



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 4) 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** (December 14, 2015)
- 4. Citizen Communication (5 minutes or less)**
- 5. Report of City Officials**
 - A. City Manager's Report
- 6. City Council Comments**
- 7. Presentations**

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 November 2015
 - B. Approval of the 2016 City Council Assignments
 - C. Intergovernmental Agreement Regarding Construction of the Northglenn Ralston House
 - D. Reallocation of Funds for 120th Avenue and Federal Boulevard Improvement Project
 - E. Contract Award for 120th Avenue and Federal Boulevard Improvement Project
 - F. Ratify 2016 Gasoline and Diesel Purchase for City Vehicles
 - G. Second Reading of Councillor’s Bill No. 58 for Supplemental Appropriation of RMHIDT Area Grant

9. Appointments and Resignations

10. Public Hearings and Other New Business

- A. Councillor’s Bill No. 59 Approving Business Assistance Agreement with Legacy Partners, Residential LLC

11. Old Business and Passage of Ordinances on Second Reading

12. Miscellaneous Business and Executive Session

- A. City Council

13. Adjournment

CITY OF WESTMINSTER DOWNTOWN GENERAL IMPROVEMENT DISTRICT (Separate Agenda)

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

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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



2015 CITY OF WESTMINSTER STRATEGIC PLAN



VISIONARY LEADERSHIP, EFFECTIVE GOVERNANCE AND PROACTIVE REGIONAL COLLABORATION

The City of Westminster has articulated a clear vision for the future of the community. The vision is implemented through collaborative and transparent decision making. Westminster is proactively engaged with our partners to advance the common interests of the region.

- Develop communication, management and planning tools that move the City toward its vision while providing excellent government.
- Collaborate with state agencies, counties, school districts, neighboring cities and other governmental and non-governmental entities.



VIBRANT, INCLUSIVE AND ENGAGED COMMUNITY

Westminster provides options for an inclusive, demographically diverse citizenry in unique settings with community identity, ownership and sense of place, with easy access to amenities, shopping, employment and diverse integrated housing options. Members of the community are empowered to address community needs and important community issues through active involvement with City cultural, business and nonprofit groups.

- Advance strategies that demonstrate Westminster is a regional leader in providing affordable/workforce housing.
- Develop programs and strategies that build a unique sense of community in Westminster.
- Lead the development of cultural opportunities in Westminster.
- Identify the distinct neighborhoods of Westminster and help them begin to work together, as neighbors, to grow the sense of place and community in their neighborhoods.



BEAUTIFUL, DESIRABLE, SAFE AND ENVIRONMENTALLY RESPONSIBLE CITY

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

- Make a Citywide commitment to sustainability.
- Promote ongoing excellent management and maintenance of the City's parks and open space system.
- Provide opportunities for residents, visitors and employees to improve their personal wellness – physically, emotionally and intellectually.



DYNAMIC, DIVERSE ECONOMY

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

- Develop an economic development strategy that contributes to City vision attainment and is executed through collaborative work between the City of Westminster, the business community, residents and other partners of Westminster.



FINANCIALLY SUSTAINABLE GOVERNMENT PROVIDING EXCELLENCE IN CITY SERVICES

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

- Develop and maintain comprehensive municipal capital infrastructure master plan and financing strategy.
- Promote the organizational culture of Service, Pride, Integrity, Responsibility, Innovation and Teamwork.
- City Manager will develop an annual program of specific department business process improvement reviews.



EASE OF MOBILITY

Westminster pursues multi-modal transportation options to ensure the community is convenient, accessible and connected by local and regional transportation options through planning, collaboration, advocacy and execution. Transportation objectives include walkability, bike friendly, drivability, and mass-transit options.

- Improve the walkability and bikeability of Westminster.
- Improve mass-transit options throughout Westminster.

VISION:

Westminster is the next Urban Center of the Colorado Front Range. It is a vibrant inclusive, creative, and well-connected City. People choose Westminster because it is a dynamic community with distinct neighborhoods and a resilient local economy that includes: a spectrum of jobs; diverse, integrated housing; and shopping, cultural, entertainment, and restaurant options. It embraces the outdoors and is one of the most sustainable cities in America.

MISSION:

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, DECEMBER 14, 2015, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Junior ROTC Cadets from Westminster High School presented the colors and lead the City Council, audience and staff in the Pledge of Allegiance.

ROLL CALL

Mayor Herb Atchison, Mayor Pro Tem Alberto Garcia and Councillors Shannon Bird, Maria De Cambra, Emma Pinter, and Anita Seitz were present at roll call. Councillor Bruce Baker was absent. Also present were City Manager Donald M. Tripp, City Attorney David Frankel, and City Clerk Linda Yeager.

CONSIDERATION OF MINUTES

Mayor Pro Tem Garcia moved, seconded by Councillor Pinter, to approve the minutes of the regular meeting of November 23, 2015, as presented. The motion carried unanimously.

CITIZEN COMMUNICATION

Eric Brandt, PO Box 133 in Westminster, urged Council to accept a settlement agreement that David Lane, his attorney, had submitted for Council's consideration. The offer was good for only a short time; and if not accepted, would prompt Mr. Brandt to continuously file successive lawsuits with higher demands in the weeks and months ahead.

Jeremy Rodriguez of Congressman Ed Perlmutter's office provided an update on recently enacted federal legislation.

Stephen John Nalty, 3455 Wyandot in Denver, provided Council with a copy of a Notice of Fraud that had been filed in Boulder County and discussed its Constitutional basis.

Linda Langhoff, 9275 Gray Court, advised that her home backed onto Westminster Boulevard and like her neighbors, she was very concerned about the impact of noise and increased traffic volume that would be caused by the realignment of Westminster Boulevard and the construction of Westminster Downtown.

CITY MANAGER'S REPORT

Mr. Tripp reported there would be meetings of the Westminster Economic Development Authority and the Westminster Housing Authority following this meeting. He welcomed the Westminster High School football team and thanked them for attending. He recognized Mac Cummins for purposes of making an announcement. Mr. Cummins announced that the Westminster Station had been selected as the 2016 Rocky Mountain Real Estate Challenge project, a prestigious honor that would not only draw attention to the transit-oriented development, but also provide excellent models created by competition between students from the University of Denver and the University of Colorado. The kick-off event would be on January 9 at the MAC. He introduced Katie Spritzer who had been involved with the Rocky Mountain Real Estate Challenge for many years and was excited about the selection of the Westminster Station for the 2016 project.

COUNCIL REPORTS

Mayor Pro Tem Garcia welcomed the members of the Westminster Wolves Football Team and congratulated them on an outstanding season. Councillors Pinter, Seitz and De Cambra echoed the Mayor Pro Tem's congratulations, thanking the players for their commitment and efforts as leaders of the community. They had made the entire community proud, instilling "school spirit" by modeling enthusiasm, stamina, and good sportsmanship.

Councillor De Cambra recognized City Clerk Linda Yeager as her retirement approached. She appreciated Ms. Yeager's fairness, ethics, and knowledge and thanked her for the years she had served Westminster.

Mayor Atchison reported that the refunding bond issue the City Council had recently authorized through adoption of an emergency ordinance had saved taxpayers \$2.4 million rather than the \$1.2 million predicted. He thanked Tammy Hitchens, Finance Director, and the Finance Team that had proposed the refunding measure.

PRESENTATIONS

Mayor Atchison was joined by Westminster High School Principal Kiffany Kiewiet to recognize the Westminster Wolves Football Team, the 2015 League Champions of the Flatirons Conference with a 9-0 undefeated record. After each player introduced himself and the position he played, Ms. Kiewiet introduced the coaches, team captains, and announced the players who had been selected for the All-Conference team or named as honorable mention. The team members had raised school spirit tremendously and were admired by their fellow students. They had modeled a commitment to hard work and good sportsmanship, earning an amazing season record.

Councillor Seitz proudly presented the 2015 Digital Cities Survey Award to David Punttenney, Information Technology Director, Art Rea, Software Engineering Manager, and Scott Rope, Information Systems Manager. This was the 13th year that Westminster had achieved a top ten ranking nationwide, and Staff was pleased to have achieved the 5th place ranking in the 75,000 to 125,000 population category this year.

CONSENT AGENDA

The following items were presented on the consent agenda for City Council's action: authorize the City Manager to sign the amended Little Dry Creek Grading Project contract with Concrete Express, Inc. in the amount of \$11,830,803 to include phase two of the project that will complete the drainage and flood control work in this area and authorize a \$500,000 contingency; authorize staff to proceed with expending \$453,000 in Community Development Block Grant funds provided by the U.S. Department of Housing and Urban Development for the purpose of paying down the principal balance on the City's Section 108 loan; authorize the City Manager to execute, in substantially the same form as attached to the agenda memorandum, a contract with SunGard Public Sector Inc. for the provision of an Electronic Permitting System for the Department of Community Development; authorize the City Manager to award the bid and execute a contract with the low bidder, Concrete Express, Inc. d/b/a CEI, in the amount of \$777,487.70 for the construction of the Little Dry Creek Trail Federal to Lowell project and authorize a construction contingency of \$252,512 for a total authorized expenditure of \$1,030,000; based on the report of the City Manager, find that the public interest would be best served by accepting the bid from W.L. Contractor, Inc. and authorize the City Manager to execute a contract with W.L. Contractors, Inc. in the amount of \$257,590 for traffic signal and street light maintenance for calendar year 2016 with an option for a one-year renewal; authorize the City Manager to execute an amended contract with W.L. Contractors, Inc. adding \$7,000 to the existing contract to provide traffic signal and street light maintenance for the remainder of 2015; based on a recommendation of the City Manager, City Council finds the public interest would best be served by authorizing the City Manager to waive the City's bidding requirements and execute a sole source agreement in the amount of \$91,630 with Oracle for annual maintenance on the JD Edwards Financial Management System for the fiscal year 2016, with an option to renew for four additional one-year terms in amounts not to exceed \$91,630 per year for 2017 through 2020, subject to annual appropriation, for a total cost of \$458,150; authorize the additional expenditure to David Rockwell for 2015 public defender services at the Municipal Court in the amount of \$15,000 to the previous Council approval of \$ 80,000, increasing the total authorized expenditure to \$95,000; authorize the refurbishment and remount of two ambulance bodies on new Ford vans in 2016, utilizing the City of Westminster Request for Proposal award to Front Range Fire Apparatus and American Emergency Vehicles, for the amount of \$213,506 with the addition of a 10% contingency in the amount of \$21,351 bringing the total expenditure request to \$234,857; find that the Western States Contracting Alliance pricing meets City Charter bidding requirements and authorize Staff to proceed with 2016 calendar year purchases of laptop and desktop PCs, storage hardware, computer servers, printers and software from Apple, Microsoft, Dell, HP, Lenovo, Ram Computer Supply and SHI Corporations in an amount not to exceed \$360,025; authorize the purchase of deicing salt primarily from the two low bid vendors to achieve the City's desired 50/50 blend: "Rock Salt" from Independent Salt Company and "Ice Slicer" from Envirotech Services, Inc. and allow purchase of deicer from other sources should Independent Salt Company or Envirotech Services, Inc. be unable to deliver product, in a total amount not to exceed \$380,000; award the bid and authorize the City Manager to execute a contract with Signature

