner, HD Supply, and Mountain States Pipe and Supply, in the amount of \$314,598; and authorize cumulative 2012 purchases from Dana Kepner Company in an amount not to exceed \$238,000 and from HD Supply in an amount not to exceed \$180,000. Councillor Kaiser announced that he would abstain from voting due to a possible conflict of interest. The motion passed by a 6:1 margin with Councillor Kaiser abstaining.

CONTINUED PUBLIC HEARING ON 2ND AMENDED PDP AND 8TH AMENDED ODP – HYLAND VILLAGE

At 7:23 p.m., the Mayor reopened an October 10, 2011, continued public hearing to consider on the Second Amended Preliminary Development Plan (PDP) and the Eighth Amended Official Development Plan (ODP) for the Hyland Village Subdivision. Mac Cummins, Planning Manager, entered the agenda memorandum and all attachments, noting that legal announcement of this hearing, pursuant to Westminster Municipal Code, had been satisfied. Also entered into the record were a letter of November 12, 2012, written by Michael Markel, a copy of the Hyland Village Association build out budget, and an alternate motion providing language should City Council decide to approve the requested change. Hyland Village Subdivision, a 71-acre approved development, was located at the southwest corner of 98th Avenue and Sheridan Boulevard and consisted of parcels for mixed use, multi-family, townhome, single-family detached and public land dedication/open space. Existing construction included 12 townhome units and 4 single-family homes. A 5-acre vacant parcel, designated for development of approximately 150 multi-family units and restricted to development to be marketed to individual buyers (condominiums), was located within the interior of the subdivision at the northeast corner of 96th Avenue and Ames Street. That 5-acre parcel was the subject of this development request, which proposed that the parcel be marketed to individual buyers as condominiums or as an apartment rental project. Staff's initial recommendation for approval of this proposal in October of 2011 had changed upon learning that a rental product would not provide the same financial contribution to the homeowners' association (HOA). Staff recommended denial of the proposed change to development plans for the following reasons: (1) The development of this Planned Unit Development (PUD) had already started under the existing plans and there were 16 existing homeowners in the subdivision; (2) The financial burden of those homeowners to pay for the previously approved subdivision improvements and amenities would increase significantly if the currently approved condominium use were converted to a rental project with only one, instead of multiple owners responsible for sharing in the HOA's financial obligations; and (3) The owner of the land requesting the addition of multi-family rental use to the owner's permitted uses had not agreed to assume responsibility for the assessments that the condominium project otherwise would have paid and had not come up with any other satisfactory arrangement to address this concern. Staff's recommendations for denial were based on Sections 11-5-14(A)5 and 6, W.M.C., and Sections 11-5-15(A)6 and 7, W.M.C., and the potentially adverse impact of the proposed change on the balance of the Planned Unit Development. The creation of HOAs, CC&Rs (covenant, conditions and restrictions), or any other aspect of HOAs was not part of staff's evaluation. As approved, the Hyland Village Subdivision supported the Council's Strategic Plan Goals of providing Vibrant Neighborhoods in One Livable Community and of a Beautiful and Environmentally Sensitive City.

Michael Markel, Manager of 1225 Prospect, LLC, the applicant, addressed City Council. His request was to remove the restriction on rental or apartment development in the PDP and ODP that currently applied to the parcel in his ownership. The approved plan requirement to build condominiums on that parcel was not financially viable in the existing market, as housing demands had changed and property ownership was no longer the preference of the buying public. The quality development proposed would enhance diversity in the housing market while developing a large vacant parcel at the entrance to the Hyland Village subdivision. The apartment would have its own HOA to pay for trash service, insurance, interior road, sidewalk and land maintenance, and its own recreation amenities. The planned HOA had an agreement with Provident Realty Advisors, the declarant for the HOA and property owner within the subdivision after the bankruptcy of McStain. The apartment HOA would pay \$47,200 annually to the master HOA. This agreement would not create a liability for current or future residents and would provide essential funds for the HOA to help ensure sustainability.

Councillor Atchison noted that he and Mr. Markel were former business associates and had not worked together for many years. The past relationship would not influence his ability to consider this proposal.

Craig Blockwick was legal counsel to Mr. Markel and spoke about the City's inability to consider the internal financial arrangements of the HOA in a land use evaluation. The HOA was governed by the dictates of state statute and should not be part of this discussion.

Steve Gruber of 5471 West 97th Place, Denise Atencio of 5520 West 97th Avenue, and Michael Palmer of 5533 West 97th Avenue, were existing property owners within Hyland Village subdivision. They voiced concern about extracting 150 condominium owners from the financial equation within the master HOA and their liability to fund maintenance of future recreational amenities. The condominium owners represented 1/3 of the overall development and the revenues originally planned by McStain. If approved, a separate community within a community would result. The real estate market was rebounding and the existing residents were not in support of amending the approved development plan and changing the neighborhood design they had purchased. The City was alleged to be involved in this matter, as it wanted a clubhouse and swimming pool for the neighborhood and was partially funding improvements with McStain bonding funds.

Matt Mildren of Provident Realty Advisors substantiated earlier testimony regarding the master HOA and the townhome sub-HOA, the agreement between Provident and Markel, and recapped two budgets Provident had prepared and furnished to the City to demonstrate funding of the HOA with and without condominium development of the Markel parcel. Provident agreed there was no market for condominiums now and believed development of the Markel parcel as high-quality apartments was in the best interest of the existing and future property owners in Hyland Village, as well as the best interest of the City. It was the declarant's right to determine whether or not property would be annexed into the HOA. The Markel parcel currently was not annexed. The agreement between Provident and Markel required the apartment HOA to pay \$43,200 to the master HOA in perpetuity and the obligation would be reflected on title if the parcel sold.

It was moved by Councillor Atchison, seconded by Councillor Lindsey, to convene in executive session for purposes of consulting with the City Attorney pursuant to provisions in Title I, Chapter 11, W.M.C. The motion carried and the Council departed from Council Chambers at 8:09 p.m. At 8:36 p.m., the City Council re-entered the Council Chambers, assumed their seats on the dais, and Mayor McNally called the meeting to order.

Additional testimony was provided by Davis Reinhart, a consultant to Provident Realty Advisors and a member of the Hyland Village Metropolitan District; Stacia Kuhn, president of the Hyland Village Metropolitan District; Chad Kipfer, an employee of Michael Markel. The Hyland Village Metropolitan District's revenue stream would not be impacted whether this proposal were or were not approved. This request had been presented to the Planning Commission in September 2011 where it was recommended for approval by a 5:2 split vote. The proposal was in the best interests of the current and future homeowners, the taxpayers, the metro district, and the HOA. The HOA would be balanced and equal to what it would have been in the condominium scenario.

Steve Gruber and Mike Palmer reiterated that the construction of condominiums in the metro area was on the upswing. Living in the shadow of a four-story apartment building would diminish property values and was not the development design they were seeking when they had purchased their homes. Current homeowners had paid a 25% recreation fee when they bought their properties. The future owners of condominiums were to have been assessed the same fee. The fee had not been mentioned in the context of developing an apartment complex.

In conclusion, Mr. Cummins reported that the Planning Commission had considered this proposal on September 27, 2011. At the time, staff was recommending approval of the requested change. The Commission had voted 5:2 to recommend approval.

Responding to questions from Councillor Atchison, Mr. Mildren explained that landowners had to initiate annexation into the HOA and it was the declarant's discretion to annex. Whether or not the Markel parcel was rezoned, the parcel would likely have its own HOA to manage common areas. Both the existing townhome HOA and the potential condo HOA that would be assessed the same monthly fee by the master HOA.

After establishing that no one else wished to speak and questions of Council had been answered, Mayor McNally closed the public hearing at 8:57 p.m.

Councillor Atchison moved to table action on the Second Amended Preliminary Development Plan (Agenda Item 10B) and on the Eighth Amended Official Development Plan (Agenda Item 10C) for Hyland Village Subdivision. Mayor Pro Tem Winter seconded the motion.

Discussion ensued about the need to table action to a date certain.

Councillor Atchison moved, seconded by Mayor Pro Tem Winter, to reopen the public hearing. The motion carried, and Mayor McNally reopened the public hearing at 9 p.m.

Councillor Atchison verified with the developer, the declarant, and the property owners that they would meet and work together to resolve concerns voiced during the public hearing, noting that if an amenable solution were not reached, this matter would come back to the City Council for a decision. To avoid conflict with upcoming holidays, it was suggested that the date action would be removed from the table for consideration should be February 25, 2013. Property owners asked that the City be involved in meetings, as it controlled the McStain bonding funds and would be responsible for distribution of those funds. Mr. McFall said the City could set at the table and offer input, but could not offer a solution.

There being no further comment, Mayor McNally closed the public hearing at 9:06 p.m.

Before voting on the motion to table, Mr. McCullough suggested that the hearing be continued to the same date as the action items were being tabled. He notified all parties who had spoken that if continued, the hearing would not be re-advertised.

Mayor McNally reopened the hearing at 9:06 p.m. It was moved by Mayor Pro Tem Winter and seconded by Councillor Atchison, to continue the public hearing to February 25, 2013. The motion passed unanimously and Mayor McNally closed the hearing at 9:07 p.m.

The vote was called on the motion to table action on Agenda Items 10B and 10C to February 25, 2013, and it passed with all Council members voting affirmatively.

RESOLUTION NO. 36 EXCLUDING PROPERTY FROM SW ADAMS FIRE PROTECTION DISTRICT

It was moved by Councillor Major and seconded by Councillor Kaiser to adopt Resolution No. 36 approving the exclusion of recently annexed property from the Southwest Adams County Fire Protection District. On roll call vote, the motion passed unanimously.

RESOLUTION NO. 37 IN SUPPORT OF THE ROCKY FLATS COLD WAR MUSEUM

Upon a motion by Councillor Briggs, seconded by Councillor Major, the Council voted unanimously on roll call vote to adopt Resolution No. 37 supporting the Rocky Flats Cold War Museum.

COUNCILLOR'S BILL NO. 47 AMENDING SOLID WASTE COLLECTION REGULATIONS IN W.M.C.

Mayor Pro Tem Winter moved to pass Councillor's Bill No. 47 on first reading implementing revisions to the Solid Waste Collection section of the Westminster Municipal Code as recommended by the Environmental Advisory Board to improve recycling in the community. Councillor Lindsey seconded the motion and it passed unanimously at roll call.

ADJOURNMENT

There being no further business to come before the City Council, it was moved by Councillor Atchison and seconded by Councillor Kaiser to adjourn. The motion passed and the Mayor adjourned the meeting at 9:11 p.m.

ATTEST:

Mayor

City Clerk



Agenda Memorandum

City Council Meeting
November 26, 2012



SUBJECT: Financial Report for October 2012

Prepared By: Tammy Hitchens, Finance Director

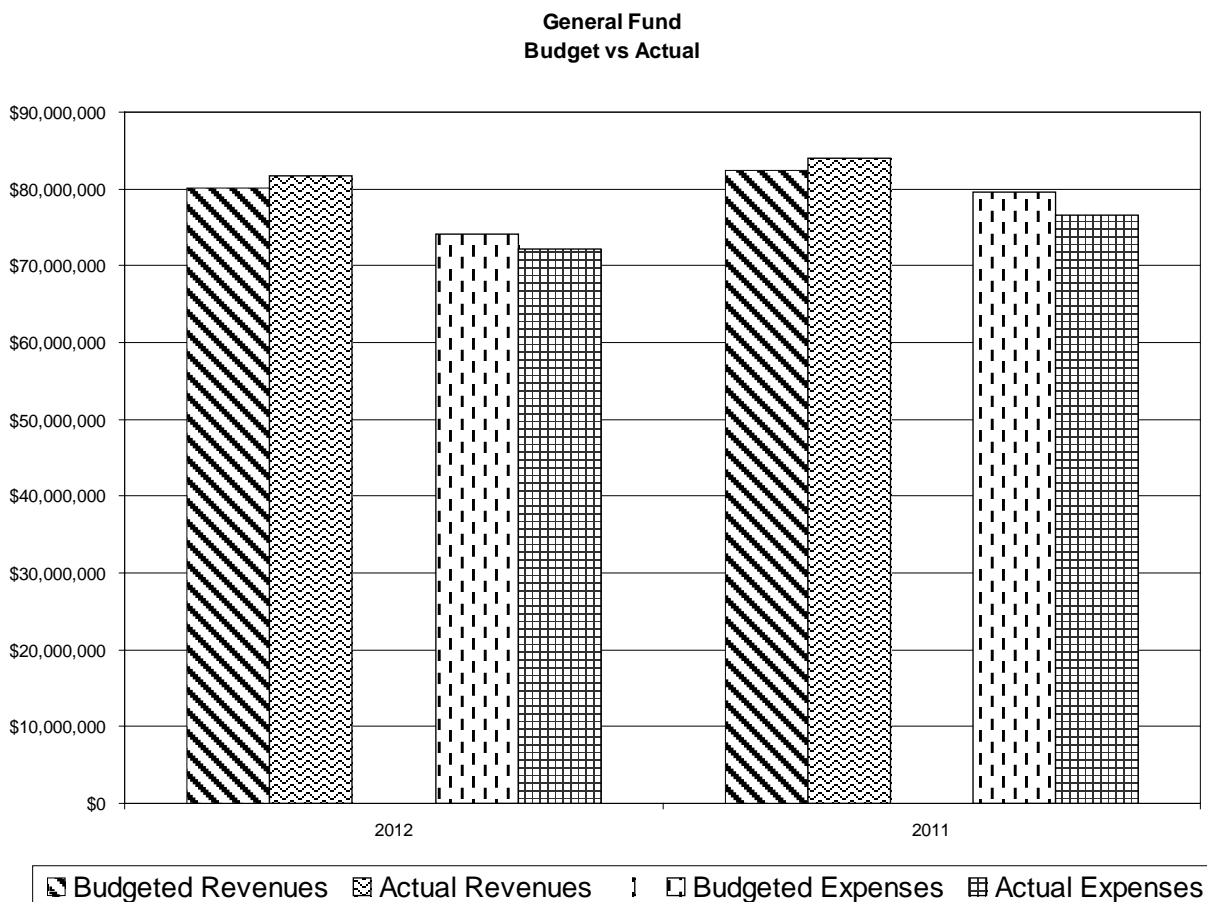
Recommended City Council Action

Accept the Financial Report for October 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 expense are pro-rated based on 10-year historical averages.

The General Fund revenues and carryover exceed expenditures by \$9,463,155. The following graph represents Budget vs. Actual for 2011-2012.

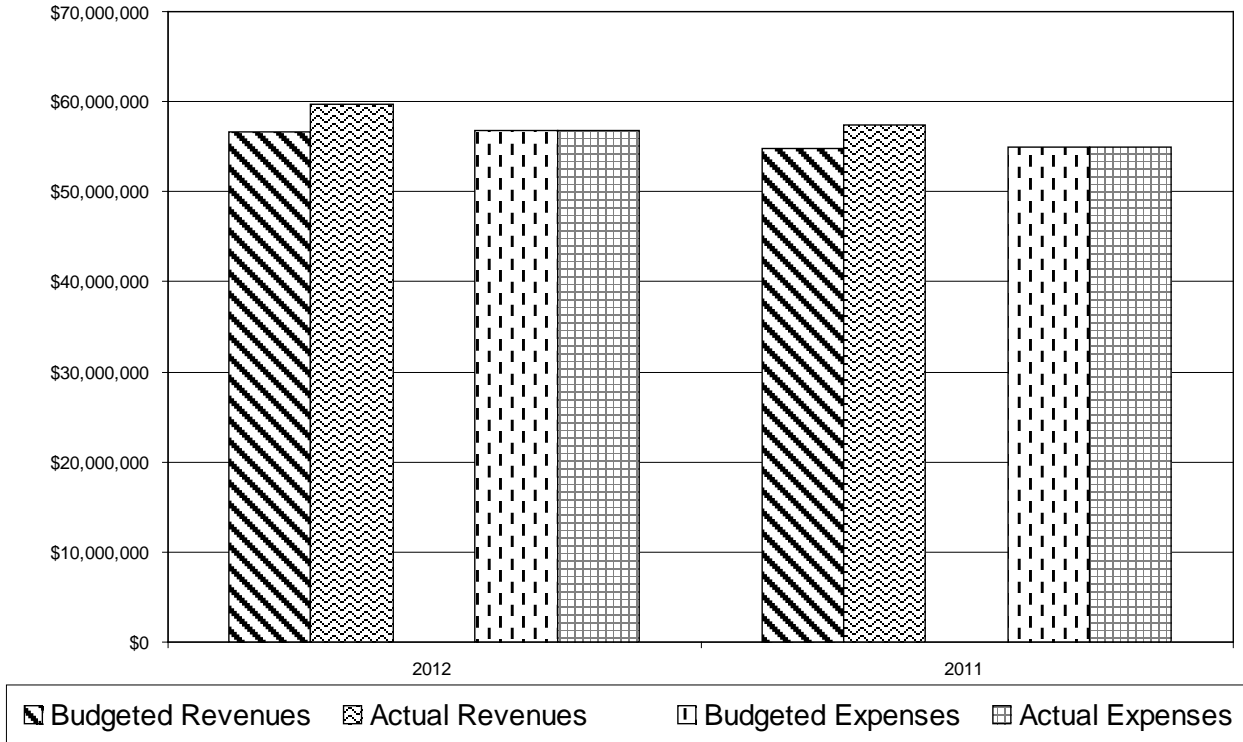


When compared to 2011, 2012 reflects roughly \$2.0 million less in carryover, \$1.0 million less in inter-fund transfers revenue, and \$6.2 million less in inter-fund transfers expenditures.

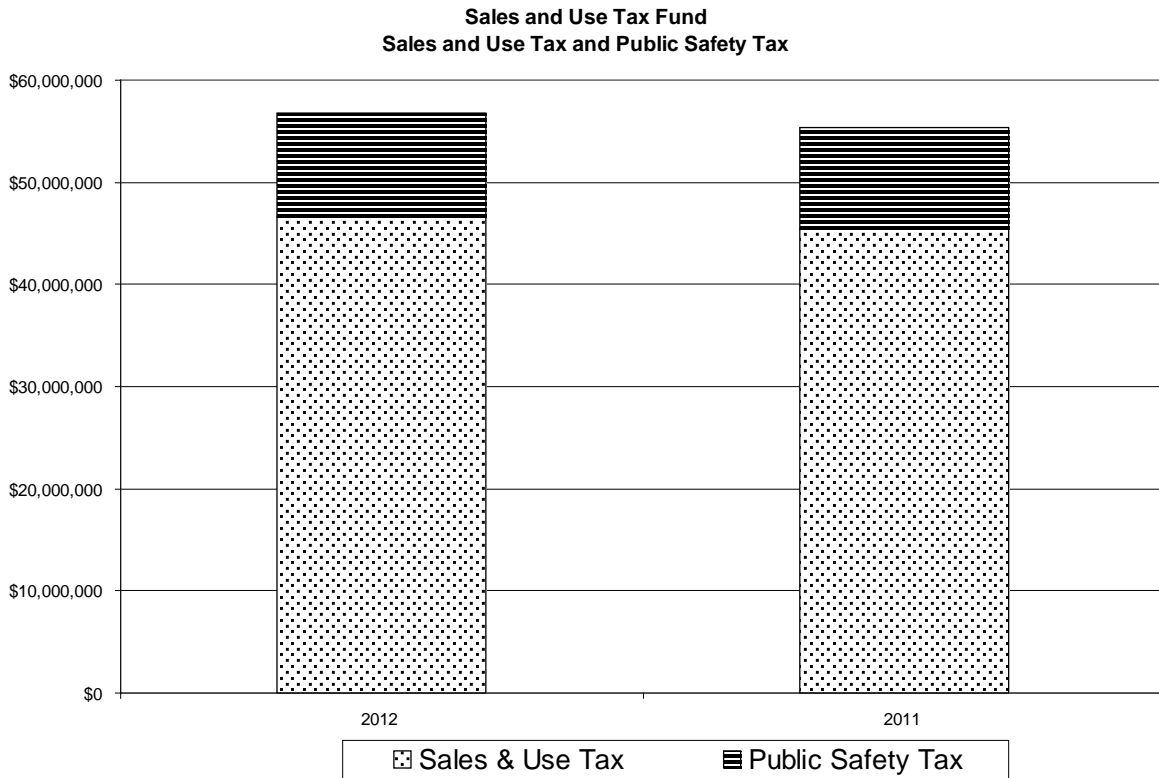
The Sales and Use Tax Fund revenues and carryover exceed expenditures by \$2,868,333. On a year-to-date cash basis, total sales and use tax is up 2.7% from 2011. Key components are listed below:

- On a year-to-date basis, across the top 25 shopping centers, total sales and use tax receipts are up 2.0% from the prior year.
- Sales tax receipts from the top 50 Sales Taxpayers, representing about 57.9% of all collections, are up 3.8% for the month.
- Urban renewal areas make up 41.1% of gross sales tax collections. After urban renewal area and economic development assistance adjustments, 83.1% of this money is being retained for General Fund use.
- Auto Use tax is up 16.2% on a year-to-date basis.

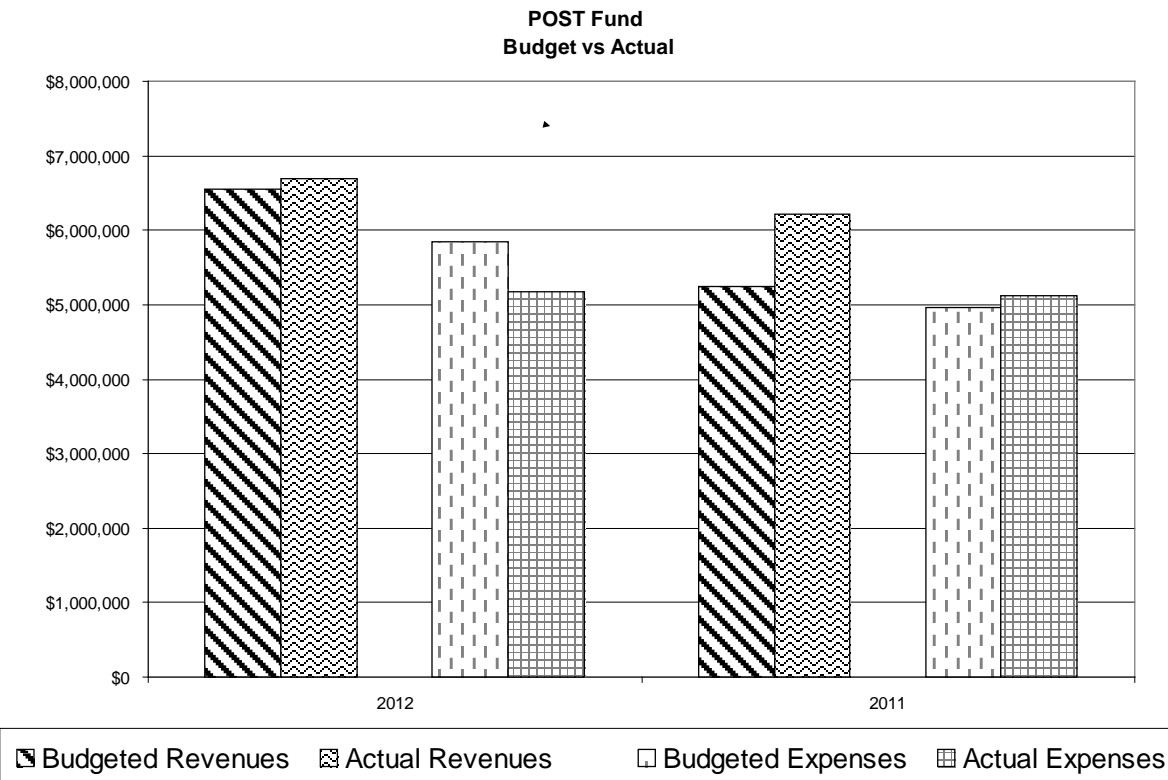
**Sales & Use Tax Fund
Budget vs Actual**



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

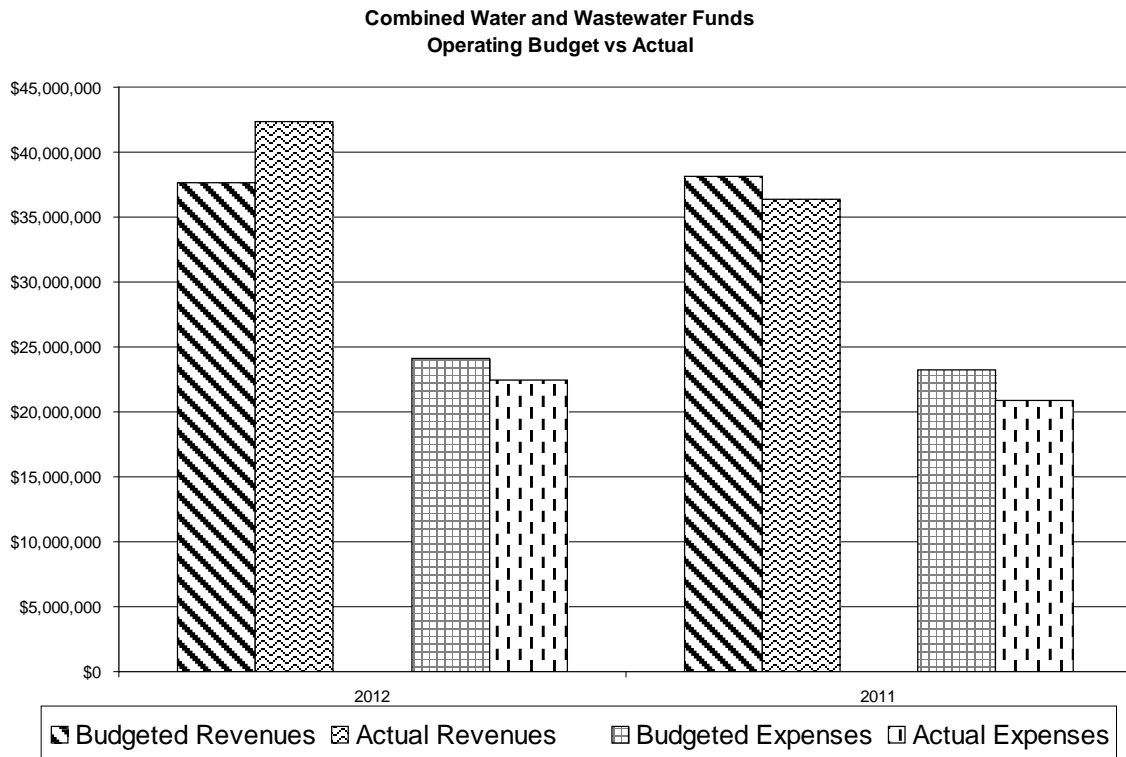


The Parks Open Space and Trails Fund revenues and carryover exceed expenditures by \$1,517,871.