Underwriters, Inc. in the amount of \$1,360,239 for the 136th Avenue and 144th Avenue bridge pedestrian railing corrosion repairs contract, and per the maintenance intergovernmental agreement with the cities of Westminster and Thornton, authorize the expenditure of \$714,265 with a contingency of \$65,735 for an amount not to exceed \$780,000, representing the City's share of the total repair costs; authorize the City Manager to execute a contract for the 2016 Asphalt Pavement Crackseal Project with the low bidder, A-1 Chipseal, Inc., in the amount of \$140,160 and authorize a 20% contingency of \$28,032 for a total authorized expenditure of \$168,192; authorize the City Manager to execute a contract with J&T Consulting Inc. in the amount of \$325,460 to provide engineering services for the 2015 Water Treatment Facilities Improvements Project, plus a contingency of \$32,546 for a total authorized expenditure of \$358,006; authorize combining the Semper Lime Feed Repairs and Replacement (R&R), Semper Filtration R&R, Semper Sedimentation R&R, Northwest Water Treatment Facility and Chemical Feed R&R capital project accounts into a new 2015 Water Treatment Facilities Improvements capital project account to provide a total amount of \$4,600,000 to complete the project; based on a recommendation of the City Manager, Council found the public interest would best be served by authorizing the City Manager to execute a contract with T. Lowell Construction Inc. to complete the installation of a new water pipeline in Federal Boulevard for the amount of \$1,240,000 plus a 15% contingency of \$186,000 for a total authorized expenditure of \$1,426,000; authorize an amendment to the contract with Martin/Martin Inc. to provide engineering services during construction in the amount of \$122,448 plus a 10% contingency of \$12,245 for a total authorized expenditure of \$134,693, bringing the total authorized expenditure with this firm to \$321,396; final passage on second reading of Councillor's Bill No. 52 approving a Comprehensive Plan amendment for the part of the property known as the Winters South Property by changing the designation of parts of the parcel from City Open Space, Private Park/Private Open Space, and R-3.5 to City Open Space, Private Park/Private Open Space, and an R-2.5 use designation based on a finding that: a) the proposed amendment will be in the public good and that, b) the proposed amendment is in compliance with the overall purpose and intent of the Comprehensive Plan; final passage on second reading of Councillor's Bill No. 53 vacating all street rights-of-way dedicated on the Winters South Subdivision Plat; final passage on second reading of Councillor's Bill No. 54 authorizing the City Manager to execute and implement an Economic Development Agreement with Comenity Servicing LLC, the servicing agent for Alliance Data Systems Corporation; and final passage on second reading of Councillor's Bill No. 55 providing for a supplemental appropriation of funds to the 2015 budget of the General, Storm Drainage, and General Capital Improvement Funds.

No one wished to remove any item for individual consideration, and it was moved by Councillor Pinter and seconded by Councillor Seitz to approve the consent agenda as presented. The motion carried with all Council members voting affirmatively.

PUBLIC HEARING – AMENDED PDP AND ODP FOR CHURCH RANCH HOME PLACE FILING 1, LOT 2

At 7:53 p.m., the Mayor opened a public hearing to consider the 4th Amendment to the Preliminary Development Plan (PDP) of the Church Ranch Home Place and the 13th Amendment to the Official Development Plan (ODP) of the Church Ranch Home Place Filing No. 1, 3rd Replat, Lot 2. Stephanie Ashmann, Planner, entered the agenda memorandum and attachments in the record, as well as proof that legal notification requirements of the Westminster Municipal Code had been satisfied. The property was within a developed parcel at the northeast corner of 103rd Avenue and Wadsworth Boulevard. The applicant requested to add an Animal Day Care/Boarding land use to the PDP and minor external site modifications within the ODP. The proposed use was consistent with the Flex/Light Industrial Comprehensive Plan designation. The application met criteria for an amended PDP and an amended ODP and had received a recommendation of approval from the Planning Commission. Responding to questions from Council, Ms. Ashmann advised how the impact of noise and odor issues would be mitigated.

Ryan McBreen of Norris Design, the applicant's representative, was available to answer any questions. There were none and the Mayor opened the hearing to public comment. No one wished to speak and the Mayor closed the hearing at 8:02 p.m.

4TH AMENDMENT TO PDP FOR CHURCH RANCH HOME PLACE

Upon a motion by Councillor Seitz, seconded by Councillor De Cambra, the Council voted unanimously to approve the 4th amendment to the Preliminary Development Plan of Church Ranch Home Place based on a finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code had been met.

13TH AMENDMENT TO ODP FOR CHURCH RANCH HOME PLACE FILING NO. 1, 3RD REPLAT, LOT 2

Councillor Seitz moved, seconded by Councillor Bird, to approve the 13th Amendment to the Official Development Plan of Church Ranch Home Place Filing No. 1, 3rd Replat, Lot 2, based on a finding that the criteria set forth in Section 11-5-15 of the Westminster Municipal Code had been met.

ROCKY MOUNTAIN HIGH INTENSITY DRUG TRAFFICKING GRANT ACCEPTED FOR TASK FORCE

It was moved by Councillor Pinter, seconded by Councillor Seitz, to authorize the City to receive and administer the 2016 Rocky Mountain High Intensity Drug Trafficking Area Grant in the amount of \$334,379 on behalf of the North Metro Task Force. The motion carried with all Council members voting affirmatively.

COUNCILLOR'S BILL NO. 58 AUTHORIZING SUPPLEMENTAL APPROPRIATION OF GRANT FUNDS

Councillor Pinter moved, seconded by Councillor Bird, to pass on first reading Councillor's Bill No. 58 appropriating grant monies to be received from the 2016 Rocky Mountain High Intensity Drug Trafficking Area Grant to the 2016 General Fund budget. On roll call vote, the motion passed unanimously.

AUTHORITY TO APPLY FOR 2017 RMHIDT AREA GRANT

Councillor Pinter moved to authorize the submission of a grant application by the Police Department to Rocky Mountain High Intensity Drug Trafficking Area for an amount up to \$600,000 for the 2017 grant year to be applied to the operations of the North Metro Task Force. Councillor Bird seconded the motion, which passed unanimously.

CONFIRMATION OF NEW CITY CLERK

It was moved by Mayor Pro Tem Garcia, seconded by Councillor Bird, to confirm the appointment of Michelle Parker as the new City Clerk for the City of Westminster. The motion passed unanimously.

ADJOURNMENT

There was no further business to come before the City Council, and the Mayor adjourned the meeting at 8:06 p.m.

ATTEST:

City Clerk

Mayor



Agenda Memorandum

City Council Meeting
December 28, 2015



SUBJECT: Financial Report for November 2015

Prepared By: Tammy Hitchens, Finance Director

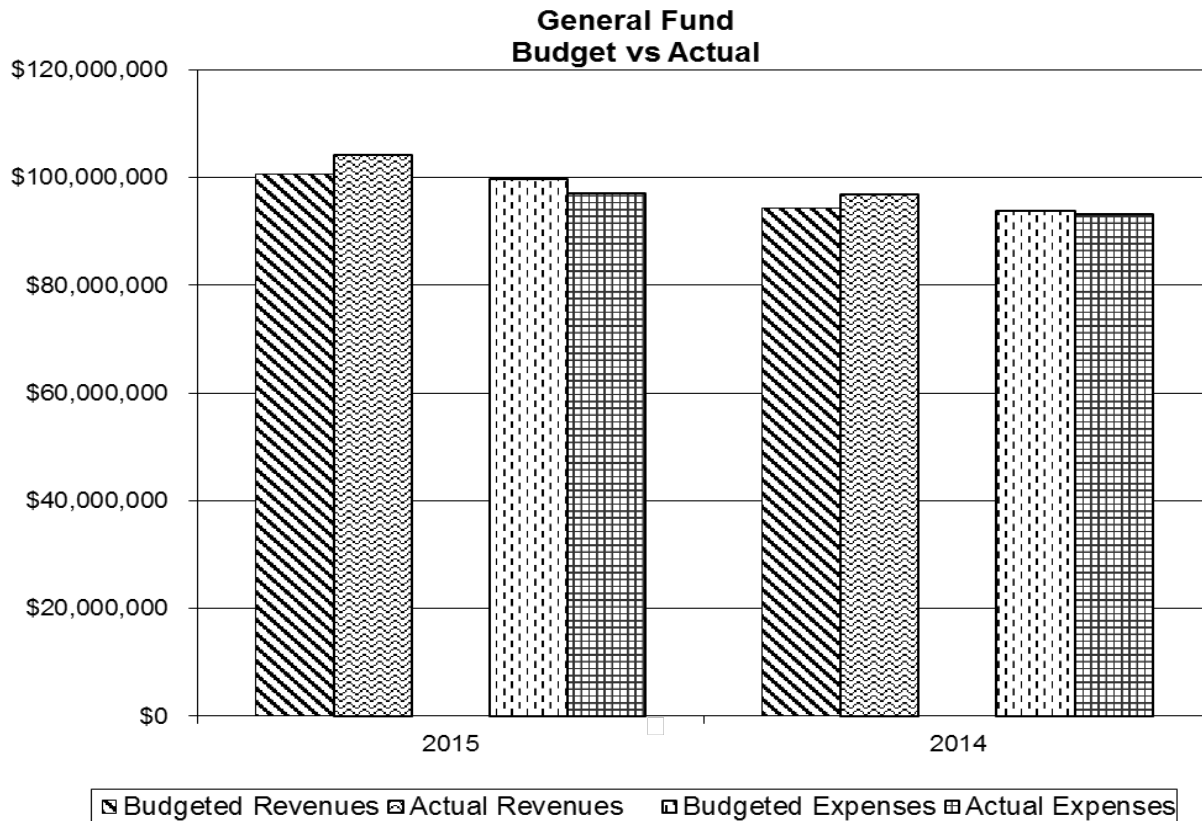
Recommended City Council Action

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

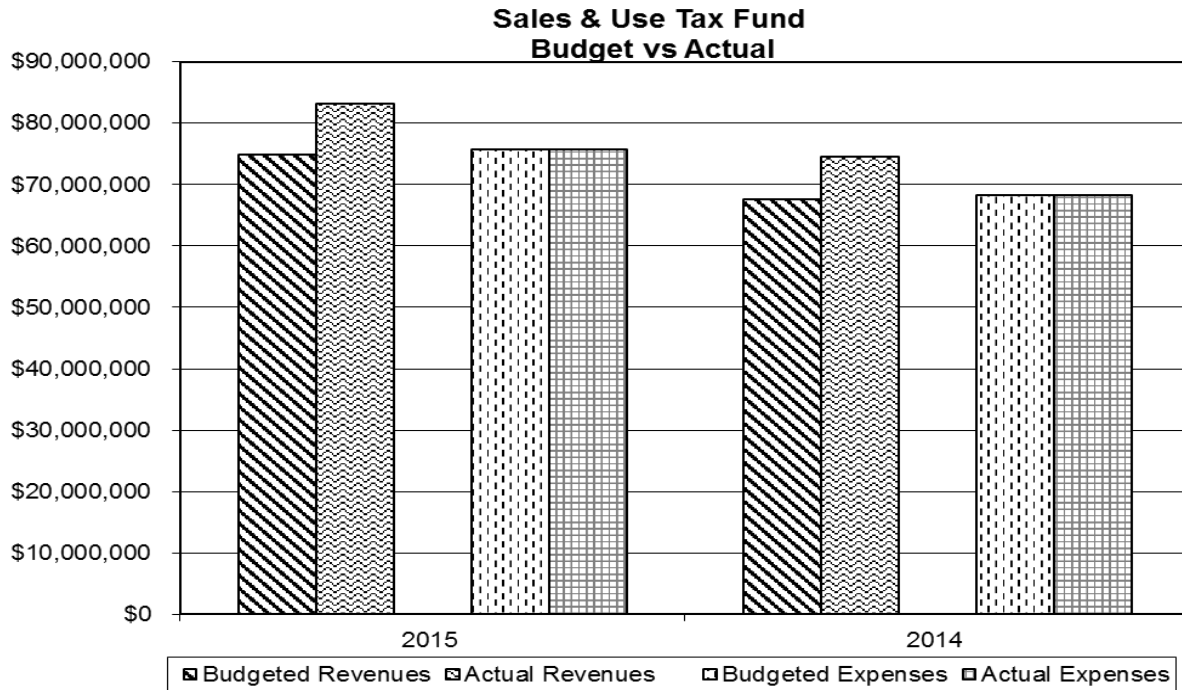
Current projections show General Fund revenues and carryover exceeding expenditures by \$6,102,572. The following graph represents Budget vs. Actual for 2014-2015.



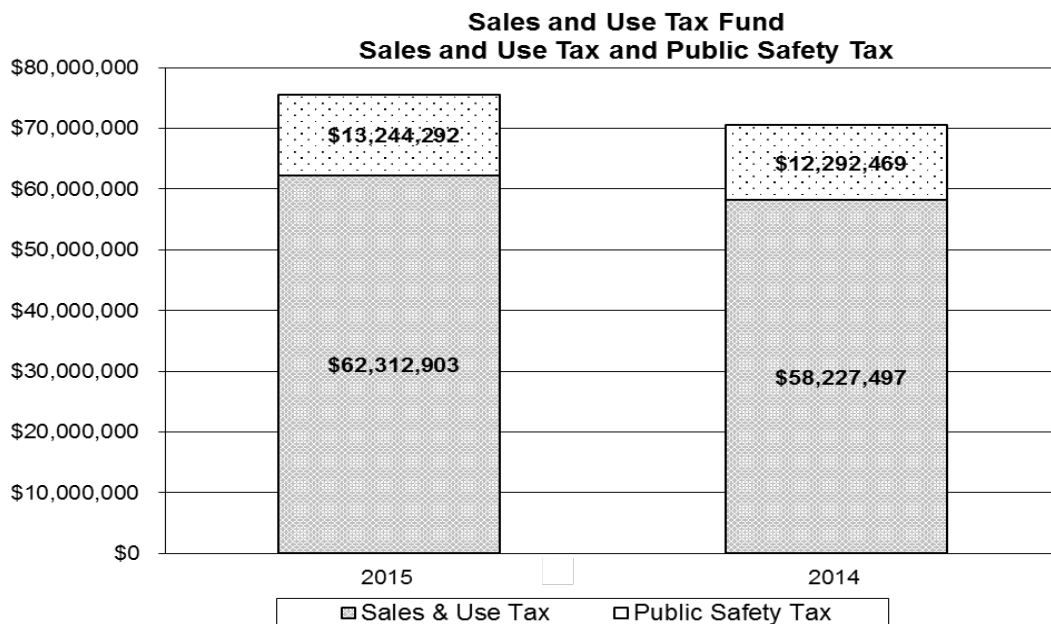
The favorable 2015 revenue variance relates to an increase in license and permitting activity, intergovernmental collections, charges for recreation and other services, fines, and various reimbursements. The favorable year over year revenue variance relates mostly to interfund transfers and carryover.

Current projections show the Sales and Use Tax Fund revenues and carryover exceeding expenditures by \$8,205,064. On a year-to-date cash basis, total sales and use tax is up 7.0% from 2014. 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 7.0% from the prior year.
- Sales tax receipts from the top 50 Sales Taxpayers, representing about 59.7% of all collections, are up 5.1% for the month when compared to 2014.
- Urban renewal areas make up 38.6% of gross sales tax collections. After urban renewal area and economic development assistance adjustments, 84.1% of this money is being retained for General Fund use in operating the City.

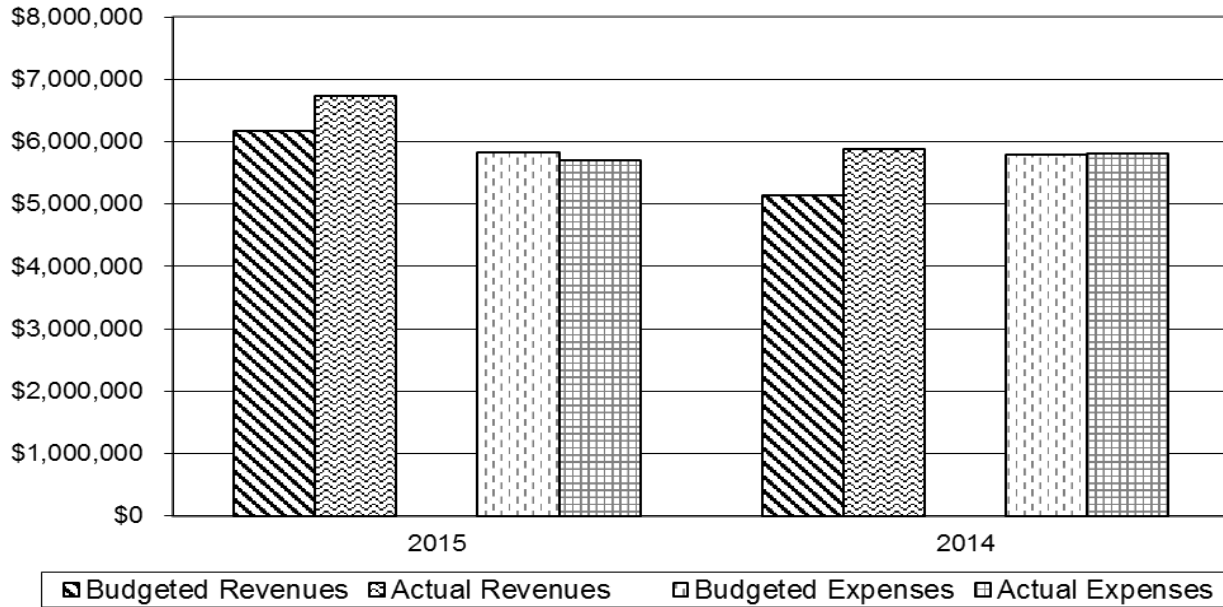


The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



Current projections show Parks, Open Space and Trails (POST) Fund revenues and carryover exceeding expenditures by \$692,719.