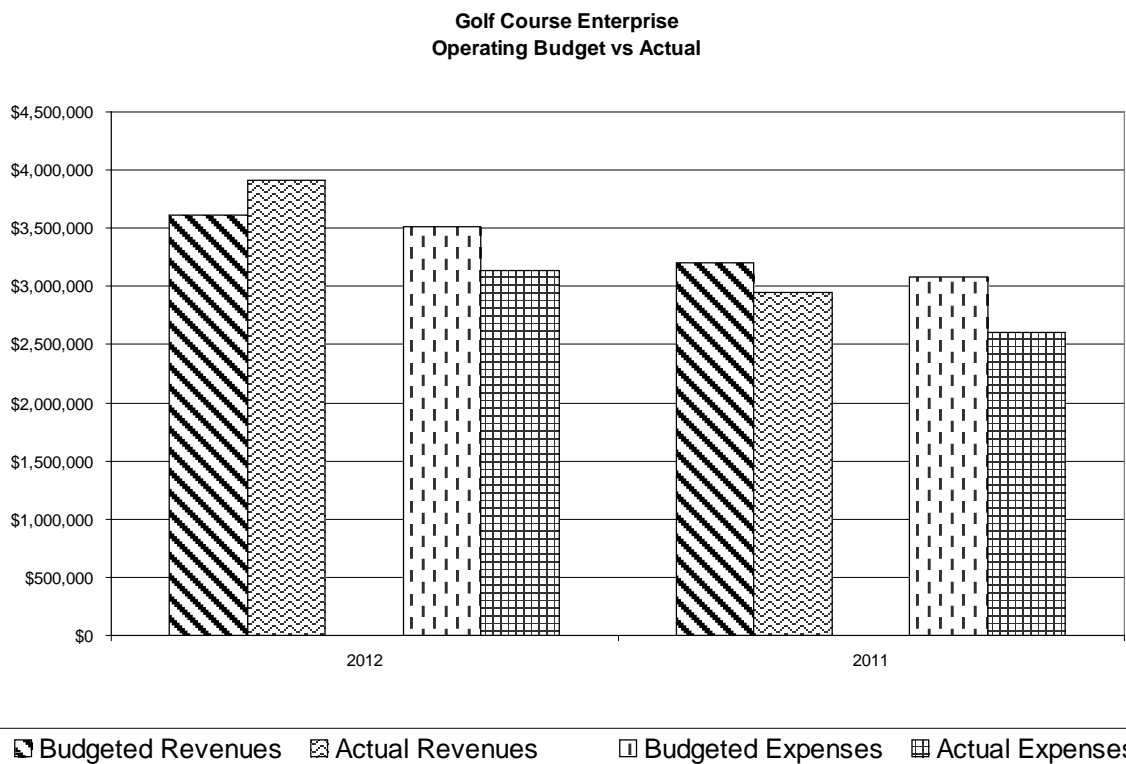
2012 revenues include \$1.4 million of carryover funds. 2011 revenues reflect the receipt of a significant grant that was appropriated in the prior year.

The combined Water & Wastewater Fund revenues and carryover exceed expenses by \$23,505,496. Operating revenues exceed operating expenses by \$19,991,904. \$12,435,927 is budgeted for capital projects and reserves.



The 2012 budget to actual revenue variance is due to the effect of climatic variations on water consumption and changes to billing rates.

The combined Golf Course Fund revenues and carryover exceed expenditures by \$784,410.



On a combined basis, golf course revenues are up by \$301,267 over prorated budget. This is attributable to increased play and primarily corporate memberships.

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

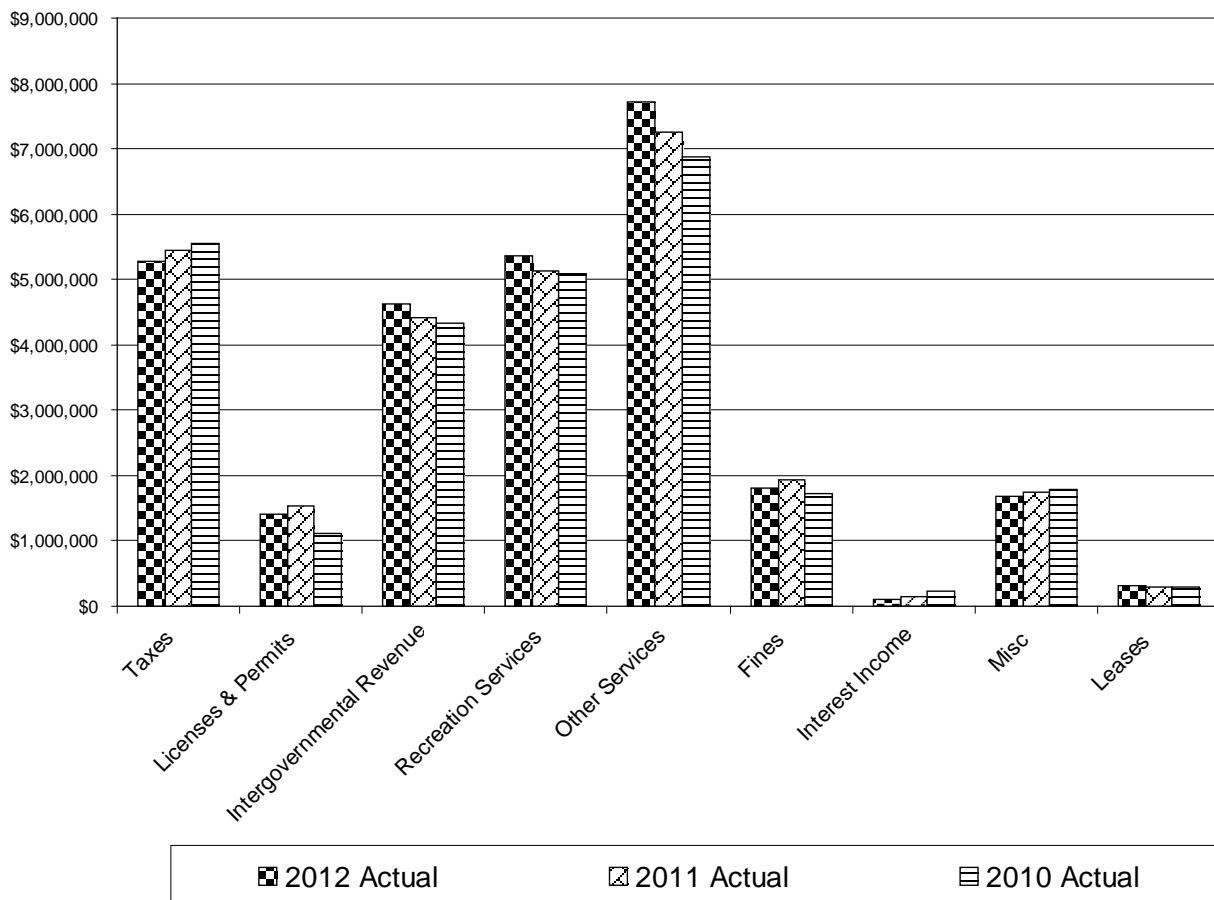
This section includes a discussion of highlights of each fund presented.

General Fund

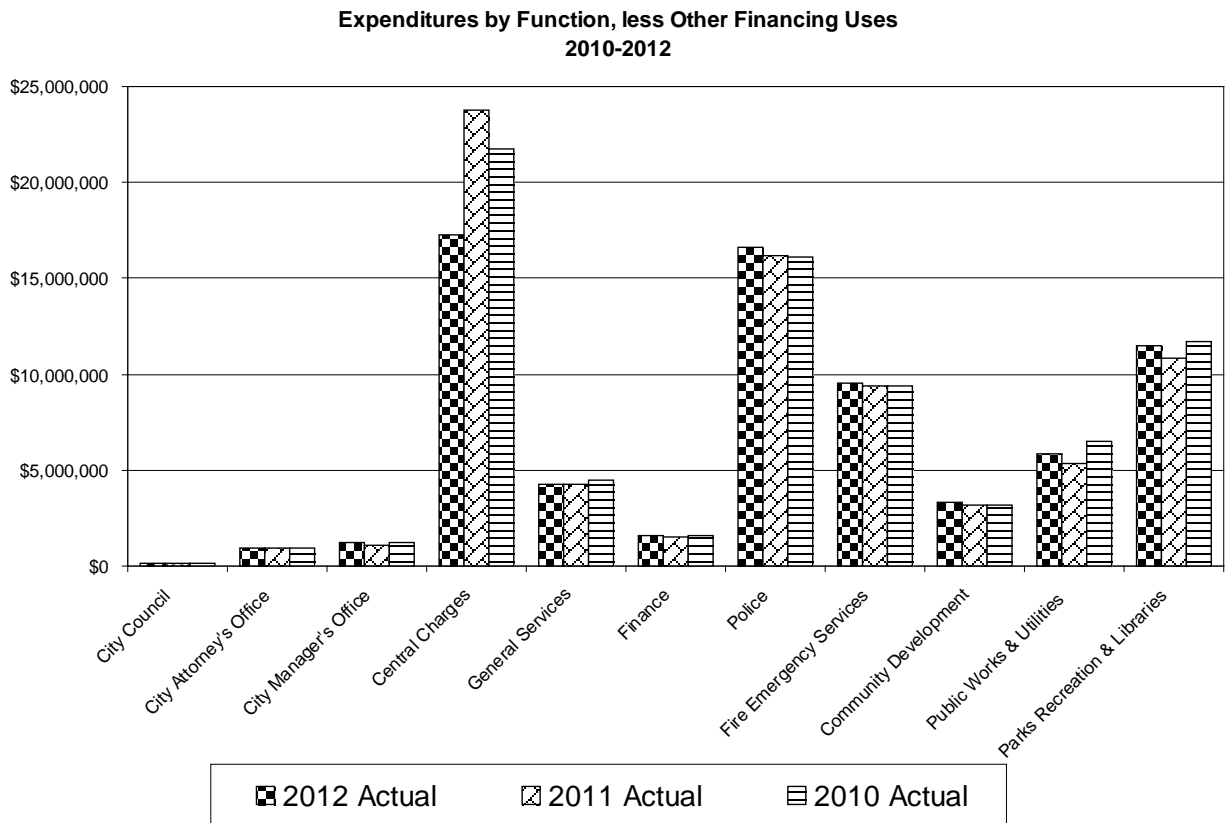
This fund reflects the result of the City’s operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions: City Manager, City Attorney, Finance, and General Services.

The following chart represents the trend in actual revenues from 2010-2012 year-to-date.

**General Fund Revenues without Transfers, Carryover, and Other Financing Sources
2010-2012**



The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2010-2012.



The large increase in Central Charges in 2011 was due to a transfer to WEDA of \$4 million for WURP as well as a larger transfer budgeted for the General Capital Improvement Fund in 2011 when compared to 2012.

2010 Central Charges expenditures reflect \$4.4 million more in transfers than in 2012, primarily to WEDA and the General Capital Improvement Fund, and an adjustment to eliminate the skewing effect of the 2001 COP debt refinancing.

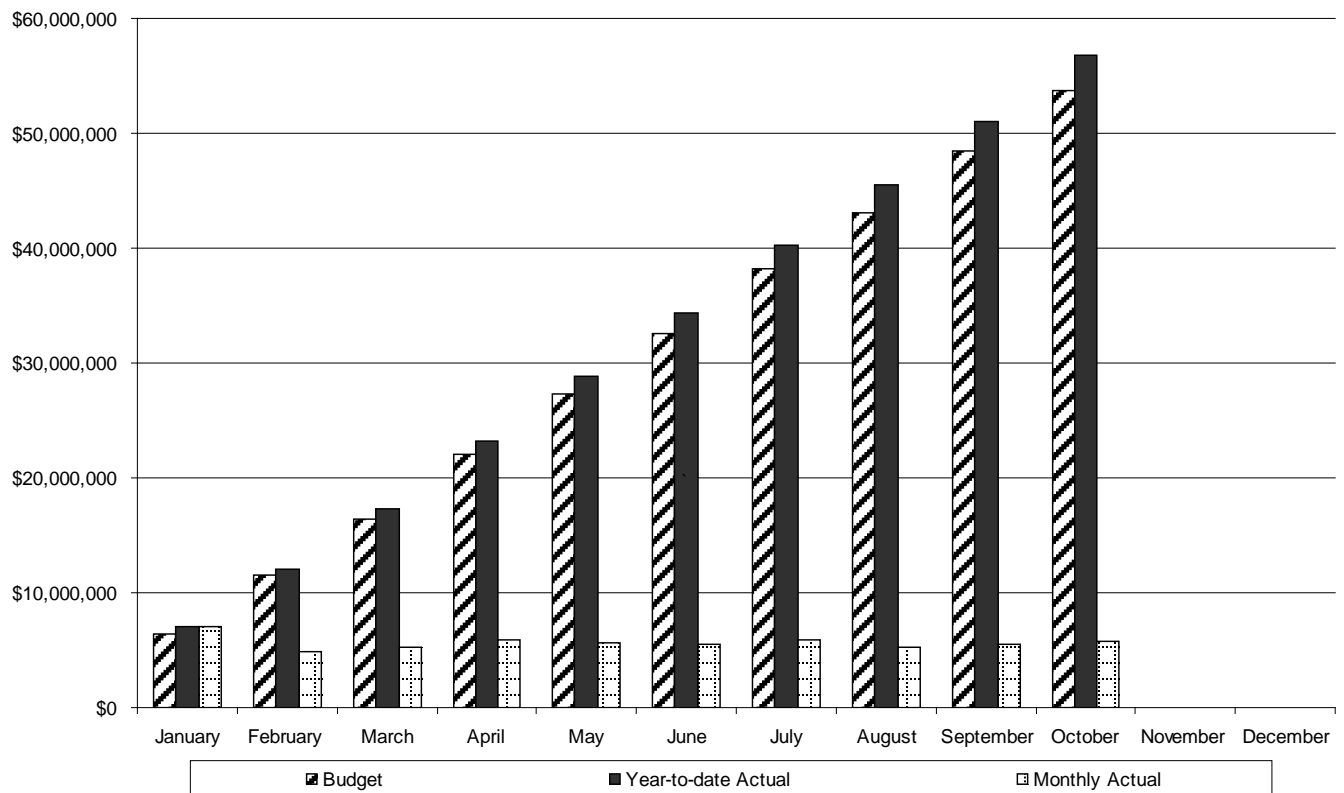
Sales and Use Tax Funds (Sales & Use Tax Fund and Parks, Open Space and Trails Sales & Use Tax Fund)

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 expenses.

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

**Sales & Use Tax - excluding Interest,
Transfers and Carryover
2012**

Budget = \$64,660,872

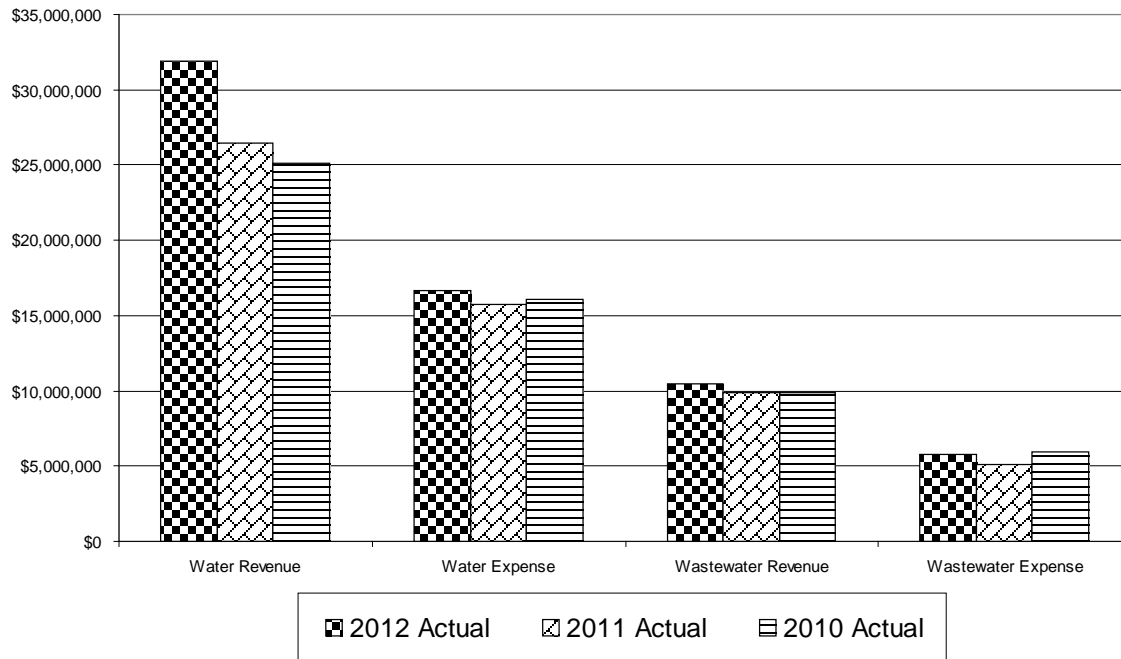


Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

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

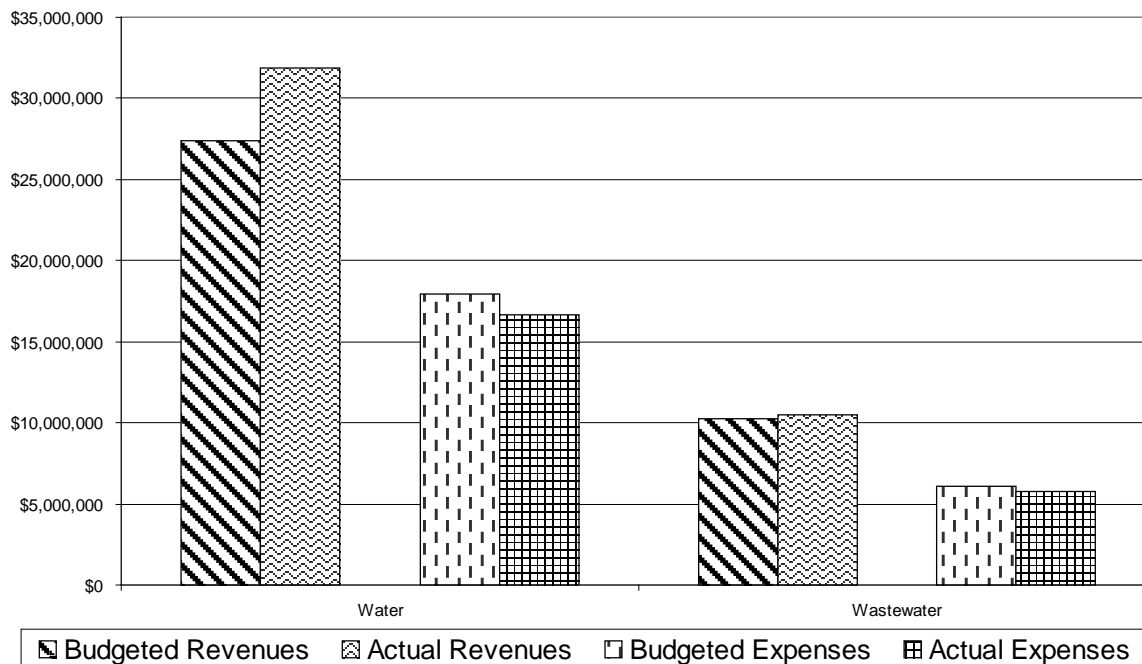
These graphs represent segment information for the Water and Wastewater funds.

**Water and Wastewater Funds
Operating Revenue and Expenses 2010-2012**



The water revenue variance is due to the effect of climatic variations on water consumption and 2012 changes to billing rates.