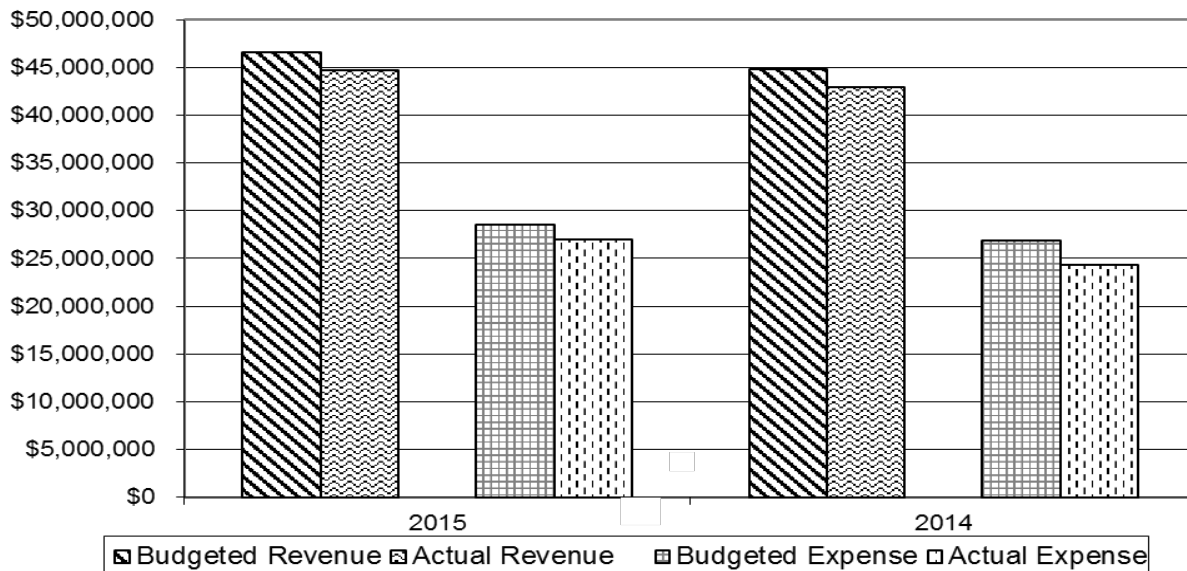
**POST Fund
Budget vs Actual**



The increase in 2015 revenue is primarily due to an increase in sales tax collections in excess of the prorated budget and carryover. 2014 revenue also exceeded projections due to favorable sales tax collections.

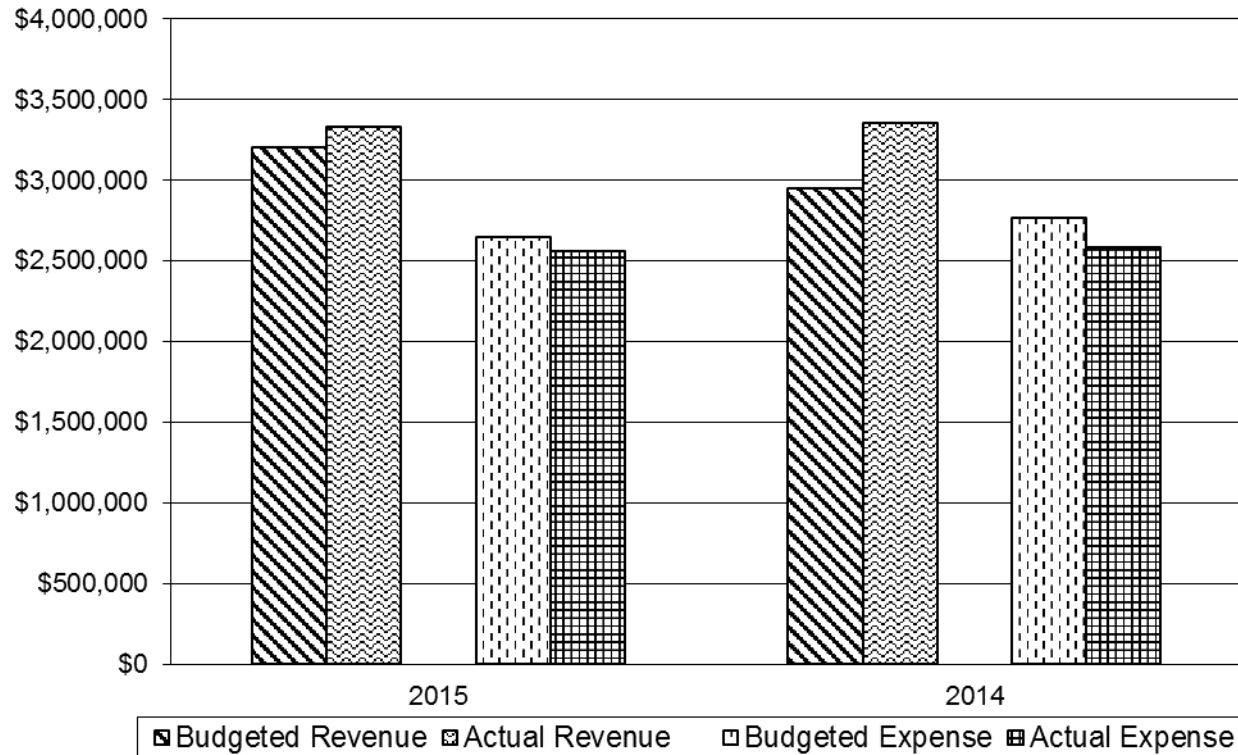
Overall, current projections show combined Water and Wastewater Fund expenditures exceeding revenues and carryover by \$4,126,595, mostly due to tap fees and water sales impacted by the rainy spring and early summer. Operating projections show combined Water and Wastewater Fund expenditures exceeding revenues by \$377,998.

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



Current projections show combined Golf Course Fund revenues and carryover exceeding expenditures by \$234,114. Operating projections show combined Golf Course Fund revenues exceeding expenditures by \$221,538.

Golf Course Enterprise Operating Budget vs Actual



The budget to actual revenue variances for both 2015 and 2014 are due mostly to charges for services. 2014 revenue also reflects a one-time payment from Trimble Navigation for golf course alterations at the Heritage at Westmoor.

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

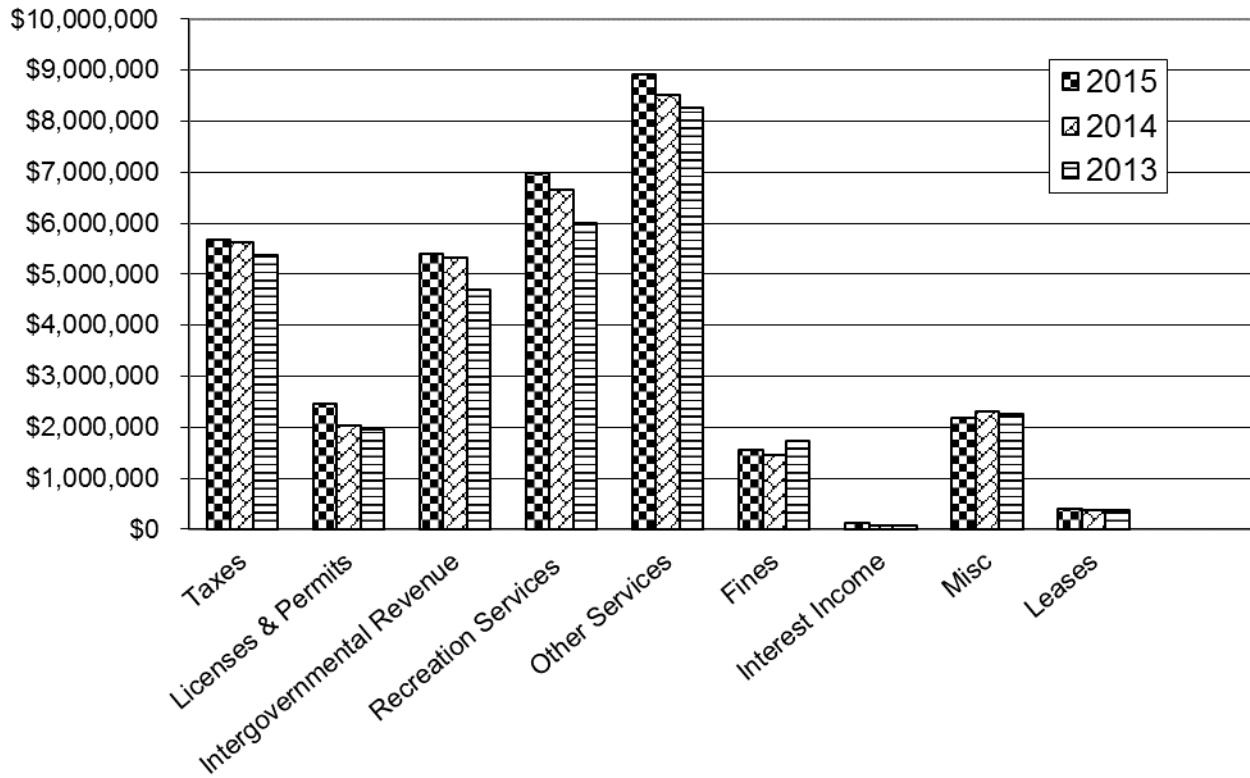
This section includes a discussion of highlights of each fund presented.

General Fund

This fund reflects the result of the City’s operating departments: Police, Fire, Public Works (Street Operations), 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 2013-2015 year-to-date.

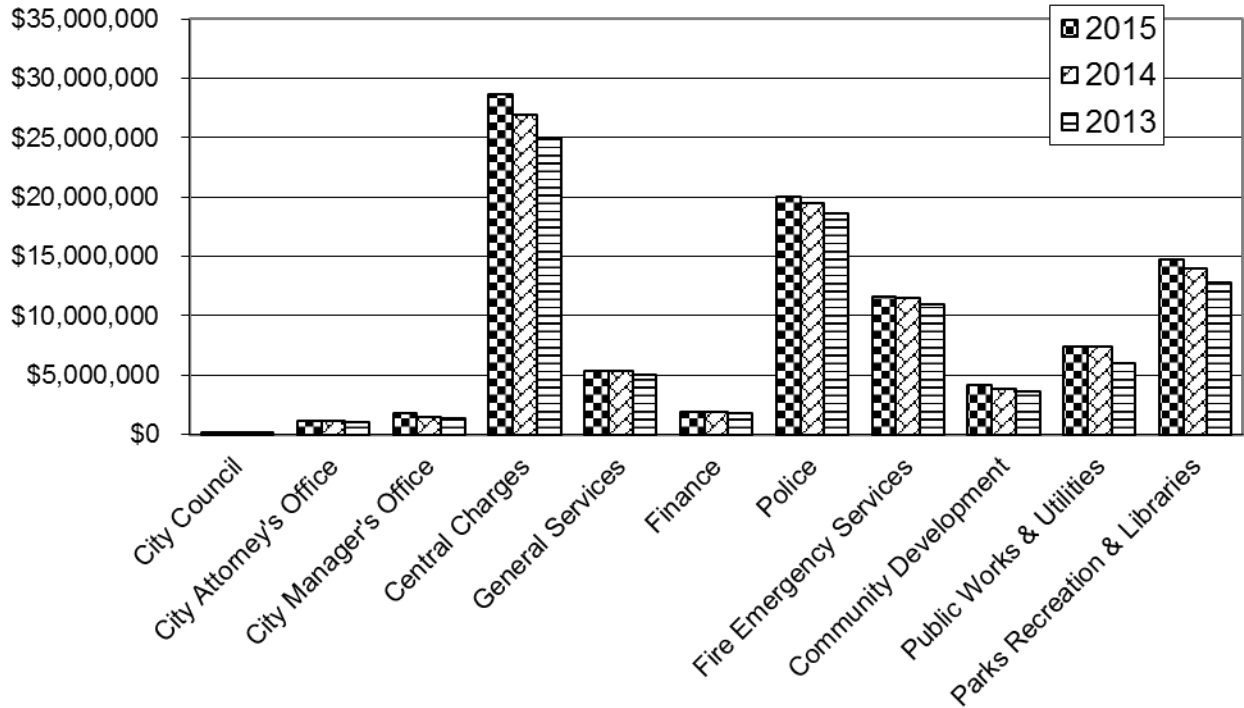
**General Fund Revenues excluding Transfers
2013-2015**



Licenses and Permits revenue is higher than the prior years due to an increase in commercial and residential permits, especially in Adams County. Recreation Services revenue increased mostly due to the timing of payments received from Hyland Hills for Ice Center revenue sharing and debt service reimbursements. Recreation Services also reflects an increase in pass and rental revenue over prior years. Other Services revenue reflects year over year increases in EMS and street infrastructure fees.

The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2013-2015.

**General Fund Expenditures by Function
2013-2015**

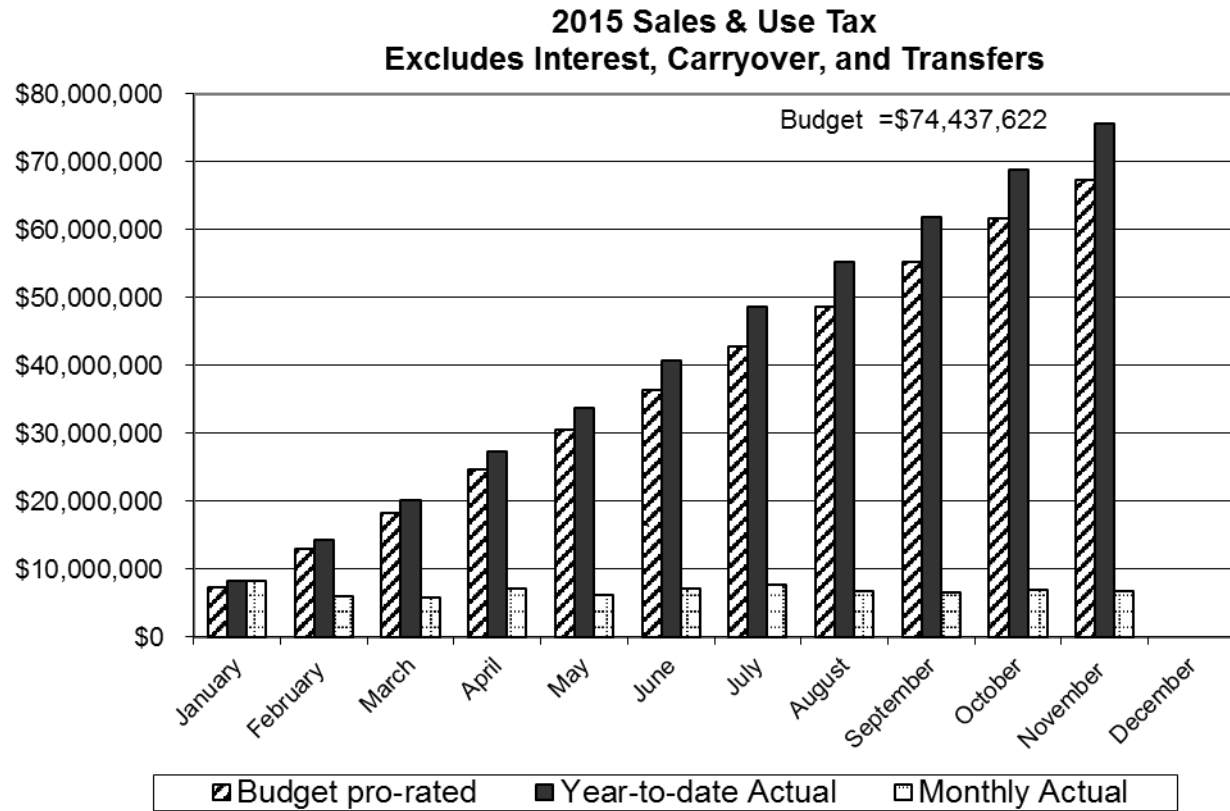


Central Charges expenditures are higher due predominately to the transfer of carryover to other funds. Parks Recreation and Libraries expenditures are slightly higher due to personnel services and the purchase of park services maintenance equipment.

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 (POST) 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, make park improvements on a pay-as-you-go basis, and maintain parks, open space and trails. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used for funding public safety-related expenditures.