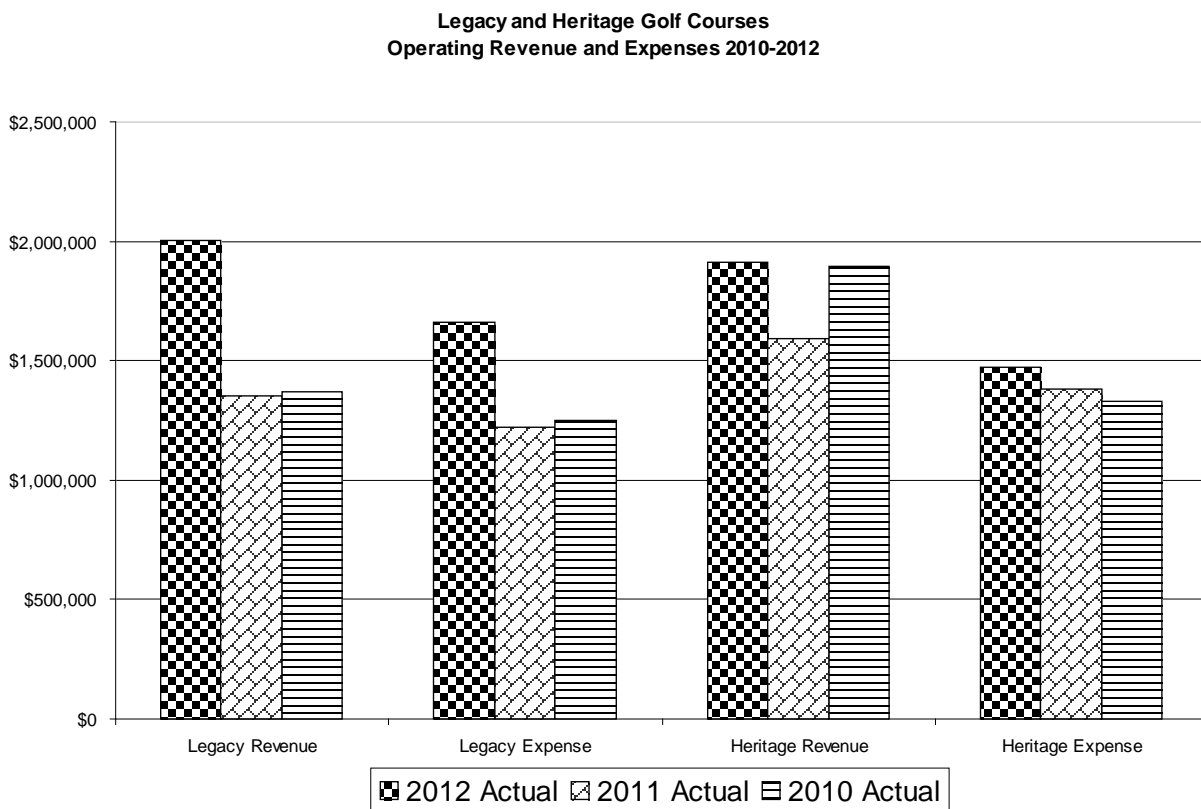
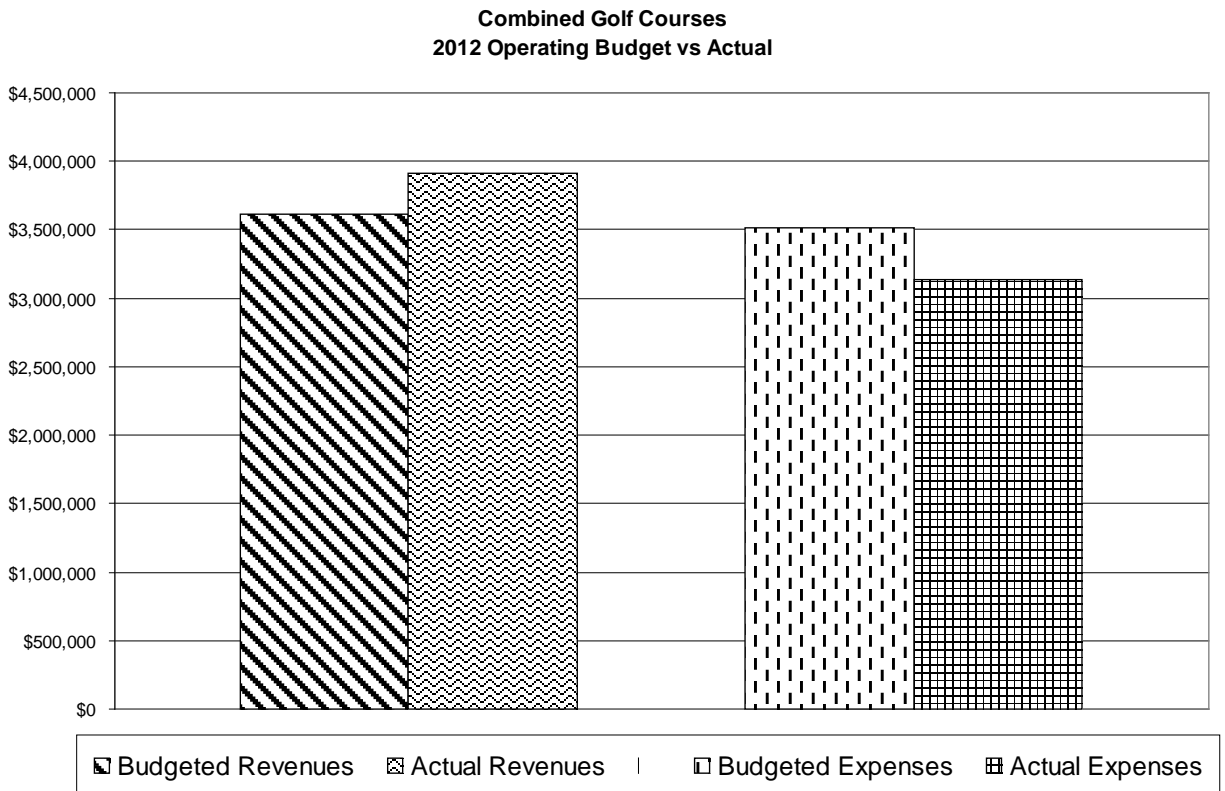
**Water and Wastewater Funds
2012 Operating Budget vs Actual**



The 2012 budget to actual Water Fund revenue variance is due to the effect of climatic variations on water consumption and changes to billing rates.

Golf Course Enterprise (Legacy and Heritage Golf Courses)

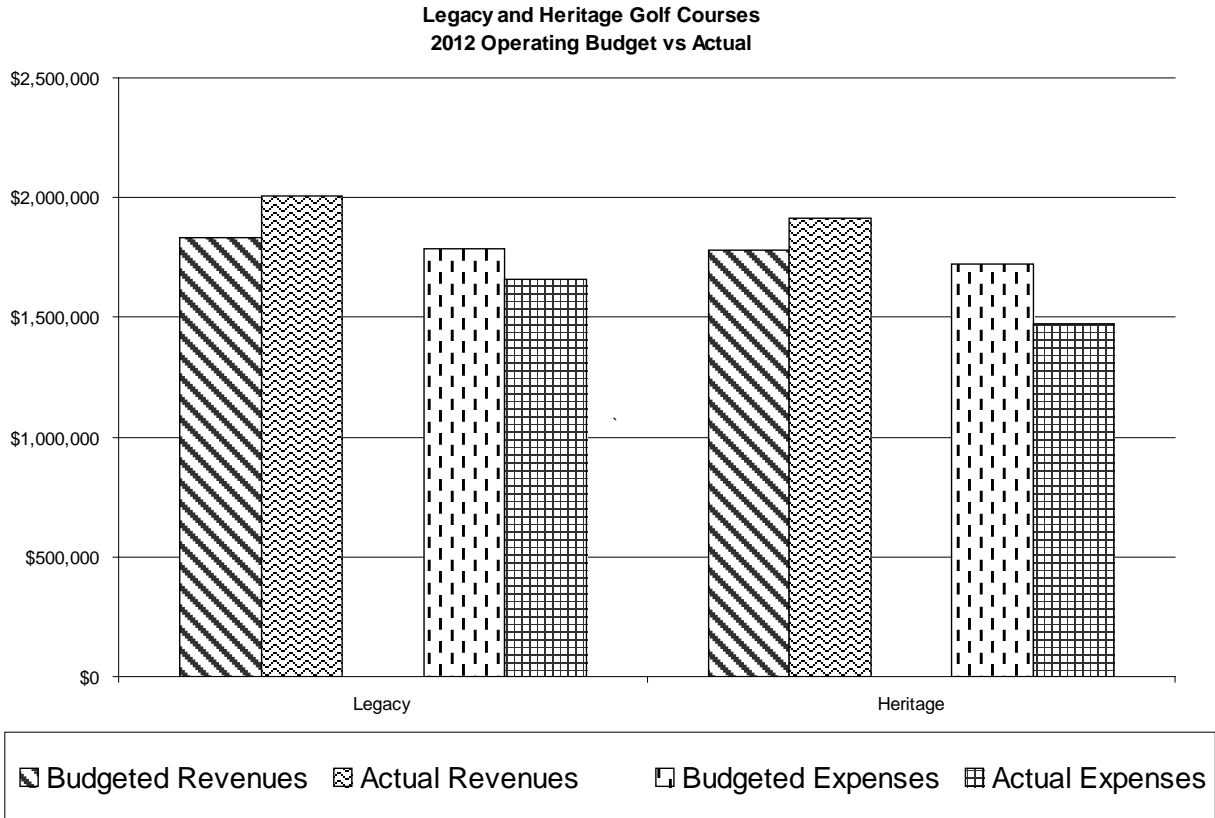
This enterprise reflects the operations of the City's two municipal golf courses.



Carryover of \$380,000 and charges for services, including driving range and green fees at both courses, account for increased revenues, as does transfers in from other funds. Transfers decreased in 2011 as a result of savings from refunding of the bonds.

A transfer of \$380,000 to the General Capital Improvement Fund for the Heritage Golf Course back nine land acquisition is reflected in 2012 Legacy Ridge expenses.

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



This financial report supports City Council’s Strategic Plan Goal of Financially Sustainable City Government Providing Exceptional Services by communicating timely information on the results of City operations and 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 Ten Months Ending October 31, 2012**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues						
Taxes	5,575,590	5,373,030		5,287,158	(85,872)	98.4%
Licenses & Permits	1,415,000	1,174,573		1,412,275	237,702	120.2%
Intergovernmental Revenue	5,067,067	3,932,113		4,626,606	694,493	117.7%
Charges for Services						
Recreation Services	6,418,338	5,073,935		5,359,386	285,451	105.6%
Other Services	9,530,695	7,360,909		7,716,976	356,067	104.8%
Fines	2,110,000	1,787,406		1,798,910	11,504	100.6%
Interest Income	180,000	130,144		97,610	(32,534)	75.0%
Miscellaneous	1,737,844	1,604,047		1,678,945	74,898	104.7%
Leases	386,208	313,155		313,155	0	100.0%
Interfund Transfers	61,684,647	51,403,873		51,403,873	0	100.0%
Sub-total Revenues	<u>94,105,389</u>	<u>78,153,185</u>		<u>79,694,894</u>	<u>1,541,709</u>	<u>102.0%</u>
Carryover	1,926,631	1,926,631		1,926,631	0	100.0%
Total Revenues	<u>96,032,020</u>	<u>80,079,816</u>		<u>81,621,525</u>	<u>1,541,709</u>	<u>101.9%</u>
Expenditures						
City Council	240,119	193,455		157,632	(35,823)	81.5%
City Attorney's Office	1,197,764	964,968		931,738	(33,230)	96.6%
City Manager's Office	1,520,610	1,218,854		1,199,425	(19,429)	98.4%
Central Charges	26,900,601	17,543,005		17,246,845	(296,160)	98.3%
General Services	5,828,493	4,607,104		4,229,934	(377,170)	91.8%
Finance	1,994,706	1,606,067		1,595,324	(10,743)	99.3%
Police	20,403,971	16,526,336		16,649,973	123,637	100.7%
Fire Emergency Services	11,792,644	9,519,106		9,513,569	(5,537)	99.9%
Community Development	4,125,271	3,289,448		3,291,464	2,016	100.1%
Public Works & Utilities	7,767,031	6,520,622		5,883,124	(637,498)	90.2%
Parks, Recreation & Libraries	14,260,810	12,064,412		11,459,342	(605,070)	95.0%
Total Expenditures	<u>96,032,020</u>	<u>74,053,377</u>		<u>72,158,370</u>	<u>(1,895,007)</u>	<u>97.4%</u>
Revenues Over(Under)						
Expenditures	<u>0</u>	<u>6,026,439</u>		<u>9,463,155</u>	<u>3,436,716</u>	

**City of Westminster
Financial Report
For Ten Months Ending October 31, 2012**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Sales and Use Tax Fund						
Revenues						
Sales Tax						
Sales Tax Returns	44,669,579	37,343,993		38,924,424	1,580,431	104.2%
Sales Tx Audit Revenues	719,000	598,927		470,201	(128,726)	78.5%
S-T Rev. STX	<u>45,388,579</u>	<u>37,942,920</u>		<u>39,394,625</u>	<u>1,451,705</u>	103.8%
Use Tax						
Use Tax Returns	7,193,750	5,803,503		6,760,064	956,561	116.5%
Use Tax Audit Revenues	785,000	653,905		518,127	(135,778)	79.2%
S-T Rev. UTX	<u>7,978,750</u>	<u>6,457,408</u>		<u>7,278,191</u>	<u>820,783</u>	112.7%
Total STX and UTX	<u>53,367,329</u>	<u>44,400,328</u>		<u>46,672,816</u>	<u>2,272,488</u>	105.1%
Public Safety Tax						
PST Tax Returns	10,985,043	9,022,293		9,900,900	878,607	109.7%
PST Audit Revenues	308,500	256,981		197,590	(59,391)	76.9%
Total Rev. PST	<u>11,293,543</u>	<u>9,279,274</u>		<u>10,098,490</u>	<u>819,216</u>	108.8%
Interest Income	95,000	79,167		60,253	(18,914)	76.1%
Interfund Transfers	257,000	214,167		214,167	0	100.0%
Carryover	2,693,412	2,693,412		2,693,412	0	100.0%
Total Revenues and Carryover	<u>67,706,284</u>	<u>56,666,348</u>		<u>59,739,138</u>	<u>3,072,790</u>	105.4%
Expenditures						
Central Charges	<u>67,706,284</u>	<u>56,870,805</u>		<u>56,870,805</u>	0	100.0%
Revenues Over(Under)						
Expenditures	<u>0</u>	<u>(204,457)</u>		<u>2,868,333</u>	<u>3,072,790</u>	

**City of Westminster
Financial Report
For Ten Months Ending October 31, 2012**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
POST Fund						
Revenues						
Sales & Use Tax	4,814,510	4,030,899		4,206,624	175,725	104.4%
Intergovernmental Revenue	1,138,493	929,108		930,793	1,685	100.2%
Interest Income	3,400	2,833		18,745	15,912	661.7%
Miscellaneous	199,260	166,050		124,600	(41,450)	75.0%
Interfund Transfers	19,000	15,833		15,833	0	100.0%
Sub-total Revenues	<u>6,174,663</u>	<u>5,144,723</u>		<u>5,296,595</u>	<u>151,872</u>	<u>103.0%</u>
Carryover	1,400,000	1,400,000		1,400,000	0	100.0%
Total Revenues	<u>7,574,663</u>	<u>6,544,723</u>		<u>6,696,595</u>	<u>151,872</u>	<u>102.3%</u>
Expenditures						
Central Charges	7,296,823	5,659,993		5,023,872	(636,121)	88.8%
Park Services	277,840	190,780		154,852	(35,928)	81.2%
	<u>7,574,663</u>	<u>5,850,773</u>		<u>5,178,724</u>	<u>(672,049)</u>	<u>88.5%</u>
Revenues Over(Under)						
Expenditures	<u>0</u>	<u>693,950</u>		<u>1,517,871</u>	<u>823,921</u>	

**City of Westminster
Financial Report
For Ten Months Ending October 31, 2012**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water and Wastewater Funds - Combined						
Operating Revenues						
License & Permits	75,000	62,500		83,040	20,540	132.9%
Intergovernmental Revenue	0	0		258,630	258,630	
Rates and Charges	43,153,638	37,167,716		41,558,066	4,390,350	111.8%
Miscellaneous	474,896	395,746		495,660	99,914	125.2%
Total Operating Revenues	<u>43,703,534</u>	<u>37,625,962</u>		<u>42,395,396</u>	<u>4,769,434</u>	112.7%
Operating Expenses						
Central Charges	5,893,555	4,911,296		4,871,425	(39,871)	99.2%
Finance	669,344	537,483		503,345	(34,138)	93.6%
Public Works & Utilities	20,919,246	16,275,675		14,888,716	(1,386,959)	91.5%
Parks, Recreation & Libraries	132,272	119,309		100,669	(18,640)	84.4%
Information Technology	2,784,438	2,247,041		2,039,337	(207,704)	90.8%
Total Operating Expenses	<u>30,398,855</u>	<u>24,090,804</u>		<u>22,403,492</u>	<u>(1,687,312)</u>	93.0%
Operating Income (Loss)	<u>13,304,679</u>	<u>13,535,158</u>		<u>19,991,904</u>	<u>6,456,746</u>	
Other Revenue and Expenses						
Tap Fees	3,700,000	3,247,600		4,752,986	1,505,386	146.4%
Interest Income	553,600	461,334		272,666	(188,668)	59.1%
Interfund Transfers	3,967,501	3,306,251		3,306,251	0	100.0%
Sale of Assets	0	0		121,388	121,388	
Carryover	4,591,155	4,591,155		4,591,155	0	100.0%
Debt Service	(7,219,424)	(3,069,270)		(3,069,270)	0	100.0%
Reserve Transfer	(6,461,584)	(6,461,584)		(6,461,584)	0	100.0%
Total Other Revenue (Expenses)	<u>(868,752)</u>	<u>2,075,486</u>		<u>3,513,592</u>	<u>1,438,106</u>	
Increase (Decrease) in Net Assets	<u>12,435,927</u>	<u>15,610,644</u>		<u>23,505,496</u>	<u>7,894,852</u>	

**City of Westminster
Financial Report
For Ten Months Ending October 31, 2012**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water Fund						
Operating Revenues						
License & Permits	75,000	62,500		83,040	20,540	132.9%
Intergovernmental Revenue	0	0		258,630	258,630	
Rates and Charges	30,892,138	26,949,799		31,108,464	4,158,665	115.4%
Miscellaneous	464,896	387,413		461,149	73,736	119.0%
Total Operating Revenues	<u>31,432,034</u>	<u>27,399,712</u>		<u>31,911,283</u>	<u>4,511,571</u>	116.5%
Operating Expenses						
Central Charges	4,170,645	3,475,538		3,437,070	(38,468)	98.9%
Finance	669,344	537,483		503,345	(34,138)	93.6%
Public Works & Utilities	14,740,795	11,586,254		10,574,557	(1,011,697)	91.3%
PR&L Standley Lake	132,272	119,309		100,669	(18,640)	84.4%
Information Technology	2,784,438	2,247,041		2,039,337	(207,704)	90.8%
Total Operating Expenses	<u>22,497,494</u>	<u>17,965,625</u>		<u>16,654,978</u>	<u>(1,310,647)</u>	92.7%
Operating Income (Loss)	<u>8,934,540</u>	<u>9,434,087</u>		<u>15,256,305</u>	<u>5,822,218</u>	
Other Revenue and Expenses						
Tap Fees	3,000,000	2,651,500		3,524,294	872,794	132.9%
Interest Income	365,600	304,667		190,760	(113,907)	62.6%
Interfund Transfers	2,984,511	2,487,093		2,487,093	0	100.0%
Sale of Assets	0	0		121,388	121,388	
Carryover	3,746,765	3,746,765		3,746,765	0	100.0%
Debt Service	(5,715,075)	(2,483,506)		(2,483,506)	0	100.0%
Reserve Transfer	(5,692,414)	(5,692,414)		(5,692,414)	0	100.0%
Total Other Revenues (Expenses)	<u>(1,310,613)</u>	<u>1,014,105</u>		<u>1,894,380</u>	<u>880,275</u>	
Increase (Decrease) in Net Assets	<u>7,623,927</u>	<u>10,448,192</u>		<u>17,150,685</u>	<u>6,702,493</u>	

**City of Westminster
Financial Report
For Ten Months Ending October 31, 2012**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Wastewater Fund						
Operating Revenues						
Rates and Charges	12,261,500	10,217,917		10,449,602	231,685	102.3%
Miscellaneous	10,000	8,333		34,511	26,178	414.1%
Total Operating Revenues	<u>12,271,500</u>	<u>10,226,250</u>		<u>10,484,113</u>	<u>257,863</u>	102.5%
Operating Expenses						
Central Charges	1,722,910	1,435,758		1,434,355	(1,403)	99.9%
Public Works & Utilities	6,178,451	4,689,421		4,314,159	(375,262)	92.0%
Total Operating Expenses	<u>7,901,361</u>	<u>6,125,179</u>		<u>5,748,514</u>	<u>(376,665)</u>	93.9%
Operating Income (Loss)	<u>4,370,139</u>	<u>4,101,071</u>		<u>4,735,599</u>	<u>634,528</u>	
Other Revenue and Expenses						
Tap Fees	700,000	596,100		1,228,692	632,592	206.1%
Interest Income	188,000	156,667		81,906	(74,761)	52.3%
Interfund Transfers	982,990	819,158		819,158	0	100.0%
Carryover	844,390	844,390		844,390	0	100.0%
Debt Service	(1,504,349)	(585,764)		(585,764)	0	100.0%
Reserve Transfer	(769,170)	(769,170)		(769,170)	0	100.0%
Total Other Revenues (Expenses)	<u>441,861</u>	<u>1,061,381</u>		<u>1,619,212</u>	<u>557,831</u>	
Increase (Decrease) in Net Assets	<u>4,812,000</u>	<u>5,162,452</u>		<u>6,354,811</u>	<u>1,192,359</u>	

**City of Westminster
Financial Report
For Ten Months Ending October 31, 2012**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Storm Drainage Fund						
Revenues						
Charges for Services	2,050,000	1,708,333		1,662,657	(45,676)	97.3%
Interest Income	82,000	68,333		39,305	(29,028)	57.5%
Miscellaneous	0	0		464	464	
Carryover	418,574	418,574		418,574	0	100.0%
Total Revenues	<u>2,550,574</u>	<u>2,195,240</u>		<u>2,121,000</u>	<u>(74,240)</u>	96.6%
Expenses						
General Services	86,200	61,978		49,740	(12,238)	80.3%
Community Development	169,090	138,992		133,394	(5,598)	96.0%
PR&L Park Services	200,000	112,000		111,942	(58)	99.9%
Public Works & Utilities	359,710	271,221		176,779	(94,442)	65.2%
Total Expenses	<u>815,000</u>	<u>584,191</u>		<u>471,855</u>	<u>(112,336)</u>	80.8%
Increase (Decrease) in Net Assets	<u>1,735,574</u>	<u>1,611,049</u>		<u>1,649,145</u>	<u>38,096</u>	

**City of Westminster
Financial Report
For Ten Months Ending October 31, 2012**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Golf Course Funds - Combined						
Revenues						
Carryover	380,000	380,000		380,000	0	100.0%
Charges for Services	2,745,022	2,608,892		2,905,497	296,605	111.4%
Interest Income	0	0		4,662	4,662	
Interfund Transfers	751,143	625,952		625,952	0	100.0%
Total Revenues	<u>3,876,165</u>	<u>3,614,844</u>		<u>3,916,111</u>	<u>301,267</u>	<u>108.3%</u>
Expenses						
Central Charges	588,427	554,412		529,445	(24,967)	95.5%
Recreation Facilities	3,287,738	2,955,041		2,602,256	(352,785)	88.1%
Total Expenses	<u>3,876,165</u>	<u>3,509,453</u>		<u>3,131,701</u>	<u>(377,752)</u>	<u>89.2%</u>
 Increase (Decrease) in Net Assets	 <u>0</u>	 <u>105,391</u>		 <u>784,410</u>	 <u>679,019</u>	

**City of Westminster
Financial Report
For Ten Months Ending October 31, 2012**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Legacy Ridge Fund						
Revenues						
Carryover	380,000	380,000		380,000	0	100.0%
Charges for Services	1,456,167	1,381,902		1,549,063	167,161	112.1%
Interest Income	0	0		4,662	4,662	
Interfund Transfers	85,000	70,833		70,833	0	100.0%
Total Revenues	<u>1,921,167</u>	<u>1,832,735</u>		<u>2,004,558</u>	<u>171,823</u>	109.4%
Expenses						
Central Charges	489,383	471,116		455,048	(16,068)	96.6%
Recreation Facilities	1,431,784	1,314,378		1,204,140	(110,238)	91.6%
Total Expenses	<u>1,921,167</u>	<u>1,785,494</u>		<u>1,659,188</u>	<u>(126,306)</u>	92.9%
Increase (Decrease) in Net Assets	<u>0</u>	<u>47,241</u>		<u>345,370</u>	<u>298,129</u>	

**City of Westminster
Financial Report
For Ten Months Ending October 31, 2012**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Heritage at Westmoor Fund						
Revenues						
Charges for Services	1,288,855	1,226,990		1,356,434	129,444	110.5%
Interfund Transfers	666,143	555,119		555,119	0	100.0%
Total Revenues	<u>1,954,998</u>	<u>1,782,109</u>		<u>1,911,553</u>	<u>129,444</u>	107.3%
Expenses						
Central Charges	99,044	83,296		74,397	(8,899)	89.3%
Recreation Facilities	1,855,954	1,640,663		1,398,116	(242,547)	85.2%
Total Expenses	<u>1,954,998</u>	<u>1,723,959</u>		<u>1,472,513</u>	<u>(251,446)</u>	85.4%
Increase (Decrease) in Net Assets	<u>0</u>	<u>58,150</u>		<u>439,040</u>	<u>380,890</u>	