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

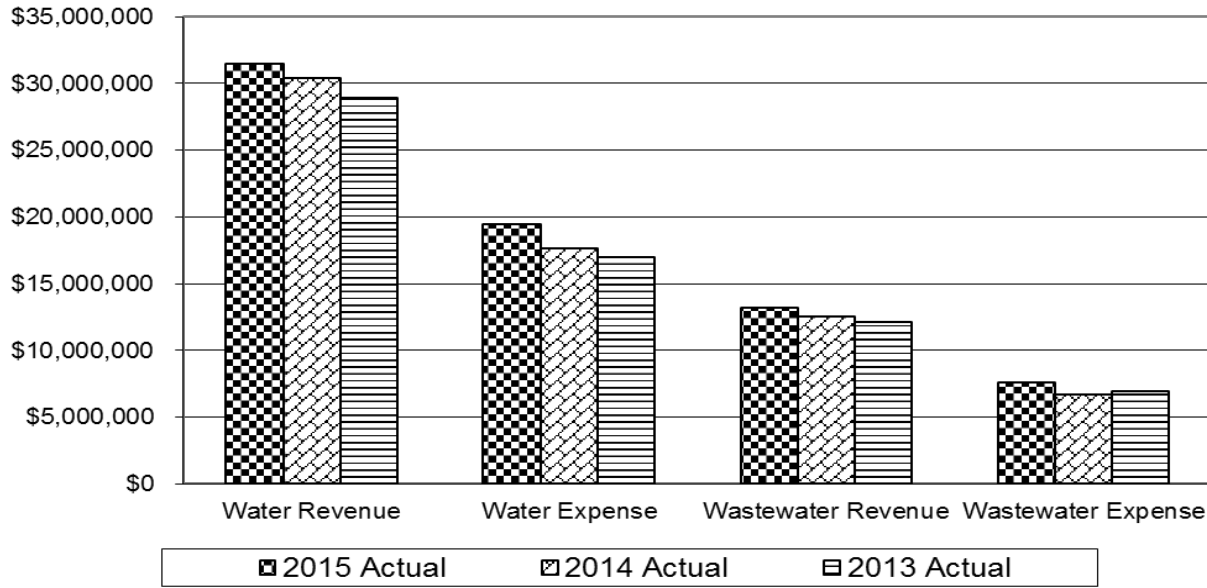


Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

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

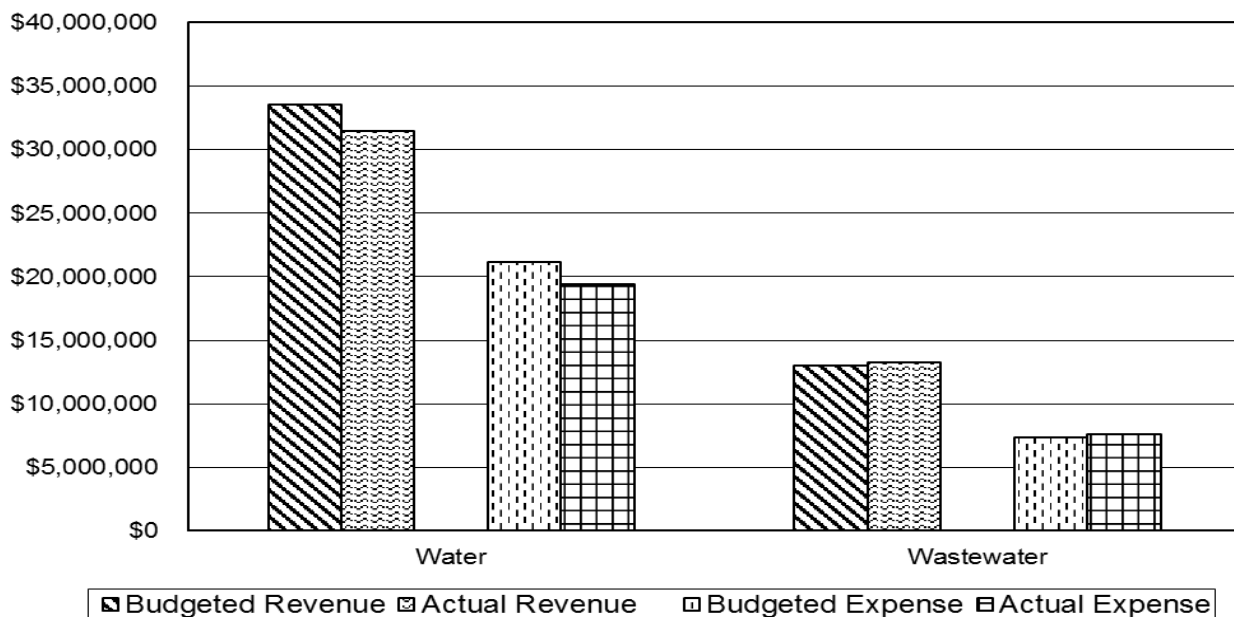
The following graphs represent segment information for the Water and Wastewater funds.

**Water and Wastewater Funds
Operating Revenues and Expenditures
2013-2015**



Fluctuations in revenue are mostly due to the effect of climatic variations on water consumption as well as changes in billing rates.

**Water and Wastewater Funds
2015 Operating Budget vs Actual**

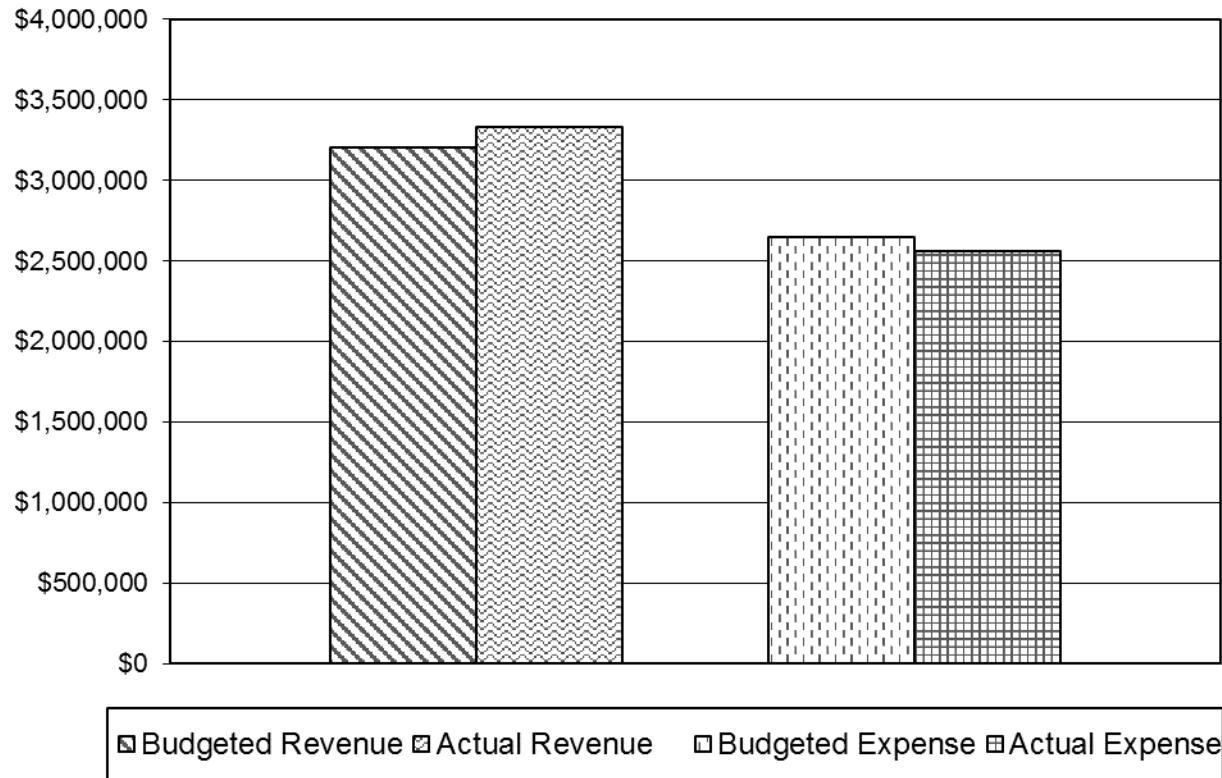


The Water Fund revenue shortfall reflects water consumption impacted by Colorado’s wet spring and early summer.

Golf Course Enterprise (Legacy and Heritage Golf Courses)

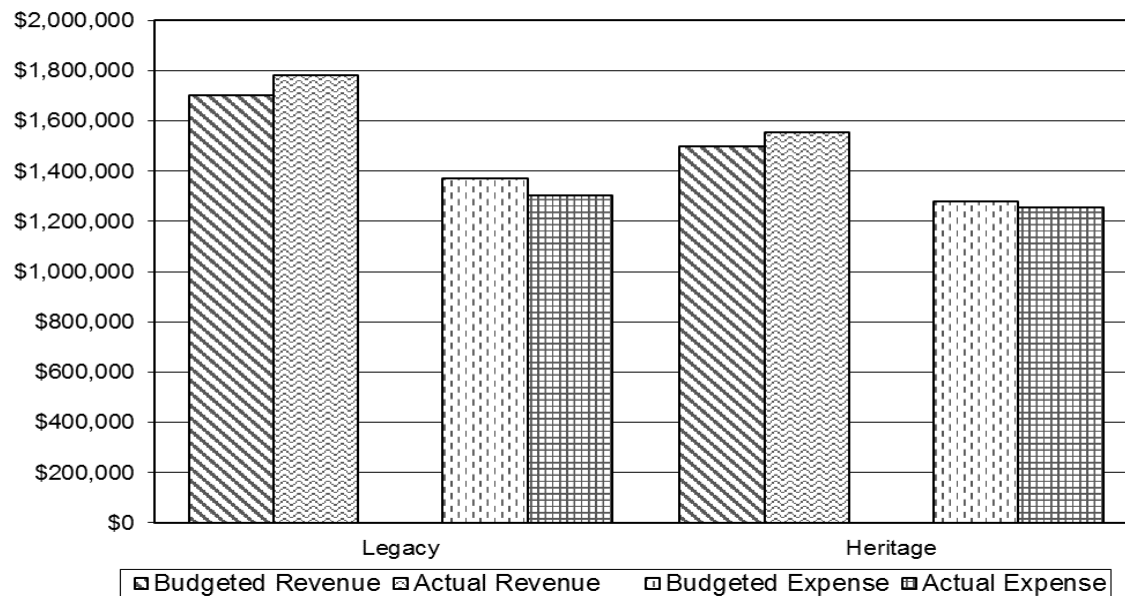
This enterprise reflects the combined operations of the City’s two municipal golf courses.

**Combined Golf Courses
2015 Operating Budget vs Actual**

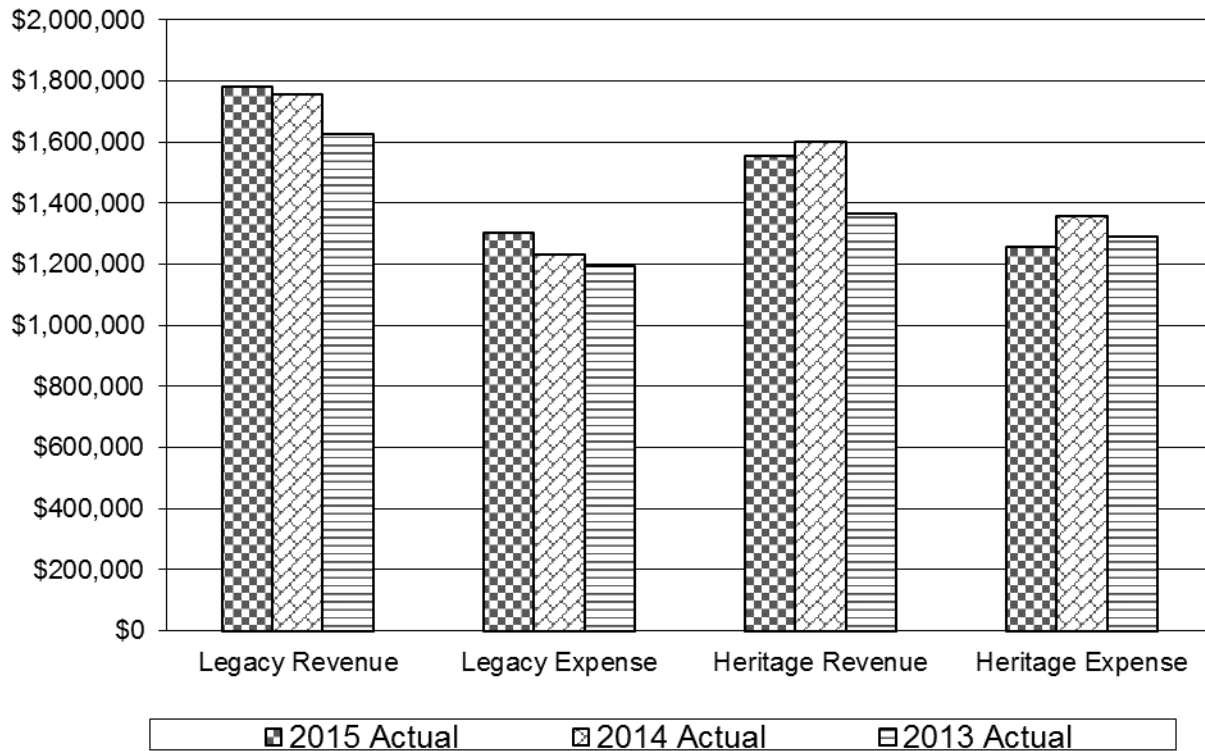


The following graphs represent the information for each of the golf courses.

**Legacy and Heritage Golf Course
2015 Operating Budget vs Actual**



Legacy and Heritage Golf Courses Operating Revenue and Expenditures 2013-2015



Revenues are up at both courses due to increased play and promotional programs. 2014 revenue at Heritage also reflects a material reimbursement from Trimble Navigations for golf course alterations at Heritage. Expenses at Legacy are up in personnel services and capital outlay. Expenses at Heritage are down mostly due to personnel services and commodity purchases.

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

Respectfully submitted,

Donald M. Tripp
City Manager

Attachments: Financial Statements
Shopping Center Report

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2015**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues						
Taxes	5,887,933	5,743,332		5,673,795	(69,537)	98.8%
Licenses & Permits	1,739,217	1,518,152		2,450,943	932,791	161.4%
Intergovernmental Revenue	5,599,670	4,766,023		5,399,224	633,201	113.3%
Charges for Services						
Recreation Services	7,075,498	6,338,841		6,982,556	643,715	110.2%
Other Services	9,871,075	8,334,358		8,923,408	589,050	107.1%
Fines	1,511,000	1,412,184		1,548,869	136,685	109.7%
Interest Income	75,000	69,413		116,382	46,969	167.7%
Miscellaneous	1,725,408	1,631,209	(1)	2,179,248	548,039	133.6%
Leases	401,779	386,512		386,512	0	100.0%
Interfund Transfers	70,882,725	65,522,588		65,522,588	0	100.0%
Other Financing Sources	577,947	577,946	(2)	577,946	0	100.0%
Sub-total Revenues	<u>105,347,252</u>	<u>96,300,558</u>		<u>99,761,471</u>	<u>3,460,913</u>	<u>103.6%</u>
Carryover	4,351,768	4,351,768		4,351,768	0	100.0%
Total Revenues	<u>109,699,020</u>	<u>100,652,326</u>		<u>104,113,239</u>	<u>3,460,913</u>	<u>103.4%</u>
Expenditures						
City Council	266,525	225,200		185,913	(39,287)	82.6%
City Attorney's Office	1,347,732	1,223,811		1,186,078	(37,733)	96.9%
City Manager's Office	2,374,421	2,132,080		1,806,092	(325,988)	84.7%
Central Charges	32,042,356	29,494,718		28,679,812	(814,906)	97.2%
General Services	6,364,645	5,615,926		5,384,975	(230,951)	95.9%
Finance	2,274,069	2,053,522		1,949,251	(104,271)	94.9%
Police	22,276,043	20,258,154		20,037,282	(220,872)	98.9%
Fire Emergency Services	12,851,780	11,621,792		11,563,347	(58,445)	99.5%
Community Development	4,862,380	4,408,445		4,143,286	(265,159)	94.0%
Public Works & Utilities	8,819,683	8,048,166		7,380,315	(667,851)	91.7%
Parks, Recreation & Libraries	16,219,386	14,667,461		14,791,265	123,804	100.8%
Total Expenditures	<u>109,699,020</u>	<u>99,749,275</u>		<u>97,107,616</u>	<u>(2,641,659)</u>	<u>97.4%</u>
Revenues Over(Under) Expenditures						
	<u>0</u>	<u>903,051</u>		<u>7,005,623</u>	<u>6,102,572</u>	

(1) Variance due to various reimbursements received by the City.

(2) Reflects proceeds from the 2015 PR&L equipment lease.

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Sales and Use Tax Fund						
Revenues						
Sales Tax						
Sales Tax Returns	50,545,930	45,844,409		49,778,706	3,934,297	108.6%
Sales Tx Audit Revenues	729,000	668,493		1,101,287	432,794	164.7%
S-T Rev. STX	<u>51,274,930</u>	<u>46,512,902</u>		<u>50,879,993</u>	<u>4,367,091</u>	109.4%
Use Tax						
Use Tax Returns	9,020,573	7,989,587		10,738,219	2,748,632	134.4%
Use Tax Audit Revenues	785,000	719,845		694,691	(25,154)	96.5%
S-T Rev. UTX	<u>9,805,573</u>	<u>8,709,432</u>		<u>11,432,910</u>	<u>2,723,478</u>	131.3%
Total STX and UTX	<u><u>61,080,503</u></u>	<u><u>55,222,334</u></u>		<u><u>62,312,903</u></u>	<u><u>7,090,569</u></u>	112.8%
Public Safety Tax						
PST Tax Returns	13,048,619	11,896,316		12,885,234	988,918	108.3%
PST Audit Revenues	308,500	282,895		359,058	76,163	126.9%
Total Rev. PST	<u><u>13,357,119</u></u>	<u><u>12,179,211</u></u>		<u><u>13,244,292</u></u>	<u><u>1,065,081</u></u>	108.7%
Interest Income	51,000	46,750		96,164	49,414	205.7%
Interfund Transfers	434,975	398,727		398,727	0	100.0%
Carryover	7,037,908	7,037,908		7,037,908	0	100.0%
Total Revenues	<u><u>81,961,505</u></u>	<u><u>74,884,930</u></u>		<u><u>83,089,994</u></u>	<u><u>8,205,064</u></u>	111.0%
Expenditures						
Central Charges	<u>81,961,505</u>	<u>75,717,872</u>		<u>75,717,872</u>	0	100.0%
Revenues Over(Under) Expenditures	<u><u>0</u></u>	<u><u>(832,942)</u></u>		<u><u>7,372,122</u></u>	<u><u>8,205,064</u></u>	

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2015**

Description POST Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues						
Sales & Use Tax	5,379,727	4,913,330		5,517,038	603,708	112.3%
Intergovernmental Revenue	385,561	385,561		385,561	0	100.0%
Interest Income	10,000	9,167		14,223	5,056	155.2%
Miscellaneous	98,368	90,171		42,625	(47,546)	47.3%
Interfund Transfers	32,025	29,356		29,356	0	100.0%
Sub-total Revenues	<u>5,905,681</u>	<u>5,427,585</u>		<u>5,988,803</u>	<u>561,218</u>	110.3%
Carryover	745,468	745,468		745,468	0	100.0%
Total Revenues	<u>6,651,149</u>	<u>6,173,053</u>		<u>6,734,271</u>	<u>561,218</u>	109.1%
Expenditures						
Central Charges	5,023,027	4,296,936		4,357,192	60,256	101.4%
Park Services	1,628,122	1,535,506		1,343,749	(191,757)	87.5%
Total Expenditures	<u>6,651,149</u>	<u>5,832,442</u>		<u>5,700,941</u>	<u>(131,501)</u>	97.7%
Revenues Over(Under) Expenditures	<u>0</u>	<u>340,611</u>		<u>1,033,330</u>	<u>692,719</u>	

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water and Wastewater Funds - Combined						
Operating Revenues						
License & Permits	75,000	68,750		100,970	32,220	146.9%
Intergovernmental Revenue	0	0	(1)	480,793	480,793	
Rates and Charges	49,200,891	46,144,951		43,885,121	(2,259,830)	95.1%
Miscellaneous	410,000	375,834		269,353	(106,481)	71.7%
Total Operating Revenues	49,685,891	46,589,535		44,736,237	(1,853,298)	96.0%
Operating Expenditures						
Central Charges	6,465,084	5,926,327		5,872,633	(53,694)	99.1%
Finance	662,357	594,797		559,818	(34,979)	94.1%
Public Works & Utilities	22,139,736	18,948,168	(2)	17,644,741	(1,303,427)	93.1%
Parks, Recreation & Libraries	152,467	148,045		143,693	(4,352)	97.1%
Information Technology	3,286,908	2,866,184		2,787,336	(78,848)	97.2%
Total Operating Expenditures	32,706,552	28,483,521		27,008,221	(1,475,300)	94.8%
Operating Income (Loss)	16,979,339	18,106,014		17,728,016	(377,998)	
Other Revenue and Expenditures						
Tap Fees	12,685,226	11,628,124	(3)	7,835,297	(3,792,827)	67.4%
Interest Income	360,500	330,458		367,738	37,280	111.3%
Sale of Assets	0	0		6,950	6,950	
Carryover	2,127,282	2,127,282		2,127,282	0	100.0%
Debt Service	(6,543,780)	(2,970,526)		(2,970,526)	0	100.0%
Reserve Transfer In	930,000	930,000		930,000	0	100.0%
Reserve Transfer Out	(1,642,567)	(1,642,567)		(1,642,567)	0	100.0%
Total Other Revenue (Expenditures)	7,916,661	10,402,771		6,654,174	(3,748,597)	
Revenues Over(Under) Expenditures	24,896,000	28,508,785	(4)	24,382,190	(4,126,595)	

(1) Build America Bonds interest rate subsidy.

(2) Reflects savings in personnel services from reallocation of staffing to City Manager's Office.

(3) Tap fee revenue flows are irregular based on development activity as well as quantity and size of meters being installed.