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
MONTH OF OCTOBER 2012

Center Location Major Tenant	/----- Current Month -----/			/----- Last Year -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	374,156	5,391	379,546	355,624	8,046	363,671	5	-33	4
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	330,762	1,014	331,776	320,388	947	321,335	3	7	3
SHOPS AT WALNUT CREEK 104TH & REED TARGET	251,585	1,609	253,195	233,076	1,687	234,763	8	-5	8
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	213,603	19,848	233,451	161,644	1,988	163,632	32	898	43
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	197,726	776	198,502	189,315	360	189,675	4	115	5
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	181,961	766	182,727	177,915	398	178,313	2	92	2
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	176,619	1,126	177,745	165,870	959	166,829	6	17	7
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	157,417	559	157,975	145,358	649	146,008	8	-14	8
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	130,250	680	130,930	114,853	861	115,714	13	-21	13
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	104,668	12,717	117,384	110,667	13,561	124,228	-5	-6	-6
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	112,178	721	112,899	102,148	1,986	104,134	10	-64	8
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	111,122	433	111,555	76,048	433	76,481	46	0	46
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	110,077	246	110,323	60,386	81	60,468	82	202	82
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	79,333	901	80,234	49,694	317	50,011	60	184	60
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	75,350	220	75,570	71,769	326	72,095	5	-33	5

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
MONTH OF OCTOBER 2012

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	59,073	388	59,461	45,508	134	45,643	30	189	30
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	57,679	264	57,943	60,358	99	60,457	-4	167	-4
WILLOW RUN 128TH & ZUNI SAFEWAY	50,382	323	50,706	32,762	669	33,431	54	-52	52
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	8,561	40,803	49,364	24,592	35,007	59,599	-65	17	-17
WESTMINSTER MALL 88TH & SHERIDAN JC PENNEY	43,773	1,552	45,325	78,666	1,147	79,814	-44	35	-43
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	42,458	643	43,100	38,784	711	39,495	9	-10	9
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	34,724	558	35,282	27,541	1,182	28,723	26	-53	23
MEADOW POINTE NE CRN 92ND & OLD WADS CARRABAS	30,756	92	30,848	22,612	15	22,626	36	531	36
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	26,764	1,040	27,804	27,471	1,385	28,856	-3	-25	-4
WESTMINSTER GATEWAY CHURCH RANCH BOULEVARD SPRINGHILL/LA QUINTA	9,444	17,363	26,807	8,407	6,999	15,407	12	148	74
	2,970,421	110,030	3,080,451	2,701,458	79,949	2,781,407	10	38	11

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
OCTOBER 2012 YEAR-TO-DATE

Center Location Major Tenant	YTD 2012			YTD 2011			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	3,923,759	132,927	4,056,686	3,678,780	154,982	3,833,762	7	-14	6
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	3,456,235	20,770	3,477,005	3,358,556	20,485	3,379,041	3	1	3
SHOPS AT WALNUT CREEK 104TH & REED TARGET	2,377,951	17,434	2,395,384	2,280,816	41,237	2,322,054	4	-58	3
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	2,298,998	9,492	2,308,490	2,147,360	11,306	2,158,666	7	-16	7
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	1,948,497	5,486	1,953,983	1,914,229	5,373	1,919,602	2	2	2
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	1,903,753	19,002	1,922,755	1,768,237	11,448	1,779,685	8	66	8
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	1,723,413	36,522	1,759,935	1,595,119	11,959	1,607,078	8	205	10
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	1,649,800	5,829	1,655,629	1,599,958	10,457	1,610,415	3	-44	3
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	1,257,575	179,761	1,437,336	1,204,088	248,527	1,452,615	4	-28	-1
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	1,196,959	7,845	1,204,804	1,093,456	40,229	1,133,685	9	-81	6
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	1,187,706	7,561	1,195,266	1,201,105	7,408	1,208,513	-1	2	-1
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	805,112	1,998	807,110	824,204	7,798	832,002	-2	-74	-3
WESTMINSTER MALL 88TH & SHERIDAN JC PENNEY	761,782	19,255	781,037	1,159,426	22,384	1,181,810	-34	-14	-34
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	757,229	6,464	763,693	790,284	3,487	793,771	-4	85	-4
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	642,205	5,504	647,709	635,595	2,472	638,067	1	123	2

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
OCTOBER 2012 YEAR-TO-DATE

Center Location Major Tenant	YTD 2012			YTD 2011			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	607,744	2,607	610,351	630,299	2,136	632,435	-4	22	-3
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	559,721	7,886	567,607	515,526	3,017	518,543	9	161	9
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	451,150	7,429	458,580	452,939	1,719	454,658	0	332	1
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	434,608	21,624	456,232	400,152	7,846	407,997	9	176	12
WILLOW RUN 128TH & ZUNI SAFEWAY	351,367	3,199	354,566	321,250	3,124	324,374	9	2	9
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	305,697	5,977	311,673	286,937	5,346	292,283	7	12	7
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE	276,190	2,718	278,909	251,015	3,546	254,561	10	-23	10
BROOKHILL IV E SIDE WADS 90TH-92ND MURDOCH'S	275,421	1,290	276,710	267,554	13,169	280,724	3	-90	-1
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	255,079	9,173	264,252	242,202	7,481	249,683	5	23	6
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	253,247	4,813	258,060	253,498	2,233	255,731	0	116	1
	29,661,197	542,567	30,203,763	28,872,586	649,168	29,521,754	3	-16	2



Agenda Item 8 B

Agenda Memorandum

City Council Meeting
November 26, 2012

SUBJECT: Second December City Council Meeting Date Change

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Change the date of the second regularly scheduled City Council meeting in December from December 24 to December 17.

Summary Statement

- City Council normally conducts regular meetings on the second and fourth Mondays of each month. This year the fourth Monday of December is Christmas Eve. To minimize impact on Councillor's and Staff's ability to travel over the holiday and to insure the best possibility of a quorum, Staff recommends that the meeting normally held on the fourth Monday be rescheduled to the third Monday of December.
- If approved, City Council will conduct a study session on December 3 and regular meetings on December 10 and 17.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

Council could decide to leave the December 24 regular meeting date unchanged or to move the meeting to a different day of the week.

Background Information

Occasionally, conflicts arise with dates of regularly scheduled Council meetings and the dates of holidays, important civic events, and/or conferences that the City Council traditionally attends, and the Council's schedule of meetings is changed to accommodate the occurrence. The second meeting in December frequently conflicts with the Christmas holiday, and Council has changed the date of that meeting so that the business of the City can be addressed in a timely manner without interfering with the family holiday.

The public is aware that regular Council meetings and study sessions are held on Mondays, thus it makes sense to reschedule meetings to a different Monday of the month when conflicts arise.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
November 26, 2012



SUBJECT: Heritage Clubhouse HVAC Retrofit

Prepared By: Thomas Ochtera, Energy and CIP Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with the low bidder, American Mechanical Services of Colorado Springs Inc., for the upgrade and modernization of the heating and cooling system at the Heritage Golf Clubhouse in the amount of \$223,807. In addition, authorize a 10% contingency in the amount of \$22,300 for a total project cost of \$246,107.

Summary Statement

- The existing heating and cooling system at the Heritage Clubhouse is insufficiently sized for the building's needs. As a result, the building is often extremely uncomfortable during the hottest and coldest parts of the year. In addition, the building has an inefficient design, such as small duct sizes, making minor enhancements to the system implausible.
- These uncomfortable conditions affect the quality of the experiences for patrons of the restaurant, golfers, and reduce the effective use of the banquet facilities. The retrofit of the HVAC systems will significantly increase the value of the clubhouse for those patrons.
- Two times in the past five years during the coldest winter months, the fire suppression sprinkler system broke due to freezing conditions in the attic space. This retrofit will include measures aimed at eliminating these freezing conditions without the expense of changing the system from a wet-type fire sprinkler system to a dry-type sprinkler system. It will also decrease the number of emergency issues related to heating, cooling, and their associated maintenance costs.
- This project includes several other energy saving tasks including the installation of air monitoring in the cart barn, added heat in the kitchen, climate control systems and other weatherization measures.
- Funding for HVAC modifications is available in the Building Operations and Maintenance Capital Improvement Major Maintenance budget.

Expenditure Required: \$246,107

Source of Funds: General Capital Improvement Fund
- Building Operations and Maintenance Major Maintenance Project

Policy Issue

Should Council authorize the HVAC retrofit at the Heritage Golf Clubhouse?

Alternative

Council could choose to delay the retrofit project. This is not recommended as the existing system is undersized, inefficient, and creates uncomfortable conditions for patrons and staff. Once completed, the new system will have added heating and cooling capacities and use less energy.

Background Information

The Heritage Golf Clubhouse was built in 1999, and though relatively young, has a long history of comfort issues, freezing conditions, caused by undersized equipment. Over the years, Building Operations and Maintenance staff have mitigated the issues by adding additional equipment, adding space heaters and heat tape in crawl spaces, and created openings into the attic to reduce the likelihood of freezing pipes. Although these measures have, by and large, addressed specific comfort and emergency issues successfully, these same measures have increased utility bills that were intended as stop-gap measures, not permanent fixes. Over the past five years, there have been an increasing number of maintenance issues, including some emergencies involving freezing pipes in the exterior bathrooms and above the clubhouse ceiling. Portions of the originally installed system are getting close to the end of their useful life and, therefore, a more holistic approach was sought.

An engineering and design contract was competitively bid in August of 2011 and awarded to Farnsworth Group. After several designs and life-cycle cost analysis had been completed, the recommended HVAC retrofit was chosen to provide the maximum benefit for the least long-term cost. The new, high-efficiency system will have increased capacity for heating and cooling while saving an estimated \$11,600 per year in utility costs compared to the current system. The project includes a new domestic hot water tank, a more efficient ventilation system in the cart storage area, added controls for remote temperature monitoring, and heating in the kitchen without needing the exhaust fans to be in constant use.

On October 12, 2012, the Request for Bids for the HVAC Retrofit project was sent to several bidders, resulting in two bids and one formal withdrawal of bid. The bid withdrawal came as a result of the bonding requirements that the City requires for projects of this size. The chart below shows the results of the competitive process:

AMS of Colorado Springs	\$223,807
Kimmel Mechanical	\$230,000
Synergy Mechanical	No bid

The construction phase of this project has been specifically timed to occur during the slowest part of the golf year, after the holiday banquet season and before the spring golfing season. The project has been phased to ensure minimal disruption to normal business operations at the clubhouse.

The authorization for the Heritage Golf Clubhouse HVAC Retrofit meets City Council's Strategic Plan goals of Financially Sustainable City Government Providing Exceptional Services and Beautiful and Environmentally Sensitive City by investing in well-maintained facilities and having energy efficient City operations.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 D

Agenda Memorandum

City Council Meeting
November 26, 2012



SUBJECT: Police Department Purchase of Sharp Copiers

Prepared By: Lee Birk, Chief of Police
Joe Lachermeier, Purchasing Officer

Recommended City Council Action

Authorize the Police Department to purchase five Sharp multi-function copiers (copier, printer, fax, and scanner) of varying size from Lewan and Associates for \$47,882.90.

Summary Statement

- The Westminster Municipal Code requires that all purchases over \$50,000 be brought to City Council. Normally this purchase would not be brought to City Council for approval; however, the Police Department currently maintains a service contract with Lewan and Associates for all the machines in the Public Safety Center (which now would include the five new replacement machines) for approximately \$27,822. The total amount expended to Lewan and Associates for 2012 will be \$75,704.90.
- Pricing for the five multi-function copiers being purchased is based on a volume discount, and a price agreement through the national municipal contracting agency National Joint Powers Alliance (NJPA) purchasing program. This price agreement meets the City's purchasing requirements.
- The Police Department administers all of the Sharp multi-function copiers in the Police Department and also one in Fire Administration. The Sharp copiers were purchased in October 2002 for the new Public Safety Center. Four of these copiers were replaced in August 2010 and the other five are being recommended for replacement now.
- The Police Department has identified the need to replace aging office equipment that require increased maintenance costs and limited parts availability to keep operations running efficiently. The five multi-function copiers being replaced are going to auction and have produced a total of 4,214,000 copies between them. Due to their age and usage, the maintenance and repair costs have increased. All five machines that the Police Department is requesting to be replaced have been deemed "beyond repair."
- The purchase will provide essential office equipment necessary for efficient operations. Police and Fire staff at the Public Safety Center rely heavily on the multi-function copiers to conduct business efficiently and to print, reproduce, fax, and scan reports.
- Adequate funds were budgeted and are available for this expense.

Expenditure Required: \$75,704.90

Source of Funds: General Fund – Police Department Operating Budget

Policy Issue

Should the City approve the purchase of five Sharp multi-function copiers from Lewan and Associates?

Alternatives

Do not approve the purchase of the five copiers, or purchase fewer than five copiers from Lewan and Associates. This option is not recommended as this approach would jeopardize Staff's ability to provide services in a consistent and efficient manner.

Background Information

Police and Fire staff at the Public Safety Center rely heavily on the multi-function copiers to conduct business efficiently and to print, reproduce, fax, and scan reports from the CAD/I-Leads systems utilized by the Police Department, the Police and Fire Records Management Systems, Laserfiche records, public records, public information handouts and documents, case files, photos, miscellaneous reports, faxing warrants, mug shots, photos, reports, investigative information, training and instructional handouts, public records and information, forms, training and instructional handouts, letters, memos, budget documents, etc.

The Police Department administers all of the Sharp multi-function copiers in the Police Department and one in Fire Administration. The Sharp copiers were purchased in October 2002 (11 total) for the new Public Safety Center and, with the exception of four that were replaced in the Police Department in August 2010, they are now over 10 years old.

In August 2010, the department purchased four Sharp multi-function copiers (two color and two black and white) through a lease-purchase agreement with Municipal Services Group, Inc. The purchase was through Lewan and Associates and was based on price agreements reached through the National Joint Powers Alliance. These machines replaced four of the black and white multi-function copiers purchased in October 2002. The lease payments for these four machines end April 15, 2013. The department anticipates replacing the remaining 2002 machines that were purchased in 2002 in early 2013.

Also, in 2010, the Department put into place a rotational system for this equipment so that the machines that were utilized the most would be rotated to areas that did not have as much usage. New machines would then go to the areas that have the highest usage (Records and Investigations) and then be rotated with the purchase of new ones. This extends the life of the equipment, reduces the service and maintenance on the machines, and reduces the copy counts. Along with the rotational program, the Police Department also set up a standardized purchasing program so that the equipment that is purchased for any area in the building is basically the same type of equipment. This allows for the equipment to be rotated throughout the building; it is easier for the personnel to use throughout the building; and it also makes it simpler and more cost effective for service, maintenance, and ordering toner supplies. It should be also be noted that with the multi-function types of equipment, there is a cost savings associated with the purchase of one single toner rather than separate toners for copiers and printer machines and there is no need for separate networked printers.

The five multi-function copiers being replaced are going to auction and have produced a total of 4,214,000 copies between them. Due to their age and usage, the maintenance and repair costs have increased. All five machines that the Police Department is requesting to be replaced have been deemed "beyond repair."

This recommended purchase meets Council's Strategic Plan goals of Financially Sustainable City Government Providing exceptional Services and Safe and Secure Community by ensuring that equipment is dependable, maintained cost effectively, and purchased at the lowest price possible.

Respectfully submitted,

J. Brent McFall,
City Manager



Agenda Item 8 E

Agenda Memorandum

City Council Meeting
November 26, 2012



SUBJECT: Police Department Cumulative Purchases Over \$50,000 in 2012

Prepared By: Lee Birk, Chief of Police

Recommended City Council Action

Based upon the recommendation of the City Manager, determine that the public interest will be best served by ratifying the contracts with Precinct Police Products and Frontier Radio Communications, and approving any additional 2012 Police Department expenses with Precinct Police Products, up to a maximum of \$95,000, and Citywide expenses with Frontier Radio Communications, up to a maximum of \$115,000.

Summary Statement

- The Westminster Municipal Code requires that all purchases over \$50,000 be approved by City Council. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$50,000.
- During the routine year end audit of purchases cumulatively greater than \$50,000 for the calendar year, Staff identified Precinct Police Products (Precinct) and Frontier Radio Communications (Frontier) as vendors that had total cumulative expenditures exceeding \$50,000 for the year 2012 and thereby requires Council authorization.
- Precinct and Neves Uniforms and Equipment were two of the suppliers the Department utilized after Public Safety Warehouse went out of business. The Police Department solicited quotes from Precinct and Neves in early 2012. After a thorough review of each vendors pricing, product availability, and ability to deliver supplies in a timely fashion. It was determined that Precinct, because of their ability to supply all the City’s uniform and equipment needs and their ability to act as a “one stop shop,” would be the vendor the City would be purchasing the majority of uniforms and equipment from. Since it was clear that Precinct would be a “sole source vendor,” a request was submitted to the City Manager’s Office to approve the sole source vendor status. The request was approved with the understanding that Neves would be utilized if Precinct could not supply the Police Department with specific uniform or equipment item(s) at a competitive cost and within a reasonable amount of time. Also, the City will look at doing a formal solicitation to test the market again in 24-36 months.
- Expenditures to Frontier are a result of the annual service and maintenance to the City’s radio system, to include the quarterly contract payments and equipment and supplies for service and maintenance.
- Funds were previously appropriated in the 2012 General Fund Budget and are adequate for the purchases.

Expenditure Required: Not to exceed \$210,000

Source of Funds: General Fund – Police Department Operating Budget

Policy Issue

Should Council approve the purchase of commodities that exceeded \$50,000 in 2012?

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 conservative and prudent approach is to treat the smaller transactions as cumulative larger purchases that are subject to Council approval.

Background Information

In September, the City's Purchasing Officer and Police Department Staff conducted an audit of purchases by the Department to determine if the aggregate amounts paid to one vendor exceeded \$50,000. The Police Department identified Precinct and Frontier as vendors where the total cumulative purchases or expenses will exceed \$50,000 for the year 2012 and requires Council authorization. Staff is seeking approval for the following expenditures for the calendar year 2012. Funds are available in the Police Department's 2012 General Fund budget to cover this expense.

Precinct Police Products

The Police Department has spent a total of \$65,000 to date and estimates that the Department will not exceed \$95,000 for the calendar year 2012.

After the Department's uniform and equipment supplier, Public Safety Warehouse, went out of business, the Police Department was purchasing uniforms and equipment from multiple vendors to determine supply availability, cost, quality, and customer service. Precinct and Neves Uniforms and Equipment were two of the suppliers the Department utilized. In February 2012, the Police Department solicited quotes from both Precinct and Neves. By the end of March 2012, after a thorough review of each vendors pricing, product availability, and ability to deliver uniforms in a timely fashion, it was determined that Precinct was the vendor that could meet the Police Department equipment supply and demand needs and the final stage of formalizing the pricing document was accomplished.

Since it was clear that Precinct would be used primarily for these purchases because they provide better availability, service, pricing and the fact that they are the most local vendor (Arvada), a request was submitted to the City Manager's Office to approve the designation of Precinct as sole source vendor. The request was approved with the understanding that Neves would be utilized if Precinct could not supply the Police Department with specific uniform or equipment item(s) in a reasonable amount of time. Also, the City will look at doing a formal solicitation to test the market again in 24-36 months.

Precinct provides the Department's uniforms, ballistic vests, jackets, insulated coveralls, equipment bags, handcuffs, batons, clipboards, flashlights, and various other uniform supplies and equipment for all Police Department sworn personnel (183 FTE). The purchases also include specialized uniforms and supplies for the SWAT Team, Bike Unit, K9 Unit, Motorcycle Unit, SET, and Criminalists, as well as uniforms for the Accident Investigators and Animal Management Officers.

Frontier Radio Communications

In 2012, the Police Department exceeded the cumulative expenditures threshold of \$50,000 with Frontier Radio Communications. The Police Department has spent a total of \$82,900 to date and estimates that the Department will not exceed \$115,000 for the calendar year 2012. The last quarter contract payment of \$21,402 to Frontier is due in December 2012 and is included in the total amount of \$115,000.

Frontier is a sole source vendor and is under contract for services pertaining to the Citywide radio system and they also provide installation, maintenance and repair services for many of the audio visual systems throughout the City. The radio system is administered and managed by the Police Department. However, the funding for the Frontier contract, radio service and maintenance are funded through several department budgets (Police, Fire, Public Works and Utilities, Parks, Recreation and Libraries, and Community Development).

Frontier is the only company in the State of Colorado that is factory certified and can handle the maintenance and repair of the City's radio system because of the system size and complexity. The radio service contract with Frontier provides for a substantial discount on other technical installations and services that Frontier provides to the City, such as the miscellaneous technical audio visual projects which have been completed for multiple facilities in the City.

The City's approach to these types of collective purchases from a single vendor is to assure that purchases in excess of \$50,000 are identified in advance and brought to City council for approval. Staff regrets that in this case this issue was not identified earlier. Staff has put into place a procedure to assure that cumulative expenditures exceeding \$50,000 in a calendar year are identified in advance and brought to City Council for approval in the future.

Staff's recommendation to ratify past purchases and approve additional 2012 purchases exceeding \$50,000 helps achieve City Council's goals of "Financially Sustainable City Government Providing Exceptional Services" and "Safe and Secure Community."

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
November 26, 2012



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

Prepared By: Lee Birk, Chief of Police

Recommended City Council Action

Authorize payment of \$26,390 to the North Metro Task Force bringing the total to be paid to the North Metro Task Force in 2012 to \$54,297.

Summary Statement

- The Westminster Municipal Code requires that all purchases over \$50,000 be brought to City Council. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchase or payment by individual City departments for services from one vendor in a calendar year that exceeds \$50,000.
- A current Intergovernmental Agreement (IGA) establishes the North Metro Task Force (NMTF) as a separate legal entity operating as a drug task force with the following participating agencies and their respective law enforcement entities: Adams County, City and County of Broomfield, and the municipalities of Brighton, Commerce City, Federal Heights, Northglenn, Thornton and Westminster.
- On June 29, 2012, the Police Department was awarded the 2012 Edward Byrne Memorial Justice Assistance Grant from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance (JAG) in the amount of \$26,390. This Grant is for partial funding of the NMTF 2012/2013 budget cycle and is awarded based on a reimbursement of the City of Westminster's obligation to the NMTF operations budget for the 2012/2013 fiscal year. Because these grant funds are a reimbursement for the 2012/2013 fiscal year, the payment to NMTF and the request to the Grantor (JAG) must be made after October 1, 2012.
- The NMTF operating budget relies on the annual contribution from its participating agencies as well as grants and other external revenue sources. As a participating agency, the Police Department is obligated to provide a cash-in-kind payment to the NMTF, who operate on a Federal fiscal year (October 1 through September 30). The Police Department has already paid the City of Westminster Police Department's full assessment toward the 2011/2012 NMTF fiscal year obligation. The authorization being requested for the additional payment of \$26,390 will actually be applied toward the 2012/2013 NMTF fiscal year obligation.

Expenditure Required: \$54,297

Source of Funds: General Fund – Police Operating Budget

Policy Issue

Should Council approve the receipt of grant funds from JAG and the additional payment of \$26,390 to the NMTF, thereby increasing the total payment to the task force in 2012 to \$54,297?

Alternative

Council could choose not to approve the receipt of the JAG reimbursement funding and not authorize the additional payment of \$26,390 to the NMTF in 2012. However, this is not recommended because the City and the Police Department are still obligated to pay their fiscal obligations to the NMTF and for the 2012/2013 budget cycle the City would be paying solely with City funds versus a partial reimbursement via the JAG Grant.

Background Information

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

The Police Department pursued the 2012 Edward Byrne Memorial Justice Assistance Grant (JAG) from the U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance for partial funding of the City of Westminster's obligation to the NMTF's Operations Budget for the 2012/2013 Fiscal Year. The purpose of JAG grants is to support all components of the criminal justice system, such as multi-jurisdictional drug task forces like the NMTF. The JAG grant helps fund efforts to prevent and control crime, improve the effectiveness and efficiency of the criminal justice system, and to implement processes and procedures based on local needs and conditions.

The Department received notification that the City's grant request was approved and would be awarded the total amount of \$26,390 towards the obligation to the NMTF for the 2012/2013 fiscal year operations. The payment to the NMTF that is being reimbursed (\$26,390) as well as the grant draw down request for reimbursement must be made after October 1, 2012.

The Police Department has paid the total 2011/2012 NMTF fiscal year obligation. Those payments, along with the requested authorization of payment of \$26,390, for the 2012/2013 fiscal year that is also being reimbursed with the JAG grant, will bring the total paid to the North Metro Task Force for calendar year 2012 to \$54,297.

Council's approval to authorize this payment supports City Council's Strategic Plan goals of Financially Sustainable City Government Providing Exceptional Services and Safe and Secure Community.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum

City Council Meeting
November 26, 2012



SUBJECT: Second Reading of Councillor's Bill No. 47 to Amend Westminster Municipal Code Title V Chapter 7 re Solid Waste Collection

Prepared By: Rachel Harlow-Schalk, Sr. Projects Officer
Lisa Bressler, Environmental Advisory Board Chairperson
Nick Pizzuti, Environmental Advisory Board Vice Chairperson

Recommended City Council Action

Pass Councillor's Bill No. 47 on second reading implementing revisions to the Solid Waste Collection section of the Westminster Municipal Code as recommended by the Environmental Advisory Board to improve recycling in the community.

Summary Statement

- Since 2009, the Environmental Advisory Board and the Green Team have worked on recommendations to improve recycling in the Westminster community.
- After an extensive community engagement project, on June 4, 2012 the Board presented to City Council recommended improvements to recycling in the community including edits to the Solid Waste Collection section of the Westminster Municipal Code (attached).
- The proposed revisions to the Solid Waste Collection section will improve the availability of recycling in the community and allow for portions of the annual trash collector recycling report to be held in confidence to the extent authorized by the Colorado Open Records Act.
- This Councillor's Bill was passed on first reading on November 12, 2012.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **47**

SERIES OF 2012

INTRODUCED BY COUNCILLORS
Winter - Lindsey

**A BILL
FOR AN ORDINANCE AMENDING CHAPTER 5-7 OF THE WESTMINSTER MUNICIPAL
CODE CONCERNING SOLID WASTE COLLECTION**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 5-7-1, W.M.C., is hereby AMENDED as follows:

5-7-1: DEFINITIONS: (247 1959 2017 2984) The following words, terms and phrases, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

“Collector” shall mean the person or entity providing collection service for solid waste or recyclable materials.

“Commercial Customers” shall mean any premise utilizing collection service where a commercial, industrial or institutional enterprise is carried on, including, without limitation, restaurants, hospitals, schools, day care centers, office buildings, nursing homes, clubs, churches and public facilities and multi-family customers.

“Curbside” shall mean at or near the perimeter of residential premises, whether or not there is a curb, but does not mean or permit placement on the sidewalk or in the street.

“Curbside Collection” shall mean the collection of solid waste or recyclables placed at a curbside location.

“Multi-family Customers” shall mean attached housing or multi-family residential properties for which there is a communal system for the collection of solid waste.

“Recyclable Materials” shall mean materials that have been separated from solid waste and can be recovered as useful materials and are properly prepared for the purpose of recycling, provided that such materials have been designated by the City Manager as recyclable pursuant to Section 5-7-9 (A), W.M.C.

“Recycling” shall mean the process of recovering useful materials from solid waste, including items for re-use.

“Residential Customers” shall mean all residential properties, regardless of whether or not individual units are included in homeowners’ associations, for which there is a curbside collection system for the collection of solid waste.

“Service” shall mean collecting, transporting or disposing of solid waste or recyclable materials.

“Solid Waste” shall mean all putrescible and nonputrescible waste, excluding discarded or abandoned vehicles or parts thereof, sewage, sludge, septic tank and cesspool pumpings or other sludge, discarded home or industrial appliances, hazardous wastes, materials used as fertilizers or for other productive purposes and recyclable materials that have been source separated for collection.

“Solid Waste Collector” shall mean the person who provides solid waste collection service on a regular, recurring schedule.

“Source Separation” shall mean to separate recyclable materials from solid waste at the waste source.

Section 2. Section 5-7-8, is hereby AMENDED as follows:

5-7-8: RECYCLING REQUIREMENT: (247 1959 2017 2984)

(A) All collectors providing solid waste collection services to residential customers shall offer and provide curbside recycling collection services to all such customers who desire such services for such materials as are designated from time to time by the City Manager as provided in Section 5-7-9, W.M.C.

(B) Collection of recyclable materials shall~~may~~ be offered by a collector to all multifamily and commercial customers.

(C) Collectors providing only large collection bin services to customers for short-term projects, such as roll-off dumpsters for construction and demolition activities, may but are not required to offer recycling services to these customers for this activity.

~~(D)(E)~~ All licensed collectors of recyclable materials and solid waste operating within the City shall have the following duties and rights:

(1) Except for materials that customers have not properly prepared for recycling, collectors may not dispose of recyclable materials set out by recycling customers by any means that may result in the materials not being recycled or being improperly-disposed of in an improper manner.

(2) The collector shall establish such policies and procedures as are necessary to provide for the orderly collection of recyclable materials, including requirements regarding the preparation of materials for collection, the collection of recyclable materials and requirements for source separation.

(3) In the event that a collector elects to perform collection of solid waste or recyclable materials through subcontractors or agents, such agency relationship shall not relieve the collector of responsibility for compliance with the provisions of this Code and the rules promulgated hereunder.

(4) All recyclable materials placed for collection shall be owned by and be the responsibility of the customer until the materials are collected by the collector. The material then shall become the property and the responsibility of the collector.

~~(DE)~~ FREQUENCY OF COLLECTION:

(1) Curbside recycling collection services shall be provided to residential customers on at least a once-monthly basis and on the same day as the day of collection of solid waste from the customer.

(2) Collectors providing collection services to multi-family or commercial customers shall provide services for the collection of recyclable materials from such customers who desire such service on such frequency as is necessary to prevent overflow of the recycling containers.

Section 3. Section 5-7-12, W.M.C., is hereby AMENDED as follows:

5-7-12: RECORDS AND REPORTS: (247 1959 2017 2984)

(A) Each collector licensed pursuant to this Chapter shall submit to the City Clerk as a part of the license application a written plan describing how the recycling collection services will be provided, including the prices, the manner of separation and collection, and the frequency of collection. Any changes to the plan shall be submitted to the City Clerk prior to implementation of the change. This information may be disseminated by the City for public information purposes. A collector may request in writing that sections of their plan be held in confidence as a trade secret or confidential commercial

information. Such requests shall be honored by the City to the extent authorized by the Colorado Open Records Act, as determined by the City in its sole discretion.

(B) All collectors shall report to the City by March 31st of each year an annual recycling report for the previous year on forms to be provided by the City. A collector may request in writing that sections of the report be held in confidence as a trade secret or confidential commercial information. Such requests shall be honored by the City to the extent authorized by the Colorado Open Records Act, as determined by the City in its sole discretion.

(C) The Environmental Advisory Board shall review a business' annual recycling report for compliance with the recycling requirements of this Chapter. The review and any recommendations of the Board shall be submitted to the City Manager, who may consider the recommendations when deciding to approve or deny license applications, renewal, suspension or revocation pursuant to this Chapter.

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

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 12th day of November, 2012.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 26th day of November, 2012.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office



Agenda Memorandum

City Council Meeting
November 26, 2012



SUBJECT: Renaming of Chelsea Park

Prepared By: Donald M. Tripp, Director of Parks, Recreation and Libraries

Recommended City Council Action

Rename Chelsea Park to Jessica Ridgeway Memorial Park.

Summary Statement

- Jessica Ridgeway was a ten-year-old resident of the Countryside neighborhood located near the City’s Chelsea Park, which is located at 10765 Moore Street.
- On Friday, October 4, 2012, Jessica was abducted while on her way to Chelsea Park and it was later found that she had been murdered.
- Local citizens, led by Linda Mitchell and the Westminster Noon Rotary Club (Jon Johnston), have expressed a desire to have Chelsea Park renamed for Jessica Ridgeway. (See attached letters)
- This request to have Chelsea Park renamed Jessica Ridgeway Memorial Park has been presented to the Parks, Recreation and Libraries Advisory Board and they voted 6-0 in support of renaming the park.
- There is no City policy that would dictate the process of renaming a City park.
- Given the significance of this event, Parks, Recreation and Libraries Staff believe it warrants renaming Chelsea Park to Jessica Ridgeway Memorial Park. The Ridgeway family is also supportive of renaming Chelsea Park to Jessica Ridgeway Memorial Park.
- Staff has estimated the cost to repaint the existing sign at Chelsea Park to be approximately \$2,500. Funds are available in the Parks General Capital Improvement Fund account for this expenditure.
- Preliminary Parks, Recreation and Libraries planning ideas indicate that improvements to Chelsea Park will cost approximately \$250,000 to \$350,000. There is \$85,000 available in Parks General Capital Improvement Fund in 2014 along with other funding available from past capital improvement projects that were completed under budget. There will be a need to privately fundraise to complete all desired park improvements. The family has asked for a way to have volunteers participate in a project at the park and that will be accommodated.
- It is further recommended that a policy be established for a process to name or rename a park facility. A committee will be established by the City Manager and the Director of Parks, Recreation and Libraries to develop naming guidelines. This policy will be reviewed and adopted by the Parks, Recreation and Libraries Advisory Board, the Open Space Advisory Board and the Westminster City Council.

Expenditure Required: \$2,500

Source of Funds: Parks General Capital Improvement Fund

Policy Issue

Does City Council wish to rename Chelsea Park to Jessica Ridgeway Memorial Park?

Alternative

City Council could choose to not support the renaming of Chelsea Park to Jessica Ridgeway Memorial Park. Staff does not recommend this as they believe that, given the significance of this event, it warrants renaming Chelsea Park to Jessica Ridgeway Memorial Park.

Background Information

Ten-year-old Jessica Ridgeway was a resident of the Countryside neighborhood near Chelsea Park in Westminster. On Friday October 4, 2012, she was abducted. Over the next few weeks there was an outpouring of concern and assistance from close friends and complete strangers as the community aided in the search for Jessica. Chelsea Park was a spot used by hundreds to leave mementos so all knew she was constantly in their thoughts. Even though it was discovered that Jessica's life had ended, she has left an indelible spirit on everyone touched by this tragic event.

Local citizens, led by Linda Mitchell, a former Countryside neighborhood resident and the Westminster Noon Rotary Club, have expressed a desire to have Chelsea Park renamed for Jessica. Linda's nominating letter is attached, as is a letter from Jon Johnston representing the Rotary Club. A total of \$85,000 to rebuild elements of the park is available in the City's Capital Improvement Program in 2014. Staff will recommend moving these funds to 2013 and adding funds from other available balances so that the work can be completed in 2013. There will be a need to privately fundraise to complete all desired park improvements. Staff will work with the Ridgeway family, the Rotary and other interested citizens on ideas as to park improvements that will compliment this park rededication. At the family's request, the theme of this design will be joyous, in celebration of Jessica's life and the fun had by her and her friends in the park. Staff agrees with the family as to the design approach, so a "memorial" will be proposed that celebrates those things that Jessica held dear to her heart.

The idea to rename the park Jessica Ridgeway Memorial Park has also been confirmed as a request of the family. The City does not have a naming policy that dictates process on this matter, so the City Manager suggested that the Director of Parks, Recreation and Libraries take this to the Parks, Recreation and Libraries Advisory Board for initial review. On Thursday, November 8, 2012, the Westminster Parks, Recreation and Libraries Advisory Board approved the following motion 6-0:

A motion was made by Janet Bruchmann (Vice-Chair) to recommend to the Westminster City Council that Chelsea Park be renamed according to the wishes of the Ridgeway family and that funds for renovation of the Park be transferred to the year 2013. Mary Litwiler (Boardmember) seconded the motion. There was no further discussion of the motion and it was carried unanimously.

Absent finding any specific record, it is believed the name Chelsea Park comes from Chelsea England, as is the case with most Westminster Parks. So, it is important to this recommendation that the park is not currently named after another specific person. The naming of public facilities should be carefully considered and reserved to recognize significant people and events. Parks, Recreation and Libraries Staff carefully considered the precedent-setting nature of this naming and believe this significant event warrants this action to rename Chelsea Park to Jessica Ridgeway Memorial Park. The most compelling of all reasoning is contained in the following assessment of Police Chief Lee Birk:

"In 37 years in Law Enforcement, I have never been involved in a tragic case quite like this and this has traumatized and impacted our Westminster community more than anything since the World Trade Center attacks of 2001. This is truly an exceptional event that rises above many of the daily and normal tragedies of life, in my opinion."

It is further recommended that a policy be established for a process to name or rename a park facility. A committee will be established by the City Manager and the Director of Parks, Recreation and Libraries to develop naming guidelines. This policy will be reviewed and adopted by the Parks, Recreation and Libraries Advisory Board, the Open Space Advisory Board and the Westminster City Council.

This recommendation to rename Chelsea Park supports the City's Strategic Plan Goals of "Financially Sustainable City Government Providing Exceptional Services," "Safe and Secure Community," "Vibrant Neighborhoods in One Livable Community," and "Beautiful and Environmentally Sensitive City."

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Letter from Linda Mitchell
- Rotary Project Proposal

October 16, 2012

Don,

Thank you so much for taking time to speak with me today about the Jessica Ridgeway Memorial Gardens. I know that as a community, Jessica's disappearance has touched and scarred all of us. Jessica galvanized our community, and bonded us in a way that can never be broken. I am proud to be a part of the Countryside Community!

My family lived on Moore street until 2007, but my oldest son, who attended Witt Elementary and Wayne Carle, is now attending Standley Lake. This has kept us bonded with the Countryside Community. His friends and ours, still live here. This has come as a shock to all of us.

Regarding Jessica's Gardens:

First, a Facebook page has been set up called: Jessica Ridgeway Memorial Gardens. We have received a tremendous out pouring of support for a memorial for Jessica at Chelsea Park.

Second, many have approached me and asked how we could go about petitioning the city to have the name of the park changed to "Ridgeway Park"?

Now, regarding the memorial, we were thinking of 1) A beautiful flower garden, 2) possibly a statue of a female child with a sitting area, 3) a Weeping Willow tree surrounded with a small flower garden, or 4) a waterfall, wishing well, or eternal flame statue.

These are only a few ideas that we have at this time. There are so many different avenues we can take so that we are working with the city on something that is feasible, both for now and for many years to come.

Jessica's mom, Sarah, has been in touch with me and they will be donating the proceeds that are received on the jessicaridgeway.com website, to the city for Jessica's Memorial. They will also be adding the Memorial to their website to get continued exposure. We have also had an out pouring of offers from all over the country to donate time, money, expertise or all.

Kimberly Kay, who spear-headed the command center at American Furniture Warehouse, has agreed to partner up with me for this mission. She has incredible organizational skills, and is clearly resourceful in getting the community to contribute so that no one group is attempting to cover the bill. I have been very impressed with her work. I have messaged her for her contact information, and will provide that to you as soon as she gets back to me.

We think it is important for the community, particularly the students at Witt Elementary, to be involved in this process so that they can begin healing. Whether they help with a fund raiser (that does not include going door to door), or whether they help with the planting of flowers, I think the kids at Witt would love to be a part of this.

I hope that I have covered all of the information that you need to get started. If I have forgotten something, please feel free to let me know.

Thank you very much,
Linda L. Mitchell

**Westminster Rotary Club
Project Proposal**

October 27, 2012

In light of the tragic, and brutal, death of Jessica Ridgeway and the impact that it has made on the community, and the metro area as a whole, I propose that the Westminster Rotary Club undertake the following Project for the benefit of the community.

1. **Petition the City of Westminster to rededicate Chelsea Park in the City of Westminster in the Memory of Jessica Ridgeway,** and;
2. **Erect a permanent Memorial in Jessica Ridgeway's memory, and to commemorate the outstanding work done by local, state and Federal law enforcement in apprehending her alleged killer.**

To execute this Project, a preliminary Project Committee should be formed to develop a final plan for completion. A preliminary plan for execution is as follows:

Item 1. Petition the City of Westminster to rededicate Chelsea Park

Action Items –

- Solicit partnership participation from the Westminster 7:10 Rotary Club, Arvada and Arvada Sunrise Rotary Clubs, Broomfield and Broomfield Crossing Rotary Clubs and the Westminster Public Safety Recognition Foundation
- Consult with City of Westminster – Parks & Recreation Department on opportunity and petitioning procedures for rededicating Chelsea Park
- Seek the input from the Ridgeway family on the proposed rededication of the Park
- Complete necessary procedures and bring the petition before the Westminster City Council for approval
- Establish a timeline for the rededication ceremonies

Item 2. Erect a permanent Memorial in Jessica Ridgeway's memory

Action Items –

- Solicit partnership participation from the Westminster 7:10 Rotary Club, Arvada and Arvada Sunrise Rotary Clubs, Broomfield and Broomfield Crossing Rotary Clubs and the Westminster Public Safety Recognition Foundation
- Consult with City of Westminster – Parks & Recreation Department on design and construction requirements for a permanent Memorial, including recommendation of vendors/contractors
- Seek the input from the Ridgeway family on the proposed permanent Memorial
- Establish a Project Cost/Timeline Budget and develop a fund raising plan, with all partner's participation, to complete the project
- Issue requests for bids for the design and construction of the memorial
- Review bid submissions and select a design for consideration, based upon suitability, completed cost and approval by the City of Westminster
- Execute and complete the Project
- Plan and participate in dedication ceremonies



Agenda Item 10 B

Agenda Memorandum

City Council Meeting
November 26, 2012



SUBJECT: Resolution No. 38 re City of Westminster 2013 Legislative Policy Statement

Prepared By: Ben Goldstein, Management Analyst
Steve Smithers, Deputy City Manager

Recommended City Council Action

Approve Resolution No. 38 adopting the City of Westminster 2013 Legislative Policy Statement.

Summary Statement

- The Legislative Policy Statement identifies general legislative issues of interest to the City of Westminster and articulates the City's policy principles on these issues. Staff uses the Policy Statement as direction when reviewing and analyzing bills that may have an impact on the City's interests.
- Adopting the Legislative Policy Statement will allow Staff and Council to move quickly when legislation is introduced at the Capitol. The ability to act in a timely manner increases the City's overall effectiveness when it comes to influencing legislation that affects municipalities.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should City Council adopt the proposed City of Westminster 2012 Legislative Policy?

Alternatives

1. Do not adopt a City of Westminster 2013 Legislative Policy Statement. This is not recommended, as the adoption of a Legislative Policy Statement is an important component of the City of Westminster's legislative program.
2. Direct Staff to revise the proposed Policy Statement to reflect any changes that Council wishes to make.

Background Information

In 2007, City Council adopted the first City of Westminster Legislative Policy Statement. The goal of the Policy Statement is to identify general legislative issues of interest to the City of Westminster along with the City's policy principles on these issues. These issues could have been addressed in the past at the legislature, or they could be issues that are anticipated in the future. Staff's goal for this proposed document is to be broad, yet as inclusive as possible to capture important issues to the City. There were minor edits to the 2013 Legislative Policy Statement as compared to the 2012 version, with small changes being made under the workers compensation, transportation sections, and public safety.

Staff will utilize the Council approved Legislative Policy Statement as a guiding policy when reviewing and analyzing bills introduced in the General Assembly that may have an impact on the City. When significant legislation is identified, Staff will provide City Council with a brief summary of legislation of substance and will recommend official City positions that are consistent with the principles of the adopted Legislative Policy Statement. If Council does not express any concerns with the positions that Staff has recommended on specific bills, Staff will communicate these positions to the City's lobbyist and update the City's legislative scorecard to communicate the City's positions to the public. If a majority of City Council expresses concerns about a specific position that Staff is presenting, discussion on the item will be scheduled for a subsequent meeting.

Staff has attached the 2013 State Legislative Issues Guide, which serves as a marketing piece for Council and Staff to use in their effort to educate legislators on the City's legislative priorities. Additionally, Staff has attached City Council Legislative Protocols, which outline the expectations for Council during the legislative session, as it relates to participating on the City's behalf.

As State legislation can have a significant impact on the City of Westminster and its citizens, the proposed City of Westminster 2013 Legislative Policy Statement supports all five of City Council's Strategic Plan Goals.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Resolution
- Proposed Policy Statement
- Legislative Issues Guide
- City Council Legislative Protocols

RESOLUTION

RESOLUTION NO. **38**

INTRODUCED BY COUNCILLORS

SERIES OF 2012

**ADOPTING THE CITY OF WESTMINSTER
2013 LEGISLATIVE POLICY STATEMENT**

WHEREAS, the City of Westminster follows legislative activity in the Colorado General Assembly very closely in order to identify any potential impacts on the City and its citizens; and

WHEREAS, due to the fast-paced nature of the State legislative process and the ever-changing language of numerous bills of substance, it is critical that the City of Westminster maintains an effective and responsive system for taking and communicating official City positions on relevant legislation; and

WHEREAS, an integral part of this system is the adoption of a City of Westminster 2013 Legislative Policy Statement, which identifies general legislative issues of interest to the City of Westminster along with the City's policy principles on these issues; and

WHEREAS, Staff will utilize the City of Westminster 2013 Legislative Policy Statement as a guiding policy when reviewing and analyzing bills that have an impact on the City's interests; and

WHEREAS, the City of Westminster 2013 Legislative Policy Statement incorporates the City Council's Strategic Plan Goals and Objectives.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER that the attached City of Westminster 2013 Legislative Policy Statement is hereby adopted representing the City of Westminster's policy principles on these issues.

PASSED AND ADOPTED this 26th day of November, 2012.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office



WESTMINSTER

**PROPOSED
CITY OF WESTMINSTER 2013
LEGISLATIVE POLICY STATEMENT**

November 26, 2012

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OVERVIEW

The City of Westminster's Legislative Policy Statement identifies general legislative issues of interest to the City of Westminster along with the City's policy principles on these issues. The following policy statements are necessarily broad and by no means all-inclusive. Staff will utilize the Legislative Policy Statement as a guiding policy when reviewing and analyzing bills that have an impact on the City's interests. The City of Westminster will take Official City Positions on a limited number of significant bills. The City will have discretion in determining which specific bills to take Official City Positions. Official City Positions are not automatically assumed on bills simply that are congruent with the policy statements contained in this document. When significant legislation is identified, Staff will provide City Council with a brief summary of the substance of the legislation and a proposed Official City Position that is consistent with the principles of the Legislative Policy Statement. If Council does not express any concerns with the position, Staff will communicate this position to the City's lobbyist and update the City's legislative scorecard to communicate the City's position to the public. The City will continue to contact legislators regarding Official City Positions on specific bills throughout legislative session.

The City of Westminster welcomes the opportunity to discuss the City's legislative positions with legislators. In addition to communication on specific bills, this Legislative Policy Statement provides a reference tool for legislators to use when considering legislation that may impact the City of Westminster. For more information on the City's legislative program, please contact Deputy City Manager Steve Smithers at 303-658-2001 or Management Analyst Ben Goldstein at 303-658-2007.

CITY OF WESTMINSTER STRATEGIC PLAN

Each year, the City of Westminster City Council reviews and recommitments the City organization to a five-year Strategic Plan. The 2012-2017 Strategic Plan identifies the City's underlying principles on which decisions are based and includes goals to be achieved through 2017. Each goal is further defined by a set of objectives and short-term actions to be taken to achieve the associated goal. The Strategic Plan reinforces long-term planning for both day-to-day operations and services, and long-term investment projects such as road construction, water distribution and sewer maintenance programs. As a statement of City Council's goals and vision for the City, the Strategic Plan helps Staff successfully plan City projects and budgets to achieve this vision and associated goals. Accordingly, the City of Westminster Legislative Policy Statement is intended to be consistent with and to support City Council's Strategic Plan Goals and Objectives.

Therefore, the City of Westminster:

- Supports legislation that is consistent with and supports the achievement of the City's Strategic Plan Goals and Objectives.
- Opposes legislation that runs counter to or prevents the achievement of the City's Strategic Plan Goals and Objectives.

The following is a summary of the five major goals and corresponding objectives that are identified in the City's 2012-2017 Strategic Plan.



WESTMINSTER

Strategic Plan

2012-2017

Goals and Objectives

STRONG, BALANCED LOCAL ECONOMY

- Maintain/expand healthy retail base, increasing sales tax receipts
- Attract new targeted businesses, focusing on primary employers and higher paying jobs
- Develop business-oriented mixed use development in accordance with Comprehensive Land Use Plan
- Retain and expand current businesses
- Develop multi-modal transportation system that provides access to shopping and employment centers
- Develop a reputation as a great place for small and/or local businesses
- Revitalize Westminster Center Urban Reinvestment Area



FINANCIALLY SUSTAINABLE CITY GOVERNMENT PROVIDING EXCEPTIONAL SERVICES

- Invest in well-maintained and sustainable city infrastructure and facilities
- Secure and develop long-term water supply
- Focus on core city services and service levels as a mature city with adequate resources
- Maintain sufficient reserves: general fund, utilities funds and self insurance
- Maintain a value driven organization through talent acquisition, retention, development and management
- Institutionalize the core services process in budgeting and decision making
- Maintain and enhance employee morale and confidence in City Council and management
- Invest in tools, training and technology to increase organization productivity and efficiency



SAFE AND SECURE COMMUNITY

- Citizens are safe anywhere in the City
- Public safety departments: well equipped and authorized staffing levels staffed with quality personnel
- Timely response to emergency calls
- Citizens taking responsibility for their own safety and well being
- Manage disaster mitigation, preparedness, response and recovery
- Maintain safe buildings and homes
- Protect residents, homes, and buildings from flooding through an effective stormwater management program



VIBRANT NEIGHBORHOODS IN ONE LIVABLE COMMUNITY

- Develop transit oriented development around commuter rail stations
- Maintain and improve neighborhood infrastructure and housing
- Preserve and restore historic assets
- Have HOAs and residents taking responsibility for neighborhood private infrastructure
- Develop Westminster as a cultural arts community
- Have a range of quality homes for all stages of life (type, price) throughout the City
- Have strong community events and active civic engagement



BEAUTIFUL AND ENVIRONMENTALLY SENSITIVE CITY

- Have energy efficient, environmentally sensitive city operations
- Reduce energy consumption citywide
- Increase and maintain greenspace (parks, open space, etc.) consistent with defined goals
- Preserve vistas and view corridors
- A convenient recycling program for residents and businesses with a high level of participation



Mission statement: We deliver exceptional value and quality of life through SPIRIT.

HOME RULE AND LOCAL CONTROL

The City of Westminster believes strongly in the principles of home rule authority and local control. Article XX of the Colorado Constitution grants home rule municipalities such as Westminster “the full right of self-government in local and municipal matters.” The City of Westminster believes that home rule authority increases the effectiveness and efficiency of local government services, enhancing the quality of life in the community and the value provided to local taxpayers.

Therefore, the City of Westminster:

- Expects State legislators to uphold and support home rule and Colorado’s tradition of local control.
- Supports legislative efforts to strengthen home rule authority of municipal governments.
- Opposes legislation that attempts to weaken municipal home rule authority and flexibility.
- Opposes legislation that mandates state intervention in matters of local concern, especially when that intervention unnecessarily or adversely affects the City’s ability to manage these matters pursuant to its home rule authority.

STATE AND FEDERAL MANDATES

Programs and regulations mandated by the State or Federal government have the potential to stretch the financial resources of the City of Westminster. If additional costs brought about by these mandated programs or regulations are not paid by the State or Federal government, they can have a direct negative impact on the City budget. This can prevent the City of Westminster from meeting the needs of residents and achieving the City’s strategic priorities.

Therefore, the City of Westminster:

- Supports the TABOR Constitutional requirement for the Colorado General Assembly to reimburse municipalities for the cost of State mandates and to make this requirement clear in State fiscal notes prepared for the General Assembly.
- Opposes unfunded State and Federal mandates that impose unfair financial burdens on municipalities and their citizens.

GOVERNMENTAL IMMUNITY

The City of Westminster recognizes that the complexity and diversity of City operations and services required to meet the needs of citizens may expose the City, its officers, and employees to liability for damage and injury. The City strongly believes that public officers and employees need to be assured that municipal liability will not impair the lawful and proper provision of necessary services to the public.

Therefore, the City of Westminster:

- Supports legislation that protects the interests of municipalities, their officers, and their employees in the lawful and proper performance of their duties and responsibilities.
- Supports legislation that discourages baseless and frivolous claims and demands made against municipalities, their officers, and their employees.

- Supports the availability of public liability insurance at reasonable costs and the ability of municipalities to reduce these costs through self-insurance.
- Opposes legislation that expands or increases municipal liability, or, conversely, further limits municipal immunity.

SALES AND USE TAX

The City of Westminster levies, administers, and collects its own sales and use taxes under its home rule authority. Sales and use tax revenue is the primary source of funding for City of Westminster services and operations, comprising over 60% of general fund revenues. Appropriate actions at Federal, State and local levels must preserve or enhance this critical local revenue.

Therefore, the City of Westminster:

- Supports legislation that maintains local control over imposition, collection and administration of sales and use taxes.
- Supports legislation that allows state and local governments to require businesses to collect state and local sales and use taxes on remote sales.
- Supports voluntary, cooperative efforts among Colorado municipalities to standardize sales and use tax practices and utilize technology for the convenience of taxpayers, the business community, and municipalities.
- Opposes legislation that preempts local authority to impose and collect sales and use taxes.
- Opposes legislation that grants jurisdictions other than the State, cities, and counties the authority to impose sales or use taxes.

GENERAL FINANCE

The City of Westminster is a full-service community. While sales and use tax revenue comprises the primary funding source for general government services, the City's wide variety of services are also funded through a balanced array of other taxes, user fees, and other financing sources. Consequently, the City of Westminster is impacted by State and Federal financial policies.

Therefore, the City of Westminster:

- Supports the continuation of existing local government financing methods and the addition of new methods for local government to support the provision of municipal services to citizens.
- Supports equitable sharing with municipalities of existing and future State revenues derived from traditional State-collected, locally shared revenues, such as the cigarette tax, Highway Users Tax Fund, and the lottery.
- Opposes State-granted exemptions or other State actions that erode municipal sales taxes, use taxes, property taxes, and other revenue sources unless the State provides adequate replacement revenues.
- Opposes State-mandated reductions to the current property tax structure without specific revenue replacement provisions.

LAND USE, DEVELOPMENT, AND REVITALIZATION

The City of Westminster works constantly to achieve the Strategic Plan Goals of “Vibrant Neighborhoods in One Livable Community” and “Strong Balanced Local Economy.” The City believes that local control with land use planning contributes greatly to the achievement of this goal and the overall quality of life in the City of Westminster. In addition, two of the City’s Strategic Plan Objectives are to “develop transit oriented development around commuter rail stations” and “revitalize Westminster Center Urban Reinvestment Area.” In order for redevelopment and revitalization efforts to succeed, the City feels very strongly that appropriate urban renewal tools need to be preserved and strengthened.

Therefore, the City of Westminster:

- Supports legislation that removes barriers to local land use planning and land development regulation.
- Supports appropriate legislation that facilitates the creation of Transit-Oriented Developments (TOD).
- Supports legislation to enable cooperative urban renewal projects between multiple jurisdictions.
- Supports appropriate legislation and funding that encourages and facilitates historic preservation and rehabilitation.
- Support legislation that provides for an opportunity to reset the 25 year tax increment financing (TIF) clock.
- Opposes legislation that prescribes comprehensive land use and other community planning at the State level.
- Opposes legislation that would inappropriately limit local government authority to impose growth impact fees.
- Opposes legislation that would unreasonably restrict the use of tax increment financing or eminent domain for redevelopment projects.

ECONOMIC DEVELOPMENT

The City of Westminster strives to develop and maintain a “Strong, Balanced Local Economy” per its Strategic Plan. Whether it is maintaining a healthy retail base or retaining and expanding targeted businesses and primary employers, the City recognizes the importance of a healthy economic climate to the overall quality of life.

Therefore, the City of Westminster:

- Supports the development of a statewide economic development strategy that addresses issues of business climate and economic direction at the State level but allows for local control of economic development.
- Supports appropriate State tax policies and incentive programs, including enterprise zones, business incentive agreements, or other legislative initiatives, that encourage business expansion and retention through primary job creation, investment in capital equipment, and employer facility development.

WATER RESOURCES AND TREATMENT

Since the 1950's, the City of Westminster has invested substantial public funds into the creation and protection of an independent water supply. Westminster has an obligation to provide the highest quality water and wastewater services in a financially sound, reliable, safe, and environmentally respectable manner. The City supports legislative measures to further this goal.

Therefore, the City of Westminster:

- Supports the constitutional doctrine of prior appropriation, the constitutional priority given to domestic water use, the right to purchase and change the use of water rights within the State, and supports legislation and policies to ensure fair treatment of all water rights holders.
- Supports water quality legislation that results in appropriate, cost effective water quality control regulations with measurable water quality benefits.
- Supports legislation that reasonably limits liability exposure of and protects investment in water and wastewater operations.
- Supports legislation and regulations that promote the appropriate and beneficial use of reclaimed water and wastewater biosolids.
- Supports legislation that protects water supplies from the environmental and operational impacts of aquatic nuisance species such as zebra and quagga mussels.
- Supports continued Federal and State funding for water and wastewater treatment infrastructure to reduce local costs and expedite construction of necessary treatment, distribution, and collection facilities to comply with Federal and State mandates
- Supports appropriate water conservation efforts and sustainable water resources management practices by all users.
- Supports sufficient appropriations and adequate fee-based revenue so the State may continue administration of its water programs including those federally mandated water and wastewater environmental regulatory programs such as the Safe Drinking Water and Clean Water Acts delegated to the State to administer; and can fund the protection of critical infrastructure through an equitable distribution of program costs between State general fund monies and user fees.

TRANSPORTATION

The City of Westminster believes that the movement of goods and people is vital to the continued economic success of the State of Colorado and to the maintenance of the high quality of life that Coloradans enjoy. In order to preserve these, the State Legislature must be willing to make significant investments to maintain and improve the State's transportation network including roads, bridges, and other multimodal systems. With the current shortfall in transportation dollars for the Colorado Department of Transportation, municipal and county governments have taken on greater construction, maintenance, and financial responsibilities. For example, two interchanges on I-25 at 144th Avenue and 136th Avenue were built and paid for entirely by the Cities of Westminster and Thornton. The City of Westminster has demonstrated that it is willing to partner on projects, such as contributing \$500,000 as part of a \$5 million local funding commitment to the North I-25 Managed Lanes project, but is against efforts to pass along additional State roadway construction or maintenance responsibilities to local governments without increased and adequate funds to meet these additional responsibilities.

Therefore, the City of Westminster:

- Supports an appropriate State-wide transportation plan that not only funds repair and maintenance needs, but also commits to network and multi-modal mobility improvements and expansions, including actions that address congestion relief in the Denver metropolitan area.
- Supports legislation to enhance transportation funding equity within the State and Denver Metropolitan Region.
- Supports legislation and regulatory action that maintains or increases the level of funding provided by the State or passed through the State by the Federal government to transportation activities at the local level.
- Supports State and Federal investments in the U.S. 36 and North I-25 managed lanes projects .
- Supports appropriate additional funding efforts to complete the Northwest Commuter Rail Project (FasTracks).
- Supports efforts to pursue the creation of a Metropolitan Transportation District (MTD) for the Denver Metropolitan area provided regional equity is adequately achieved for an MTD governance structure and potential project list. Multimodal improvements, including rail, along with appropriate operating costs, would need to be eligible items for potential future funding efforts.
- Supports State and Federal assistance and funding for Bus Rapid Transit (BRT) improvements on U.S. 36.
- Opposes any efforts to completely eliminate the Northwest Commuter Rail project.
- Opposes legislation to transfer maintenance responsibility of State-owned roads to municipalities without adequate short and long-term funding to meet these additional responsibilities.

TELECOMMUNICATIONS

The City of Westminster recognizes the importance of telecommunications services to economic development and the quality of life in the City. The City of Westminster supports increased competition in the cable and video market and has taken steps in preparation to work with companies who are interested in providing video service in our community. However, the City's view is that statewide franchising should not override the City's authority to ensure the best possible service to its citizens and to regulate the use of public right-of-way.

Therefore, the City of Westminster:

- Supports the retention of municipal franchising and regulatory authority over cable television systems.
- Supports legislation that preserves municipal control and autonomy over public rights-of-way and other assets, along with the right of local governments to receive fair and reasonable compensation for their use.
- Supports the ability of municipalities to require "reasonable" build-out for potential new video providers per the Federal Communications Commission's executive order.
- Opposes State or Federal restrictions on municipal franchising, regulatory, and taxing authority over telecommunications systems.

WORKERS' COMPENSATION

The City of Westminster recognizes that the Colorado Workers' Compensation Act was developed as a no-fault system established "to assure the quick and efficient delivery of disability and medical benefits to injured workers at a reasonable cost to employers, without the necessity of any litigation, recognizing that the workers' compensation system in Colorado is based on a mutual renunciation of common law rights and defenses by employers and employees alike." The City self-insures its Workers' Compensation program up to a certain limit and then purchases excess commercial insurance coverage to ensure the most cost effective, efficient delivery of these benefits to employees. The City is concerned about any legislation that will erode the ability of an employer to control their claim costs and inhibits an employer's ability to get competitive quotes from the market for quality insurance coverage.

Therefore, the City of Westminster:

- Supports legislation that maintains the spirit of the Colorado Workers' Compensation Act, for the protection of both Colorado employers and employees.
- Opposes legislation that creates presumptive eligibility coverage within the law.
- Opposes legislation that increases insurance premium costs to employers.
- Opposes legislation that adds administrative burdens or taxes to self-insurance programs.
- Opposes legislation that promotes litigation.

HUMAN RESOURCES

Employees are the City of Westminster's most important resource. The City is an equal opportunity employer and works to ensure excellent and fair salaries and benefits for employees, along with growth and development opportunities. Like with most other organizations, the City of Westminster's budget is continuously pressured by increasing compensation and benefit costs. The City constantly balances fair compensation and benefits with responsible expenditures of tax dollars.

Therefore, the City of Westminster:

- Supports legislation that maintains or reduces the employer and employee Fire and Police Pension Association (FPPA) pension and retiree health insurance costs.
- Supports continuation of State matching funds to assist in retiring unfunded liabilities that have accrued under the Fire Death and Disability Plan.
- Opposes any legislation that interferes with a municipality's ability to determine the terms and conditions of municipal employment.
- Opposes legislation that mandates collective bargaining rights for public employees.
- Opposes legislation that requires mandatory participation or participation rates in employment or benefit programs.
- Opposes mandated Social Security coverage for public employees, mandated benefit levels or funding standards for municipal employee pension plans, or other unreasonable burdens or restrictions in connection with the administration of municipal employee benefit plans.
- Opposes legislation that reduces current State funding of death and disability benefits for emergency services personnel or legislation that shifts the funding of this State responsibility to local governments.

OPEN SPACE

As stated in the City's Strategic Plan, Westminster works to maintain and develop a "Beautiful and Environmentally Sensitive City." Increasing and preserving open space is a high priority in the City of Westminster. As build-out approaches, the City is striving to achieve its goal of maintaining 15% of the City's land area as open space. Open space, along with trails, contribute greatly to the quality of life in the City of Westminster.

Therefore, the City of Westminster:

- Supports maintaining funding, and adding additional funding where appropriate, to State and Federal land conservation programs that will help to increase the amount of open space within the City, thereby helping to achieve the goal of "Beautiful City."
- Supports legislation that generally enables and empowers the use of conservation easements.
- Supports legislation that provides further incentives to preserve open space.

ENVIRONMENT

For the City of Westminster, the environment is a priority as is shown in the City's programs and services that secure clean air, water, and land. Westminster is one of the most environmentally-friendly cities in the area and has signed the U.S. Conference of Mayors Climate Protection Agreement. The City of Westminster recognizes the importance of working cooperatively with other governmental entities to implement and manage efficient, cost-effective, and scientifically-based environmental control programs. It is the intent of the City to meet or exceed compliance with all applicable environmental laws and regulations. However, the City does not support State or Federal programs that place a severe financial burden on municipalities.

Therefore, the City of Westminster:

- Supports appropriate legislation and regulations that promote pollution prevention.
- Supports legislation and regulations that provide incentives for green building and sustainable design without imposing unfunded mandates.
- Supports energy conservation efforts and appropriate legislation that accelerates the development of clean, economical energy resources and fuel-efficient technologies such as wind and solar energy, waste to energy, fuel cells, and other appropriate and effective technologies.
- Supports reasonable legislation and regulations that increase the fuel efficiency of motor vehicles.
- Supports legislation that limits liability for waste cleanup costs under Federal law where the municipality demonstrates due care and absence of fault in connection with waste disposal at a site and provides an early and fair means of settlement for municipalities named as liable parties at waste cleanup sites.
- Opposes legislation or standards that weaken current air quality standards or regulations.
- Opposes legislation that limits the ability of local government to regulate the activities of private waste or recycling collectors or to provide waste or recycling collection or processing services to citizens.

PUBLIC SAFETY

“Safe and Secure Community” is one of the goals identified in the City of Westminster’s Strategic Plan. The City works diligently towards keeping citizens safe anywhere in the City. The City of Westminster recognizes the critical importance of maintaining public order, providing a safe environment, and protecting the lives and property of the citizens of Westminster. The role of the Police Department is to enforce the law in a fair and impartial manner, recognizing both the statutory and judicial limitations of police authority and the constitutional rights of all persons. The Westminster Fire Department works to minimize injuries and property losses due to fire, to provide quality emergency medical care and transport services, and to provide other services including fire inspections and emergency preparedness planning. Finally, the City of Westminster’s Municipal Court works to ensure that justice is carried out fairly and effectively.

Therefore, the City of Westminster:

POLICE

- Supports legislation that facilitates the eviction of public nuisance tenants.
- Supports legislation that facilitates the use of a TASER as a safe and effective tool for law enforcement.
- Supports legislation that ensures flexibility for municipalities when implementing Federal and State criminal justice programs.
- Supports legislation providing enhanced sentences for criminal offenses committed by proven members of gangs.
- Supports legislation that enhances the integration of local and State criminal justice agency information systems in order to increase the efficiency and information sharing capacity of law enforcement agencies.
- Supports legislation that maintains and strengthens the provision of community-based mediation and other alternative dispute resolution services.
- Supports legislation that provides resources and support to victims of domestic violence.
- Supports legislation to make not wearing a seatbelt while operating a motor vehicle a primary offense.
- Supports legislation that requires reasonable and practical preservation of DNA and other evidence.
- Supports legislation that sets new standards for the collection of 9-1-1 service charges to support growing demand for new equipment based on technology improvements.
- Supports legislation regarding the Public Safety Spectrum that support nationwide, interoperable, wireless broadband network.
- Supports legislation to provide for criminal asset forfeitures to be returned to local law enforcement agencies to be used to fund law enforcement activities.
- Supports legislation that protects Senior Citizens from criminal exploitation.
- Supports legislation that protects society against Identity (ID) Theft.
- Supports legislation that protects juveniles from sexual predators on the internet.
- Supports legislation that protects the rights of animals.
- Opposes legislation that inappropriately transfers immigration and illegal alien enforcement responsibilities from the Federal government to local government and diverts local law enforcement resources from other priorities.
- Opposes legislation that compromises officers’ and the public’s safety.

- Opposes legislation that requires criminal justice agencies to pay fees to obtain financial disclosure information from banking institutions.

MUNICIPAL COURT

- Opposes legislation that limits the authority of municipalities to enforce their own ordinances in municipal courts.
- Opposes imposition of State surcharges on municipal court fines for the purpose of funding State programs.

FIRE AND EMERGENCY MEDICAL SERVICES

- Supports legislation that assists in the development of interoperable communication systems for public safety.
- Supports legislation to require the installation of appropriate fire protection systems in structures to enhance life safety and property protection.
- Supports legislation that strengthens the City's ability to prohibit the use and sale of all fireworks, along with legislation that allows counties and fire districts to prohibit and otherwise control fireworks.
- Opposes legislation that restricts the City from adopting local strategies and regulations for safely addressing hazardous materials or legislation that restricts the City's ability to review and approve the location of facilities that use or store hazardous materials or hazardous waste.

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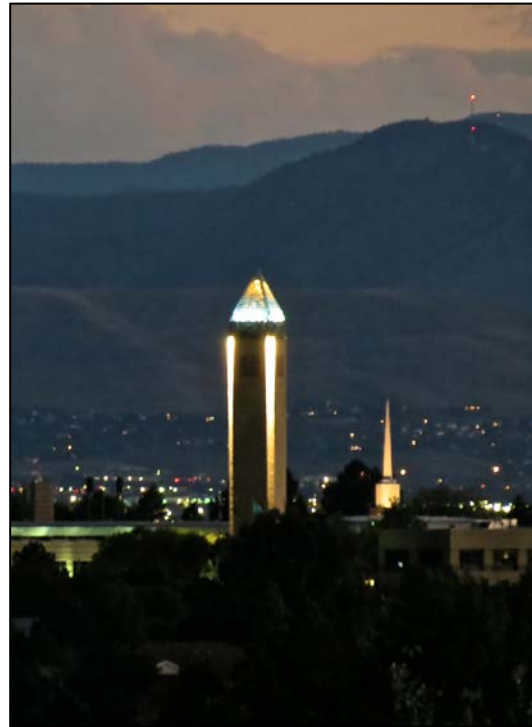
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2013 STATE LEGISLATIVE



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WESTMINSTER

SUMMARY OF KEY ISSUES:

Redevelopment: Enhancing Our Community, Strengthening Our Economy, and Growing Our Workforce

Transportation: More Than Just A Way To Get From Here To There, It Is The Future Of Our City, Region, and Economy

(For more information, see inside)

Home Rule Authority and Local Control Remain Critical for the City.

CITY OF WESTMINSTER: COMMUNITY PROFILE

Incorporated in 1911, Westminster's progressive council/manager form of government is consistently recognized for excellence in management and delivery of full services to businesses and residents, without the need for additional service districts. The City provides police, fire, parks, recreation, library, streets, water, and wastewater services.

The City of Westminster approved its 2013/2014 Budget in October 2012. The City's 2013 Budget totals over \$171. The City's property tax mill levy will remain unchanged for the 21st consecutive year at 3.65 mills, one of the lowest property tax rates in Colorado.

A recipient of the International Livable Communities Award and noted as one of *Money Magazine's "Top 100 Places to Live,"* Westminster is a great place to live, work, and play. Dramatic mountain views and generous open space, trails, parks, and golf courses capitalize on Colorado's outdoor-oriented lifestyle. The City is well planned with beautiful residential neighborhoods and streetscapes, enhanced landscaping, and

interesting architectural details.

Increasing and preserving green space is a high priority in the City of Westminster. In November 2006, Westminster voters approved an extension of the Parks, Open Space, and Trails 1/4th cent sales tax, allowing the City to issue \$20 million in bonds for the maintenance and expansion of the City's existing 63 miles of trails, 2,700 acres of open space, and 65 community parks and facilities. We are within 1% of reaching our goal of 15% designated open space within the City limits.

With the approval of RTD's FasTracks program, the City is working on planning efforts for Transit Oriented Developments (TOD) at rail stations that will be located in south Westminster, City Center (adjacent to the former Westminster Mall site), and Church Ranch (adjacent to the Shops at Walnut Creek). The planned rail stations in south Westminster and at the Westminster Mall site both promise to provide exciting opportunities for redevelopment. The Westminster Station, located at approximately 70th and Irving, is scheduled to open by March 2016 as a spur of the Eagle P3 Project.

CITY OF WESTMINSTER STRATEGIC PLAN GOALS:

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

REDEVELOPMENT: ENHANCING OUR COMMUNITY, STRENGTHENING OUR ECONOMY, AND GROWING OUR WORKFORCE

The use of urban renewal areas (URAs) and tax increment financing (TIF) has been critical to the inception and success of several projects within the City of Westminster. These well-established tools of redevelopment get a project off the drafting table and into the community eliminating blighted areas and providing opportunities for jobs and economic growth.

- The City of Westminster requests that state legislators protect the use of URAs and TIF to eliminate blight in the community and for future economic development and job creation.
- The City urges state legislators to refrain from obstructing the use of these vital tools by imposing additional unnecessary requirements upon urban renewal authorities.
- URAs and TIF are often necessary in curing deficiencies in public infrastructure, addressing unsafe or unsanitary conditions, or mitigating contamination.
- In many cases, development and redevelopment would not take place without the use of URAs and TIF, depriving the city, and other jurisdictions in which the area resides, of much needed revenue.
- Without the use of URAs and TIF, sites such as the former Westminster Mall can deteriorate into caustic urban blight with the potential to spread to surrounding businesses like a cancer creating an economic black hole.
- By issuing TIF-related debt, the City and its urban renewal authority assume risk. Yet the state, RTD, and counties benefit risk-free from sales tax revenues generated within the URA.
- Surrounding areas also benefit from resulting infrastructure improvements, increased property values, and job growth. Attractive developments can be valuable to neighboring jurisdictions by stimulating economic activity on a regional basis.
- Urban renewal authorities are required to operate transparently under state open records and open meetings laws, and are subject to state budget and financial reporting laws. URAs are also required to provide impact reports to the county in which the URA is located.



Westminster Mall Redevelopment

NORTH I-25 URA BY THE NUMBERS

- ✓ \$50 MILLION IN HIGHWAY AND DRAINAGE IMPROVEMENTS MADE
- ✓ 2 HIGHWAY INTERCHANGES CONSTRUCTED
- ✓ \$7 MILLION GENERATED PER YEAR IN SALES TAX FOR THE STATE, RTD, SCFD, AND ADAMS COUNTY
- ✓ OVER 2,000 PEOPLE EMPLOYED WITHIN THE AREA
- ✓ AN ADDITIONAL 800 HEALTHCARE JOBS ANTICIPATED BY THE NEW MEDICAL COMPLEX

TRANSPORTATION: MORE THAN JUST A WAY TO GET FROM HERE TO THERE, IT IS THE FUTURE OF OUR CITY, REGION, AND ECONOMY

CITY OF WESTMINSTER INVESTMENT IN REGIONAL TRANSPORTATION

- ✓ APPROXIMATELY \$10 MILLION FOR THE CONSTRUCTION OF THE WESTMINSTER COMMUTER RAIL STATION AND PARKING FACILITY
- ✓ \$2.45 MILLION FOR BRIDGE ENHANCEMENTS AND BIKEWAY UNDERPASSES ON U.S. 36
- ✓ \$2.11 MILLION IN LOCAL MATCHING FUNDS FOR IMPROVEMENTS TO 92ND AVE. AND 120TH AVE. INTERSECTIONS ON FEDERAL BLVD.



U.S. 36 Looking East

The efficient movement of goods and people is vital to the continued economic success of the State of Colorado and to the maintenance of the high quality of life that Coloradans enjoy. In order to preserve these, the State legislature must be willing to invest in the maintenance and expansion of the state's transportation network including roads, bridges, and mass transit.

- The City of Westminster encourages state legislators to advocate for state and federal funding for the State's transportation infrastructure.
- The City of Westminster supports efforts to pursue the creation of a Metropolitan Transportation District (MTD) for the Denver Metropolitan area provided regional equity is adequately achieved for a MTD governance structure and potential project list. Multimodal improvements, including rail, along with appropriate operating costs, would need to be eligible items for potential future funding efforts.
- The City of Westminster believes that it is important maintain the revenue stream available through FASTER and that it continue to be dedicated as specified in the 2009 Act.
- The City of Westminster recognizes that transportation plays a major role in economic development of the region and sees commuter rail as an integral part of the redevelopment of the former Westminster Mall site.
- The support of our state legislators is crucial to the success for significant transportation improvements needed on the US-36 and I-25 corridors, including:
 - The construction of the northwest commuter rail line, including the Westminster Station, Westminster Center Station, and Church Ranch/Walnut Creek Station.
 - The addition of managed lanes (HOT/HOV/BRT) on US-36 and I-25.
 - Implementation of bus rapid transit on US-36.

LOBBYING PROTOCOL

Official City Position

Throughout the legislative session, the City takes official positions in support of or opposition to legislation before the State Senate and/or House of Representatives. It is important that policy issues be reviewed with City Council to assure that they are priorities of the City. Prior to stating any official City position, Staff will review the legislation to determine the potential impact on the City. After thorough review, Staff will provide City Council with a brief summary of the legislation and a recommendation. In order to release an official City position, the majority of City Council must agree upon a position of support, opposition or neutrality on the legislation or issue.

Often official positions on specific issues have a time sensitivity that requires Staff to utilize emails to City Council. As noted above, Staff will review the legislation, summarize the issue, and provide City Council with a recommendation. It is very important that City Council respond with their position via email to Staff as quickly as possible in order to allow the City to affect the outcome on a piece of legislation. Once City Council takes an official position on a piece of legislation or issue, the City's legislative scorecard will be updated and made available to the public.

Testimony at the Capitol

Often City Council, Board and Commission members, or Staff are requested to testify in support or opposition of various pieces of proposed legislation at the State Capitol. When requested to testify, City Council, Board and Commission members, and/or Staff should notify the City Manager's Office to ensure that City Council has taken an official position on the legislation or issue. Additionally, by notifying the City Manager's Office, Staff can ensure that both City Council and the City's lobbyists are advised that a City representative will testify on a particular item. It is important that lines of communication between Staff and the lobbyists remain open at all times to ensure that the City's lobbying efforts are as effective as possible and that we coordinate our efforts with other groups including the Colorado Municipal League.

Lobbyist Interaction

In order to streamline interaction and avoid confusion with City Council, the lobbyists, and Staff, City Council and Staff will coordinate all correspondence with the lobbyists through one person designated by the City Manager. This individual will coordinate the tracking of legislation, obtaining City Council's official position, and conducting other miscellaneous research/support as necessary in presenting the official position(s) of City Council. The lobbyists, in turn, will coordinate all of their correspondence with City Council and Staff through the same designee.

Prior to utilizing the lobbyists in taking a position on legislation, City Council will be surveyed to ensure that a majority of the City Council concurs with moving forward with a position on a particular issue.

Any interaction (either City Council, Board and Commission members, or Staff) with State Senators or Representatives on behalf of the City must have City Council's approval/concurrence that the issue is a priority. Staff needs to be kept apprised of any contacts made on specific legislation in order to ensure that the lobbyists are well informed to maximize their effectiveness.



Agenda Memorandum

City Council Meeting
November 26, 2012



SUBJECT: Councillor's Bill No. 48 re 2012 3rd Quarter Budget Supplemental Appropriation

Prepared By: Karen Barlow, Accountant

Recommended City Council Action

Pass Councillor's Bill No. 48 on first reading, providing for a supplemental appropriation of funds to the 2012 budget of the General, Water, Storm Drainage, General Capital Outlay Replacement, and General Capital Improvement Funds.

Summary Statement

- At the end of each quarter, Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- General Fund amendments:
 - \$79,063 Grants
 - \$14,265 Contributions
 - \$3,189 Reimbursements
- Water Fund amendments:
 - \$9,959 Reimbursements
- Storm Drainage Fund amendments:
 - \$1,475 Transfers
- General Capital Outlay Replacement Fund amendments:
 - \$9,165 Grants
- General Capital Improvement Fund amendments:
 - \$6,768,000 Transfers
 - \$39,800 Grants

Expenditure Required: \$6,924,916

Source of Funds: The funding sources for these budgetary adjustments include reimbursements, contributions, grants, and transfers.

Policy Issue

Does City Council support amending the appropriations for the 2012 budget of the General, Water, Storm Drainage, General Capital Outlay Replacement, and General Capital Improvement Funds as outlined?

Alternative

The alternative would be not to amend the 2012 budget appropriations for the General, Water, Storm Drainage, General Capital Outlay Replacement, and General Capital Improvement Funds and to utilize these funds for other purposes. Staff does not recommend this alternative as the various departments have already incurred expenses and covered them with their current budget or planned projects in anticipation of appropriation of these additional funds.

Background Information

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

On August 27, 2012, WEDA and the City entered into an intergovernmental cooperation agreement that provides for the City to construct improvements to include Orchard Parkway within the boundaries of the North Huron URA and for WEDA to reimburse the City for the cost of those improvements. To fund the improvements, WEDA received project funds as part of the refinancing of the WEDA North Huron URA 2009 loan. This agreement provides for the City to bill WEDA on a periodic basis for the costs incurred. Staff is requesting an appropriation of the full amount of the improvements, which is \$6,500,000, at this time to allow for timely progression of construction. As costs are incurred, the City will pay for such costs with WEDA reimbursing the City as promptly as possible.

Through a contractual agreement, the City may bill the Westminster Economic Development Authority (Westminster Center East SubArea URA) for advances made or for improvements benefitting the URA and/or services rendered by City staff in implementing the Urban Renewal Plan. In 2012, the City billed WEDA for \$268,000. Staff requests that these funds be appropriated to the Capital Project Reserve - CMO. This project is proposed as a contingency measure should the City need to complete payment on the Sears note due in February 2014. Staff continues to work with development interests in planning and pursuing redevelopment of the former Westminster Mall site, which remains one of the City Council's highest priorities. While the plan remains to have a developer on board assuming the note for the Westminster Center Urban Reinvestment Program (WURP) site by that time, Staff believes it is prudent to develop a contingency plan should unforeseen delays be experienced. A total of \$1.5M was appropriated into this account from 2011 carryover. Adding this proposed funding brings the total to \$1.768M set aside.

The Police Department received \$5,512 for their participation in the Federal Click It or Ticket Enforcement campaign. The grant reimburses for overtime incurred by enforcement officers while working the seatbelt enforcement program. The funds are being appropriated to the department's overtime account.

The Police Department received \$11,952 from the State of Colorado Department of Transportation for their participation in the 2012 High Visibility Impaired Driving Enforcement (HVIDE) campaign. The grant reimburses overtime incurred by enforcement officers while working the Cinco De Mayo, Memorial Day, July 4th, and other enforcement campaigns. The funds are being appropriated to the department's overtime account.

The Police Department received \$2,957 from International Crimes Against Children (ICAC) for overtime, training, travel, cell phone services, and internet services. The funds are being requested for appropriation to the department's Salaries Overtime account for \$378, the Career Development account for \$1,092 and to the Lab Supplies Investigation Section account for \$1,487.

The Police Department received \$1,000 from the Target Corporation Public Safety Grant for the department's National Night Out Program. The funds are being appropriated to the department's Supplies account to reimburse for the Neighborhood Ice Cream Social event.

The Police Department received \$22,725 from the State of Colorado, Department of Transportation, for overtime incurred by the enforcement officers while working the DUI Checkpoint campaigns. The reimbursement is being appropriated to the department's Overtime account.

The Police Department received \$2,217 from the North Metro Task Force High Intensity Drug Tracking Area (HIDTA) grant funding for overtime incurred by the department's Task Force members working on Federal HIDTA cases. The reimbursement from the Task Force was for overtime incurred from April through June 2012, and the reimbursement is being appropriated to the department's Overtime account.

The Police Department received \$416 from the City and County of Denver as reimbursement for the department's Public Information Officer who attended the National Emergency Services Public Information of Colorado Conference in Estes Park in May 2012. The funds are being appropriated to the department's Career Development account.

The Police Department received \$1,400 from the Jefferson County Emergency Communications Authority Board as reimbursement for travel expenses incurred by a dispatch supervisor who attended the Neptune Intelligent Computer Equipment (NICE) User Group Conference. The funds are being appropriated to the department's Career Development account.

The Public Works and Utilities Department received \$10,782 in subrogation monies. \$9,959 was for fire hydrants that were damaged as a result of vehicle accidents, and the funds are being appropriated to the Utility System Materials account. \$823 was for signs damaged throughout the City, and the funds are being appropriated to the Signing Materials account.

The City has been awarded a Federal Grant in the amount of \$39,800 from the Denver Regional Council of Governments for the purchase of Traffic Signal equipment on the Church Ranch Blvd and 100th Avenue corridors from Westminster Boulevard to Garland Street. These funds are being appropriated into the Community Development Traffic Signal System Improvement CIP account as reimbursement for the purchase of the equipment.

The power to the weather station at 94th Avenue and Lowell Boulevard must be removed as a portion of the 2012 Small Drainage Improvement project at 92nd Avenue and Lowell Boulevard. Staff evaluated re-installing power to the grid-tied irrigation controller and weather station with a non-grid-tied solar powered irrigation time clock and weather station. The existing irrigation controller and weather station was powered through electricity supplied by Xcel Energy. The weather station provides wireless signaled controls to thirty-five irrigation controllers in that geographic area of the City. Because the existing system must be removed for an extended period of time and because the weather station controls several irrigation meters in the area, a solar powered, non-grid tied system was sought. A Lifecycle Cost Analysis was conducted to evaluate the value of reconnecting the existing system versus purchasing a solar system. Based on the cost analysis, Staff recommended pursuing the solar-powered system and utilizing funds from Facility and Infrastructure Stewardship to offset the cost difference. As such, a total of \$1,475 is proposed to be transferred from the General Capital Improvement Fund (GCIF) Stewardship account to the Stormwater Fund (SW) to cover the incremental cost of installation of solar-powered weather station

and irrigation controller at 94th Avenue and Lowell Boulevard. Since the Stewardship funds are appropriated in the GCIF but the actual capital improvement project is in the SW Fund, Council action is requested to approve the transfer from the GCIF to the SW Fund pursuant to the City Charter (Section 9.6 Budget Control).

The Parks, Recreation and Libraries department received \$1,115 from the trust of library patron Susan Salyard for monies bequeathed to the Westminster Public Library for the purchase of quilting books and patron requests. The funds are being appropriated to the Library Materials account.

The City Attorney’s Office received \$550 from applicants to pay for Ken Fellman’s fees for legal services related to the review of telecommunication site lease applications. These funds are being appropriated to the department’s Professional Services account.

The Economic Development Department received \$13,150 from participants in the Business Appreciation Event. This is being appropriated to the Special Promotions account to pay for letters, invitations, programs, lunch, and miscellaneous other items involved in running the Westminster 2012 Business Appreciation Event.

The Fire Department received \$690 from the West Metro Fire Protection District on behalf of the Colorado Urban Search and Rescue Task Force One. This reimbursement is for overtime incurred by the Fire Department personnel, and the funds are being appropriated to the Salaries Overtime account.

The Fire Department received \$32,010 from the State of Colorado Forest Service on behalf of the Wildland Team. These funds were received as reimbursement for Salary Overtime and expenses incurred during the Wildland Team deployment to the Lower North Fork fire and the Hewlett fire in Colorado. The funds are being appropriated to the Salaries Overtime account, Mileage Reimbursement account, and as a transfer to the General Capital Outlay Replacement Fund (GCORF). A transfer from the General Fund in the amount of \$9,165 is being appropriated to the Wildland Truck Replacement CIP in the GCORF, which will assist with future apparatus replacement.

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Federal Grants	1000.40610.0000	\$51,818	\$34,101	\$85,919
State Grants	1000.40620.0000	9,049	43,962	53,011
Other Grants	1000.40650.0057	0	1,000	1,000
Cell Tower App Review Fee	1000.41455.0000	675	550	1,225
Misc	1000.41460.0000	0	823	823
Reimbursements	1000.43080.0000	56,141	1,816	57,957
Contributions	1000.43100.0000	5,000	<u>14,265</u>	19,265
Total Change to Revenues			<u>\$96,517</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Prof Services	10003120.65100.0000	\$11,653	\$550	\$12,203
Special Promotions	10005340.67600.0000	20,900	13,150	34,050
Transfers Capital Replacement	10010900.79800.0450	246,125	9,165	255,290
Salaries OT-Investigation Section	10020300.60400.0344	183,632	2,595	186,227
Career Dev-Prof Svcs	10020300.61800.0341	4,500	416	4,916
Career Development-Investigation Section	10020300.61800.0344	15,500	1,092	16,592
Career Dev-Comm Sect	10020300.61800.0345	4,400	1,400	5,800
Supplies-Prof Svcs	10020300.70200.0341	7,269	1,000	8,269
Lab Supplies-Investigation Section	10020300.70800.0344	17,925	1,487	19,412
Salaries OT-Traffic	10020500.60400.0348	61,806	40,189	101,995
Salaries Overtime	10025260.60400.0000	177,126	18,890	196,016
Salaries Overtime-EMS	10025260.60400.0546	71,750	4,094	75,844
Mileage Reimbursement	10025260.61200.0000	750	551	1,301
Signing Materials	10035450.72600.0000	53,150	823	53,973
Library Materials	10050620.71600.0000	298,270	<u>1,115</u>	299,385
Total Change to Expenses			<u>\$96,517</u>	

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Misc	2000.41460.0000	\$0	<u>\$9,959</u>	\$9,959
Total Change to Revenues			<u>\$9,959</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Utility System Materials	20035470.72800.0000	\$110,000	<u>\$9,959</u>	\$119,959
Total Change to Expenses			<u>\$9,959</u>	

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
TRF Gen Capital Improve	2500.45000.0750	\$0	<u>\$1,475</u>	\$1,475
Total Change to Revenues			<u>\$1,475</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
2012 Small Stormwater Drainage Improvements	81225030986.80400.8888	\$0	<u>\$1,475</u>	\$1,475
Total Change to Expenses			<u>\$1,475</u>	

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
TRF General Fund	4500.45000.0100	\$246,125	\$9,165	\$255,290
Total Change to Revenues			<u>\$9,165</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Wildland Truck Replacement	81145010911.80400.8888	\$33,085	\$9,165	\$42,250
Total Change to Expenses			<u>\$9,165</u>	

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Federal Grants	7500.40610.0000	\$311,620	\$39,800	\$351,420
TRF WEDA	7500.45000.0680	0	<u>6,768,000</u>	6,768,000
Total Change to Revenues			<u>\$6,807,800</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfers Storm Drainage	75010900.79800.0250	\$0	\$1,475	\$1,475
Traffic Signal System Improvement	80175030143.80400.8888	318,631	39,800	358,431
Facility & Infrastructure Stewardship	81175012300.80400.8888	236,206	(1,475)	234,731
Capital Project Reserve-CMO	81275005186.80400.8888	1,500,000	268,000	1,768,000
Orchard Parkway, 136 to 144	81275030997.80400.8888	0	<u>6,500,000</u>	6,500,000
Total Change to Expenses			<u>\$6,807,800</u>	

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

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

Respectfully submitted,

J. Brent McFall
 City Manager
 Attachment – Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **48**

SERIES OF 2012

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2012 BUDGETS OF THE GENERAL, WATER, STORM DRAINAGE, GENERAL CAPITAL OUTLAY REPLACEMENT, AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2012 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2012 appropriation for the General, Water, Storm Drainage, General Capital Outlay Replacement, and General Capital Improvement Funds initially appropriated by Ordinance No. 3550 is hereby increased in aggregate by \$6,924,916. This appropriation is due to the receipt of funds from reimbursements, contributions, grants, and transfers.

Section 2. The \$6,924,916 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item dated November 26, 2012 (a copy of which may be obtained from the City Clerk) amending City fund budgets as follows:

General Fund	\$96,517
Water Fund	9,959
Storm Drainage	1,475
General Capital Outlay Replacement Fund	9,165
General Capital Improvement Fund	<u>6,807,800</u>
Total	<u>\$6,924,916</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 26th day of November, 2012.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of December, 2012.

ATTEST:

Mayor

City Clerk



Agenda Memorandum

City Council Meeting
November 26, 2012



SUBJECT: Councillor's Bill No. 49 re Amendments to the Westminster Municipal Code Concerning Storm Water Quality

Prepared By: Andrew Hawthorn, Senior Civil Engineer

Recommended City Council Action

Pass Councillor's Bill No. 49 on first reading authorizing revisions to Sections 8-11-3 through 8-11-8, 8-11-10, 8-11-11 and 11-6-5 and repealing Section 11-7-7 of the Westminster Municipal Code, all concerning storm water quality matters.

Summary Statement

- In 2003, the City was required by the Federal Environmental Protection Agency (EPA) to apply for a National Pollutant Discharge Elimination System (NPDES) storm water permit through the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division. In 2013, the City will begin its second renewal of the NPDES storm water permit, each having a 5-year cycle.
- The City is required by the storm water permit to minimize the amount of pollutants that enter into its channels, streams and lakes.
- On October 15, 2012, City staff responded to a mandatory Storm Water Targeted Permit Questionnaire from the CDPHE Water Quality Control Division. Findings from this questionnaire showed that the City must update its Municipal Code to reflect more specifically the requirements of the storm water permit and water quality regulations.
- Most of the proposed revisions are related to the addition or modification of the existing code language to bring it in line with current storm water regulations. One new addition to the City Code will be a prohibition of the storage of construction and landscape materials within the public right-of-way. Another new addition is a provision for Post Construction Best Management Practices (BMP) installation and maintenance.
- The proposed ordinance will provide mechanisms to protect and enhance the quality of water discharged into the City of Westminster's storm drainage system. The code revisions discussed here must be adopted by the City Council before December 31, 2012 in order to meet mandatory permit requirements.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City Council authorize the update of the storm water quality portion of the code to bring it in line with the NPDES storm water permit and CDPHE regulatory requirements?

Alternative

City Council could elect to make additional revisions to the ordinance, but those identified by staff are the minimum necessary to meet current regulations by the required deadline of December 31, 2012.

Background Information

The 1972 amendments to the Clean Water Act provided the statutory basis for the National Pollutant Discharge Elimination System (NPDES) permit program and the basic structure for regulating the discharge of pollutants in storm water runoff to waters of the United States. The Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division administers this program. Since 2003, the City has been obligated to follow the requirements of the NPDES storm water permit. In 2013, the City will mark its second renewal of the permit, each having 5-year terms.

A Targeted Permit Questionnaire was distributed by the CDPHE to most regulated cities and counties throughout the State. It was a mandatory requirement to respond to the questionnaire. The questionnaire served as a self-audit that identified items that need to be brought into alignment with permit and regulatory language, thus necessitating revisions to the City code.

The following is a summary of proposed changes to the Westminster Municipal Code:

- Most of the revisions are related to the addition of specific language to the code to bring it in line with current federal regulations. For example: "A Land Disturbance Permit is required for all new development or redevelopment for land disturbance equal to or greater than one acre..." Other revisions include the addition of definitions and an update of the list of discharges not considered illicit discharges.
- Proposed revisions will prohibit the stockpiling of landscape/construction materials and the placement of trash roll-offs in the public right-of-way. This prohibition is desired because landscape materials stored within the street can easily be washed into the City's storm sewer system. Furthermore, stockpiled materials and/or dumpsters within the street represent an undesirable traffic hazard.
- Post Construction Best Management Practices are mandatory additions to the code. Owners of commercial and residential sites will be required by code to maintain their detention ponds. Most owners of commercial and residential sites already take good care of their ponds but this code revision will give the City the authority to pursue those sites in which detention ponds are in need of maintenance and repair. This regulation is applicable to ponds constructed after 2002.
- It is a mandatory permit requirement that these code revisions be adopted by the City Council before December 31, 2012.

These proposed revisions to the Municipal Code supports the City Council Strategic Plan Goals including: Safe and Secure Community via effective storm water management, Vibrant Neighborhoods in One Livable Community taking responsibility for private infrastructure, and Beautiful and Environmentally Sensitive City.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **49**

SERIES OF 2012

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING SECTIONS 8-11-3, 8-11-4, 8-11-5, 8-11-6, 8-11-7, 8-11-8, 8-11-10, 8-11-11 AND 11-6-5 AND REPEALING SECTION 11-7-7 OF THE WESTMINSTER MUNICIPAL CODE CONCERNING STORMWATER QUALITY

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 8-11-3, W.M.C., is hereby AMENDED as follows:

8-11-3: DEFINITIONS: (3391) ~~The following words, terms and phrases, when used in this Chapter, shall have the following meanings unless the context clearly indicates otherwise. Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Chapter, shall have the following meanings:~~

(A) "Applicant" ~~shall~~ means a landowner or agent of a landowner who has filed an application for a grading and erosion control permit.

(B) "Best Management Practices (BMPs)" ~~means~~ shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the municipal separate storm sewer system (MS4). BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(C) "Builder" ~~means~~ shall mean a person who undertakes construction activities.

(D) "Business Owner" ~~means~~ shall mean a person who owns title to a commercial property.

(E) "City Inspector" ~~means~~ shall mean the person or person(s) authorized by the City Manager to inspect a site for the purpose of determining compliance with the provisions of this Chapter.

(F) "City Manager" ~~shall mean as used in this ordinance refers to~~ the City Manager of the City of Westminster or the Manager's ~~appointed~~ designee.

(G) "Compliance Date" ~~means~~ shall mean the final deadline by which a user is required to correct a violation of a prohibition or limitation or to meet a stormwater quality standard or requirement as specified in a compliance schedule, industrial discharge permit or federal, state or local regulation adopting an applicable stormwater quality standard.

(H) "Compliance Order" ~~means~~ shall mean an administrative order that directs a user to comply with the provisions of this Chapter, or of a permit or administrative order issued hereunder, by a specific date. The order may include a compliance schedule involving specific actions to be completed within specific time periods.

(I) "Compliance Schedule or Schedule of Compliance" ~~means~~ shall mean an enforceable schedule specifying a date or dates by which user must comply with a stormwater quality standard, a stormwater quality requirement or a prohibition or limitation and which may include increments of progress to achieve such compliance.

(J) "Construction Activities" ~~means~~ shall mean clearing, grading, excavation, and other ground disturbance activities. Construction does not include routine maintenance performed by public agencies, or their agents to maintain original line grade, hydraulic capacity, or original purpose of facility.

“Construction materials” shall mean any material intended for or used in the construction of structures or buildings, including, without limitation, concrete, concrete block, brick, cement, plastic, glass, asphalt, timber, lumber, wood, plywood, fiberboard, shingles, pipe, cable, wire, conduit, duct, insulation, drywall, tile, cabinetry, appliances, fixtures, or like materials.

~~(K)~~“Construction Site Operator” meansshall mean a person who has been designated by the developer to perform routine inspections of BMPs and who is responsible for ensuring that the structural integrity of the BMPs are maintained and that the BMPs perform as designed.

~~(L)~~“Critical BMPs” meansshall mean those BMPs such as, but not limited to, sediment ponds and dewatering structures, silt fence, wattles, vehicle tracking pads, inlet filters, that are installed to keep sediment and pollutants from leaving a construction site and discharging into receiving waters of the United States.

~~(M)~~“Developer” meansshall mean a person who undertakes land disturbance activities.

~~(N)~~“Development” meansshall mean any activity, excavation or fill, alteration, subdivision, change in land use, or practice, undertaken by private or public entities that affect the discharge of stormwater runoff. The term “development” does not include the maintenance of stormwater runoff facilities.

~~(O)~~“Disturbed Area” meansshall mean that area of the land’s surface disturbed by any work activity upon the property by means including but not limited to grading; excavating; stockpiling soil, fill or other materials; clearing; vegetation removal; removal or deposit of any rock, soil, or other materials; or other activities which expose soil. Disturbed area does not include the tillage of land that is zoned agricultural or the tillage of a parcel zoned PUD (planned unit development) within the area identified for agricultural uses.

~~(P)~~“Drainageway (Waterway)” meansshall mean a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

~~(Q)~~“Final Stabilization” is reached when all ground surface disturbing activities at the site have been completed, and uniform vegetative cover has been established with an individual plant density of at least 70 percent of pre-disturbance levels, or equivalent permanent, physical erosion reduction methods have been employed.

~~(R)~~“Homeowners Association (HOA)” meansshall mean the entity responsible for management and maintenance of those elements of a residential subdivision owned in common by its homeowners.

~~(S)~~“Illicit Discharge” meansshall mean any discharge to a municipal separate storm sewer system (MS4) that is not composed entirely of stormwater runoff, or the exceptions listed in section 8-11-8(A) of this Code.

~~(T)~~“Land Disturbance Activity” meansshall mean any activity, which changes the volume or peak flow discharge rate of rainfall runoff from the land surface. This may include the grading, digging, cutting, scraping, or excavating of soil, placement of fill materials, paving, construction, substantial removal of vegetation, or any activity which bares soil or rock or involves the diversion or piping of any natural or man-made watercourse.

~~(U)~~“Landowner” ~~means the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.~~

~~(V)~~“Land Disturbance Permit” meansshall mean a permit issued by the City to conduct any land disturbance activity equal to or greater than one acre, earthwork involving moving more than two hundred (200) cubic yards or if grading occurs on a property that has a slope in excess of eight percent (8%).

“Landowner” shall mean the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land. This term includes

banks or lending institutions that have obtained control of land as a result of foreclosure, receivership, bankruptcy or like actions.

“Landscape Materials” shall mean any material used in or derived from the landscape or improvements to the landscape of real property, including, without limitation, trees, branches, shrubs, plants, vegetation, brush, yard trimmings, leaves, side, dead plant material, soil, or dirt, sand, gravel, rock, stone, boulders, mulch, fencing, paving materials, or like materials.

~~(W)~~“MS4” meansshall mean a municipal separate storm sewer system.

~~(X)~~“Municipal Separate Storm Sewer System” meansshall mean a conveyance or system of conveyances (including but not limited to, roads with drainage system, municipal streets, inlets/catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

(1) Owned or operated by a state, city, town, county, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or a designated and approved management agency under section 208 of the Clean Water Act that discharges to sState waters;

(2) Designed or used for collecting or conveying stormwater;

(3) Which is not a combined sewer; and

(4) Which is not part of a Publicly Owned Treatment Works (POTW).

~~(Y)~~“Non-critical BMPs” meansshall mean those BMPs such as, but not limited to, silt fence, wattles, diversions, vehicle tracking pads, or inlet filters, that are installed to minimize the impacts of construction by nonstructural and structural devices within the subject construction site.

~~(Z)~~“Official Development Plan (ODP)” meansshall mean the planning document, approved by the Westminster City Council, that identifies improvements and other responsibilities associated with the development and/or redevelopment of parcel(s) of land.

~~(AA)~~“Permanent BMPs” meansshall mean those BMPs such as, but not limited to, a vegetated swale, wetland, water quality structure, to be installed and regularly maintained in order to ensure long term water quality benefits.

“Post Construction BMP” shall mean any structural or non-structural permanent BMP that maintains or restores hydraulic conditions to minimize the discharge of pollutants.

“Public Property”shall mean any public street, right-of-way, road, highway, place, alley, sidewalk, easement, park, square, median, parkway, boulevard or plaza within the City limits that is dedicated to public use, or owned or maintained by the City.

~~(BB)~~“Receiving Waters” meansshall mean a river, lake, stream, drainage ditch or other watercourse.

~~(CC)~~“Sediment/Erosion Control Plan” meansshall mean a plan that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.

~~(DD)~~“Stop Work Order” meansshall mean an order issued by the City which requires that all construction activity on a site be stopped.

~~(EE)~~“Stormwater” meansshall mean precipitation-induced surface runoff.

~~(FF)~~“Stormwater Construction Permit” meansshall mean a permit issued by the Colorado Department of Public Health & Environment Water Quality Control Division. This program is referred to as the Colorado Discharge Permit System, or CDPS, and regulates stormwater discharges from construction

activities under the CDPS general permit for stormwater discharges associated with construction activities.

~~(GG)~~ “Stormwater Runoff” ~~means~~shall mean that part of snowfall, rainfall or other precipitation that is not absorbed, transpired, evaporated, or left in surface depressions, and which then flows controlled or uncontrolled into a watercourse or body of water.

~~(HH)~~ “Surety” ~~means~~shall mean a Letter of Credit or cash in the amount of 115% of the cost of constructing or installing all items associated with the Land Disturbance Permit. The surety will guarantee the completion of all terms and conditions of the Land Disturbance Permit as well as payment of any fines and interest assessed due to non-compliance with any section of the Land Disturbance Permit or this ordinance.

~~(II)~~ “Temporary BMPs” ~~means~~shall mean those temporary BMPs such as, but not limited to, silt fence, wattles, vehicle tracking pads, inlet filters, diversions, sediment ponds and dewatering structures, to be installed and regularly maintained until the site is sufficiently stabilized.

~~(JJ)~~ “Urban Drainage and Flood Control District” or “UDFCD” ~~means~~shall mean the District created by ~~s~~Section 32-11-101, et seq., C.R.S.

“Vegetative Cover” ~~means~~shall mean grasses, shrubs, bushes, trees, ground cover and other plants.

“Watercourse” shall mean the natural or human-made channel, ditch, conveyance, or the standing body of water into which stormwater is discharged.

Section 2. Section 8-11-4, W.M.C., is hereby AMENDED as follows:

8-11-4: ADOPTION OF STORMWATER QUALITY GUIDELINES: (2335 3391) The City hereby requires the implementation of structural or non-structural measures to reduce or maintain the quality of stormwater on a temporary or permanent basis. Such measures will be designed and installed based on guidelines presented in VOLUME 3 - BEST MANAGEMENT PRACTICES, URBAN STORM DRAINAGE CRITERIA manual, most recent addition, published by the Urban Drainage and Flood Control District.

Section 3. Section 8-11-5, W.M.C., is hereby AMENDED as follows:

8-11-5: LAND DISTURBANCE PERMIT REQUIREMENTS: (3391 3564)

(A) A Land Disturbance Permit shall be required prior to conducting any land disturbance activity that:

(1) Covers an area equal to or greater than one (1) acre, or,

(2) Covers an area less than an acre if the site is part of a larger common plan of development, or

(3) Involves earthwork affecting~~involving~~ more than two hundred (200) cubic yards of material, or

(4) Involves environmentally sensitive areas, as determined by the City Manager, or

(5) Involves grading on any property that possesses physical characteristics or features that increase the potential for erosion, such as highly erodible soils, natural drainage channels or swales, or has a slope in excess of eight percent (8%).

(B) The Land Disturbance Permit application and the specific criteria therefor are available from the Engineering Division in the Department of Community Development. ~~See Section 11-7-7 of the~~

~~Westminster Municipal Code for specific regulations. Applicants shall file a complete application and pay the application fee specified in Section 11-1-6, W.M.C., which fee is non-refundable.~~

~~(C) If the permit is granted, prior to its issuance the landowner shall enter into a land disturbance agreement with the City and provide a financial guarantee, unless one or both of these requirements is waived by the City Engineer for good cause.~~

~~–Surety must also be provided before a Land Disturbance Permit will be issued.~~

Section 4. Section 8-11-6, W.M.C., is hereby AMENDED as follows:

8-11-6: STORMWATER MANAGEMENT PLAN: (2335 3391)

(A) Every development, redevelopment or construction project that receives~~requires~~ a land disturbance permit requires the preparation of a stormwater management plan (SWMP) to include temporary and permanent Best Management Practices (BMP²s) designed to reduce the pollutant loading on the stormwater system. Any stormwater management plan prepared for a property in the City pursuant to the laws and regulations of the State of Colorado shall be prepared in accordance with the standards and specifications contained in the City of Westminster Storm Drainage Design and Technical Criteria Manual and submitted to the City for its review and approval.

(B) Upon approval of a SWMP, the landowner, or its agent designated in writing, is responsible for performing all inspections in compliance with the regulations of the State of Colorado Water Quality Control Division.

(C) Both during and after completion of every development, redevelopment or construction project that has received approval of a SWMP, the landowner, its successors, heirs or assigns shall be responsible for maintaining and repairing any and all temporary and permanent drainage improvements provided for in the approved SWMP and as provided below in Section 8-11-7.

Section 5. Section 8-11-7, W.M.C., is hereby AMENDED as follows:

8-11-7: MAINTENANCE REQUIREMENTS: (3391 3564) Developers, builders, business owners, homeowners' associations and landowners, respectively, shall be responsible for ensuring that all Best Management Practices (BMP) identified on a project's~~the~~ approved construction drawings, its Official Development Plan, ~~and its~~ the Land Disturbance Permit and its Stormwater Management Plan (SWMP) application are properly installed, repaired, perpetually maintained and are in good working order as hereafter provided.

(A) Landowners and/or their d~~D~~Developers shall be responsible for ensuring that:

(1) Any temporary and/or permanent post-construction BMPs that were installed are being properly maintained and are in good working order;

(2) The site is fully developed and final stabilization has been reached;

(3) Any deficiencies noted by the City prior to the expiration of the warranty period for public improvements have been corrected;

(4) When individual lots have been sold to a b~~B~~Builder, the landowner and/or d~~D~~Developer shall disclose and explain, if necessary, the stormwater runoff quality requirements of the SWMP with the b~~B~~Builder prior to or at time of closing.

(B) Builders shall be responsible for ensuring that:

(1) Any temporary and/or permanent post-construction BMPs that were installed prior to lot purchase from developer and/or landowner are being properly maintained and are in good working order;

(2) Final stabilization as completed by the ~~d~~Developer is maintained or repaired if damaged by the ~~b~~Builder;

(3) Any temporary and/or permanent post-construction BMPs necessary for the building site(s) have been properly installed, maintained and remain in good working order up to and until the property has been sold, unless builder has a signed agreement with the landowner wherein the landowner accepts the complete maintenance responsibility until the land is sold ~~to a business, land or landowner~~; and

(4) Stormwater runoff quality requirements of the SWMP for ~~of~~ individual site(s) are disclosed and explained to the purchaser at time of closing, unless builder has a signed agreement with the landowner wherein the landowner accepts this disclosure responsibility.

(C) Business owners, homeowners' associations and landowners shall be responsible for ensuring that:

(1) Any temporary BMPs installed prior to lot purchase from developer, owner, and/or builder are properly maintained and remain in good working order until the lot is stabilized;

(2) Final stabilization has been achieved and maintained;

(3) If not installed prior to individual lot purchase, temporary and/or permanent BMPs will be installed within ten (10) days from date of purchase at the base of all gutter downspouts and around the perimeter of the site where needed to prevent sediment from moving off-site and maintained until final stabilization has been achieved on the property; and

(4) Permanent post-construction stormwater runoff quality measures constructed or installed on their property as shown on the approved SWMP, the Official Development Plan and/or construction plans are properly maintained in perpetuity.

(D) All temporary stormwater runoff quality control measures shall be removed within fourteen (14) calendar days after final stabilization has been achieved and the temporary measures are no longer needed.

(E) Should any developer, builder, business owner, homeowners' association or landowner fail to adequately maintain the permanent post-construction stormwater runoff quality control measures or fail to remove the temporary measures, the City Manager or his representative may summarily cause the necessary work to be performed at the expense of such responsible party, and the cost of such abatement shall be a first and prior lien on the property as provided by Title I, Chapter 31 of this Code, and may be assessed and collected pursuant to Section 8-4-5 of this Code.

(F) Every person owning property through which a watercourse passes, and ~~or~~ such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Section 86. Section 8-11-8, W.M.C., is hereby AMENDED as follows:

8-11-8: ILLICIT DISCHARGES: (3391 3564)

(A) Prohibition of Illegal Discharges **ROHIBITION OF ILLEGAL DISCHARGES:** It is unlawful and constitutes a public nuisance for any person to discharge or cause to be discharged or spilled any substance other than naturally occurring stormwater runoff into the City's stormwater drainage system, except for: return flows from irrigation, de-chlorinated water from swimming pools, water from fire hydrants including water used for fire fighting, discharges from potable water sources, air conditioning

~~condensation, uncontaminated groundwater and other water determined by the City Manager or designee to be non-contaminated and acceptable for return to the storm drainage system and receiving waters.~~

(1) Discharges from the following activities will not be considered a source of pollutants to the stormwater system and to waters of the United States when properly managed to ensure that no potential pollutants are present; and, therefore, they shall not be considered illegal discharges unless determined to cause a violation of the Clean Water Act or this Chapter:

- (a) Potable water line flushing;
- (b) Uncontaminated pumped groundwater and other discharges from potable water sources;
- (c) Landscape irrigation and lawn watering;
- (d) Diverted stream flows;
- (e) Rising groundwater;
- (f) Groundwater infiltration to the stormwater drain system;
- (g) Uncontaminated foundation and footing drains;
- (h) Uncontaminated water from crawlspace pumps;
- (i) Air conditioning condensation;
- (j) Natural springs;
- (k) Individual residential car washing;
- (l) Flows from naturally existing riparian habitats and wetlands;
- (m) Dechlorinated swimming pool discharges;
- (n) Water incidental to street sweeping (including associated sidewalks and medians) not associated with construction; and
- (o) Discharges necessary to protect public health and safety such as flows from emergency firefighting activities.

(2) Waiver: The City Manager may exempt occasional, incidental non-stormwater discharges that the Manager determines to be uncontaminated and acceptable for return to the stormwater drain system and the receiving waters.

(3) This prohibition shall not apply to any non-stormwater discharge permitted under an NPDES or CDPS permit or under a CDPHE-issued low risk discharge policy or guidance letter, provided that the discharge is in full compliance with all requirements of the permit, waiver, order and/or other applicable laws and regulations.

~~(A)(B)~~ Nothing contained herein shall be construed to relieve any person discharging or causing to be discharged or allowing to be discharged water into the storm drainage system from any liability for damage caused by the volume or quality of water thus discharged.

~~(B)(C) Prohibition of Illicit Connections~~ ROHIBITION OF ILLICIT CONNECTIONS:

(1) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

(D) It shall be unlawful for any person to place, store, maintain, allow to accumulate, or permit any other person to place, store, maintain, or allow to accumulate on any public property or right-of-way any stockpile, pile, storage, accumulation of construction materials and/or landscape materials, or any roll-off dumpster, unless such person is an employee, official, or contractor of the City acting within the scope of his or her municipal functions.

~~(C)~~ (E) Enforcement **ENFORCEMENT**: In addition to any other remedies provided in this Chapter, should any person discharge or cause to be discharged or spilled or maintain a condition upon any property that may result in the discharge of any substance other than naturally occurring stormwater runoff into the City's stormwater drainage system, except for the exceptions listed in section 8-11-8 (A) above, the City Manager ~~or his representative~~ may enjoin the illicit discharge immediately and summarily cause ~~all~~ the necessary cleanup work to be performed at the expense of such responsible party, and the cost of such abatement shall be a first and prior lien on the property as provided by Title I, Chapter 31 of this Code, and may be assessed and collected pursuant to Section 8-4-5 of this Code. Alternatively, the City may make a demand on the surety to pay for these expenses.

Section 407. Section 8-11-10, W.M.C., is hereby AMENDED as follows:

8-11-10: ADMINISTRATIVE ENFORCEMENT REMEDIES: (3391)

(A) ~~Notification of Violation~~ **NOTIFICATION OF VIOLATION**: When the City Manager finds that a user has violated, or continues to violate, any provision of this Chapter ordinance, a land disturbance permit or order issued hereunder, or any other stormwater quality standard or requirement, the City Manager may serve upon that user a written or electronic Notice of Violation. The Notice of Violation may include specific required actions and may require the user to submit an explanation of the violation and a plan for the satisfactory correction and prevention thereof. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Where the violation is an illicit discharge, the discharge must be immediately corrected. Nothing in this Section shall limit the authority of the City Manager to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

(B) ~~Consent Orders~~ **CONSENT ORDERS**: The City Manager may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 8-11-10(D) and 8-11-10(E) of this ordinance and shall be judicially enforceable.

(C) ~~Show Cause Hearing~~ **SHOW CAUSE HEARING**: The City Manager may order a user who has violated, or continues to violate, any provision of this Chapter ordinance, a land disturbance permit or order issued hereunder, or any other stormwater quality standard or requirement, to appear before the City Manager or designated representative and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fourteen (14) days prior to the hearing. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(D) ~~Compliance Orders~~ **COMPLIANCE ORDERS**: When The City Manager finds that a user has violated, or continues to violate, any provision of this Chapter ordinance, a land disturbance permit or order issued hereunder, or any other stormwater quality standard or requirement, the City Manager may issue an order to the user responsible for the discharge, directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, storm sewer service may be discontinued unless adequate Best Management Practices are installed and properly maintained. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and best management practices designed to minimize the amount of pollutants discharged to the storm sewer. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(E) ~~Cease and Desist Orders~~ **CEASE AND DESIST ORDERS**: When the City Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a land disturbance permit or order issued hereunder, or any other stormwater quality standard or requirement, or that the user's past

violations are likely to recur, the City Manager may issue an order, including a stop work order, to the user directing it to cease and desist all such violations and directing the user to:

(1) Immediately comply with all requirements; and

(2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(F) ~~Administrative Fines~~ ADMINISTRATIVE FINES:

(1) When the City Manager finds that a user has violated, or continues to violate, any provision of this ordinance, a land disturbance permit or order issued hereunder, or any other stormwater quality standard or requirement, the City Manager may fine such user in an amount not to exceed \$1000.00 per violation per day.

(2) Unpaid charges, fines, and penalties shall be assessed and accrue interest in accordance with the provisions of Chapter 8 of Title I, Westminster Municipal Code, entitled "Penalties and Interest," as it may be amended from time to time. The City may also collect unpaid fines and interest by placing a demand on the surety provided with the Land Disturbance Permit.

(3) Users desiring to dispute such fines must file a written request for the City Manager to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the City Manager may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The City Manager may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

(4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(G) ~~Emergency Suspensions~~ EMERGENCY SUSPENSIONS: The City Manager may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons, or which presents, or may present, an endangerment to the environment.

(1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the City Manager may take such steps as deemed necessary, including immediate severance of the storm sewer connection, to prevent or minimize damage to the receiving waters, or endangerment to any individuals. The City Manager may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City Manager that the period of endangerment has passed.

(2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the City Manager prior to the date of any show cause or termination hearing under Sections 8-11-10(C) of this ~~Chapter~~ code.

(H) Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

Section 448. Section 8-11-11, subsections (A) and (B) W.M.C., are hereby AMENDED as follows:

8-11-11: JUDICIAL ENFORCEMENT REMEDIES: (3391 3564)

(A) INJUNCTIVE RELIEF: When the City Manager finds that a user has violated, or continues to violate, any provision of this ~~Chapter ordinance~~, a land disturbance permit, or order issued hereunder, or any other stormwater quality standard or requirement, the City Manager may petition the District Court through the City's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the land disturbance permit, order, or other requirement imposed by this ordinance on activities of the user. The City Manager may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(B) CIVIL PENALTIES:

(1) A user who has violated, or continues to violate, any provision of this ordinance, a land disturbance permit, or order issued hereunder, or any other stormwater quality standard or requirement shall be liable to the City for a maximum civil penalty of \$1000 per violation, per day. In the case of an illicit discharge or a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

(2) The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

(3) In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

(4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

Section 9. Section 11-6-5, subsections (A), (B) and (E), W.M.C., are hereby AMENDED to read as follows:

(A) STANDARDS:- The City Manager ~~or his designee~~ is hereby authorized and directed to develop, promulgate, and determine the applicability of, enforce, and from time to time to amend the following design and construction standards: Standards and Specifications for the Design and Construction of Public Improvements (Standards and Specifications), the City of Westminster ~~Drainage Criteria Manual~~ Storm Drainage Design and Technical Criteria Manual (SDDTCM), and the City of Westminster Landscape Regulations ~~Sitework Specifications (Sitework Specifications)~~ for public and private landscaping.

(B) PREPARATION AND APPROVAL OF PLANS FOR PUBLIC IMPROVEMENTS:-

(1) All construction plans, specifications, and associated engineering reports required pursuant to this Code shall be prepared by, or under the direct supervision of, a professional engineer duly registered and licensed to practice engineering in the State of Colorado and shall bear the seal of said engineer.

(2) All construction plans, specifications, and associated engineering reports required pursuant to this Code shall be prepared in compliance with the City of Westminster Standards and Specifications for the Design and Construction of Public Improvements ~~and~~; the City of Westminster ~~Drainage Criteria Manual~~ Storm Drainage Design and Technical Criteria Manual (SDDTCM), ~~and the City of Westminster Sitework Specifications.~~

(3) The approval by the City of any construction plan, specification, or report shall indicate only that the plan, specification, or report appears to be in conformance with the City's submittal requirements and that standard engineering principles and practices appear to have been followed. Any such approval shall not be deemed as an indication that any assumption, calculation, or conclusion

contained therein has been verified by the City. The professional engineer submitting the plans, specifications, and reports shall, at all times, be solely responsible for their accuracy and validity. If during the construction process, or at any time within one year following the acceptance by the City of the completed improvements, any deficiencies or errors are discovered in the plans, specifications, reports, or in the actual improvements as built, the City shall have the right to require any and all corrections which may be deemed necessary by the City. The costs associated with any such corrections shall be the sole responsibility of the developer.

(4) If the review and approval of any construction plan, specification, or report by the City has occurred more than twelve (12) months prior to execution of the public improvements agreement or commencement of construction activities, or if construction activities have been abandoned for a period of 12 months and the improvements are not substantially complete, the City shall have the right to require the submittal of such new or supplemental plans, specifications, and reports to insure compliance with the City's current standards and design criteria.

(5) If, after approval of the construction drawings by the City but prior to substantial completion of the public improvements, a court order, change in Colorado of federal law, or similar legal requirement occurs requiring the previously approved design to be changed, the City shall have the right to re-evaluate the plans and require that any such change be completed. The cost for such change shall be the sole responsibility of the developer.

...
(E) CONSTRUCTION OF IMPROVEMENTS:

(1) No construction of any public improvement shall commence until the City has issued a written notice to proceed.

(2) The construction of all public and private improvements in areas of common ownership shall be completed in accordance with the approved construction drawings and specifications, the City of Westminster Standards and Specifications for the Design and Construction of Public Improvements, the City of Westminster ~~Drainage Criteria Manual~~ Storm Drainage Design and Technical Criteria Manual (SDDTCM), and the City of Westminster Landscape Regulations ~~and the City of Westminster Sitework Specifications~~.

Section 10. Section 11-7-7, W.M.C. "Soil Erosion and Sediment Control Regulations" is hereby REPEALED IN ITS ENTIRETY.

Section 11. This ordinance shall take effect upon its passage after second reading.

Section 12. 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 26th day of November, 2012.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 10th day of December, 2012.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office