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

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water Fund						
Operating Revenues						
License & Permits	75,000	68,750		100,970	32,220	146.9%
Intergovernmental Revenue	0	0	(1)	480,793	480,793	
Rates and Charges	35,019,138	33,145,011		30,658,227	(2,486,784)	92.5%
Miscellaneous	400,000	366,667		263,053	(103,614)	71.7%
Total Operating Revenues	<u>35,494,138</u>	<u>33,580,428</u>		<u>31,503,043</u>	<u>(2,077,385)</u>	
Operating Expenditures						
Central Charges	4,503,673	4,128,367		4,045,088	(83,279)	98.0%
Finance	662,357	594,797		559,818	(34,979)	94.1%
Public Works & Utilities	15,513,630	13,396,149	(2)	11,887,707	(1,508,442)	88.7%
PR&L Standley Lake	152,467	148,045		143,693	(4,352)	97.1%
Information Technology	3,286,908	2,866,184		2,787,336	(78,848)	97.2%
Total Operating Expenditures	<u>24,119,035</u>	<u>21,133,542</u>		<u>19,423,642</u>	<u>(1,709,900)</u>	91.9%
Operating Income (Loss)	<u>11,375,103</u>	<u>12,446,886</u>		<u>12,079,401</u>	<u>(367,485)</u>	
Other Revenue and (Expenditures)						
Tap Fees	10,327,653	9,467,015	(3)	5,718,205	(3,748,810)	60.4%
Interest Income	277,500	254,375		263,376	9,001	103.5%
Sale of Assets	0	0		6,950	6,950	
Carryover	1,218,228	1,218,228		1,218,228	0	100.0%
Debt Service	(5,422,971)	(2,409,549)		(2,409,549)	0	100.0%
Reserve Transfer Out	(783,513)	(783,513)		(783,513)	0	100.0%
Total Other Revenues (Expenditures)	<u>5,616,897</u>	<u>7,746,556</u>		<u>4,013,697</u>	<u>(3,732,859)</u>	
Revenues Over(Under) Expenditures	<u>16,992,000</u>	<u>20,193,442</u>	(4)	<u>16,093,098</u>	<u>(4,100,344)</u>	

(1) Build America Bonds interest rate subsidy.

(2) Reflects savings in personnel services from reallocation of staffing to City Manager's Office.

(3) Tap fee revenue flows are irregular based on development activity as well as quantity and size of meters being installed.

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

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Wastewater Fund						
Operating Revenues						
Rates and Charges	14,181,753	12,999,940		13,226,894	226,954	101.7%
Miscellaneous	10,000	9,167		6,300	(2,867)	68.7%
Total Operating Revenues	<u>14,191,753</u>	<u>13,009,107</u>		<u>13,233,194</u>	<u>224,087</u>	101.7%
Operating Expenditures						
Central Charges	1,961,411	1,797,960		1,827,545	29,585	101.6%
Public Works & Utilities	6,626,106	5,552,019		5,757,034	205,015	103.7%
Total Operating Expenditures	<u>8,587,517</u>	<u>7,349,979</u>		<u>7,584,579</u>	<u>234,600</u>	103.2%
Operating Income (Loss)	<u>5,604,236</u>	<u>5,659,128</u>		<u>5,648,615</u>	<u>(10,513)</u>	
Other Revenue and Expenditures						
Tap Fees	2,357,573	2,161,109		2,117,092	(44,017)	98.0%
Interest Income	83,000	76,083		104,362	28,279	137.2%
Carryover	909,054	909,054		909,054	0	100.0%
Debt Service	(1,120,809)	(560,977)		(560,977)	0	100.0%
Reserve Transfer In	930,000	930,000		930,000	0	100.0%
Reserve Transfer Out	(859,054)	(859,054)		(859,054)	0	100.0%
Total Other Revenues (Expenditures)	<u>2,299,764</u>	<u>2,656,215</u>		<u>2,640,477</u>	<u>(15,738)</u>	
Revenues Over(Under) Expenditures	<u>7,904,000</u>	<u>8,315,343</u>	(1)	<u>8,289,092</u>	<u>(26,251)</u>	

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

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Storm Drainage Fund						
Revenues						
Charges for Services	3,382,000	3,100,167		3,062,043	(38,124)	98.8%
Interest Income	26,000	23,833		32,521	8,688	136.5%
Miscellaneous	0	0	(1)	456,623	456,623	
Other Financing Sources	4,610,000	4,610,000	(2)	4,610,000	0	100.0%
Sub-total Storm Drainage Revenues	<u>8,018,000</u>	<u>7,734,000</u>		<u>8,161,187</u>	<u>427,187</u>	105.5%
Carryover	44,204	44,204		44,204	0	100.0%
Total Revenues	<u>8,062,204</u>	<u>7,778,204</u>		<u>8,205,391</u>	<u>427,187</u>	105.5%
Expenditures						
General Services	86,200	72,236		40,980	(31,256)	56.7%
Community Development	201,396	180,854		158,324	(22,530)	87.5%
PR&L Park Services	200,000	144,600		132,327	(12,273)	91.5%
Public Works & Utilities	338,404	270,046		164,324	(105,722)	60.9%
Total Expenditures	<u>826,000</u>	<u>667,736</u>		<u>495,955</u>	<u>(171,781)</u>	74.3%
Revenues Over(Under) Expenditures	<u>7,236,204</u>	<u>7,110,468</u>	(3)	<u>7,709,436</u>	<u>598,968</u>	

(1) Adams County Little Dry Creek IGA billing.

(2) Storm Drainage 2015 Bond Issue.

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

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Golf Courses Combined						
Operating Revenues						
Charges for Services	3,283,750	3,198,162		3,330,837	132,675	104.1%
Miscellaneous	4,180	4,071		4,180	109	102.7%
Total Revenues	<u>3,287,930</u>	<u>3,202,233</u>		<u>3,335,017</u>	<u>132,784</u>	104.1%
Operating Expenditures						
Central Charges	186,184	170,434	(1)	216,028	45,594	126.8%
Recreation Facilities	2,651,862	2,479,204		2,344,856	(134,348)	94.6%
Total Expenditures	<u>2,838,046</u>	<u>2,649,638</u>		<u>2,560,884</u>	<u>(88,754)</u>	96.7%
Operating Income (Loss)	<u>449,884</u>	<u>552,595</u>		<u>774,133</u>	<u>221,538</u>	
Other Revenues and Expenditures						
Interest Income	0	0		12,576	12,576	
Other Financing Use	(9,260)	(7,152)		(7,152)	0	100.0%
Debt Service	(819,282)	(817,309)		(817,309)	0	100.0%
Interfund Transfers In	519,969	476,638		476,638	0	100.0%
Interfund Transfers Out	(84,598)	(84,598)		(84,598)	0	100.0%
Carryover	158,287	158,287		158,287	0	100.0%
Total Other Revenue (Expenditures)	<u>(234,884)</u>	<u>(274,134)</u>		<u>(261,558)</u>	<u>12,576</u>	
Revenues Over(Under) Expenditures	<u>215,000</u>	<u>278,461</u>	(2)	<u>512,575</u>	<u>234,114</u>	

(1) Budget to actual variance mostly due to personnel services, employee insurances.

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

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Legacy Ridge Fund						
Operating Revenues						
Charges for Services	1,746,984	1,699,815		1,779,322	79,507	104.7%
Miscellaneous	2,190	2,131		2,190	59	102.8%
Total Revenues	<u>1,749,174</u>	<u>1,701,946</u>		<u>1,781,512</u>	<u>79,566</u>	104.7%
Operating Expenditures						
Central Charges	98,935	90,427	(1)	116,649	26,222	129.0%
Recreation Facilities	1,344,018	1,279,972		1,188,557	(91,415)	92.9%
Total Expenditures	<u>1,442,953</u>	<u>1,370,399</u>		<u>1,305,206</u>	<u>(65,193)</u>	95.2%
Operating Income (Loss)	<u>306,221</u>	<u>331,547</u>		<u>476,306</u>	<u>144,759</u>	
Other Revenues and Expenditures						
Interest Income	0	0		6,761	6,761	
Other Financing Use	(4,590)	(4,662)		(4,662)	0	100.0%
Debt Service	(160,320)	(158,348)		(158,348)	0	100.0%
Interfund Transfers Out	(84,598)	(84,598)		(84,598)	0	100.0%
Carryover	66,287	66,287		66,287	0	100.0%
Total Other Revenue (Expenditures)	<u>(183,221)</u>	<u>(181,321)</u>		<u>(174,560)</u>	<u>6,761</u>	
Revenues Over(Under) Expenditures	<u>123,000</u>	<u>150,226</u>	(2)	<u>301,746</u>	<u>151,520</u>	

(1) Budget to actual variance mostly due to personnel services, employee insurances.

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

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Heritage at Westmoor Fund						
Operating Revenues						
Charges for Services	1,536,766	1,498,347		1,551,515	53,168	103.5%
Miscellaneous	1,990	1,940		1,990	50	102.6%
Total Revenues	<u>1,538,756</u>	<u>1,500,287</u>		<u>1,553,505</u>	<u>53,218</u>	103.5%
Operating Expenditures						
Central Charges	87,249	80,007	(1)	99,379	19,372	124.2%
Recreation Facilities	1,307,844	1,199,232		1,156,299	(42,933)	96.4%
Total Expenditures	<u>1,395,093</u>	<u>1,279,239</u>		<u>1,255,678</u>	<u>(23,561)</u>	98.2%
Operating Income (Loss)	<u>143,663</u>	<u>221,048</u>		<u>297,827</u>	<u>76,779</u>	
Other Revenues and Expenditures						
Interest Income	0	0		5,815	5,815	
Other Financing Use	(4,670)	(2,490)		(2,490)	0	100.0%
Debt Service	(658,962)	(658,961)		(658,961)	0	100.0%
Interfund Transfers	519,969	476,638		476,638	0	100.0%
Carryover	92,000	92,000		92,000	0	100.0%
Total Other Revenue (Expenditures)	<u>(51,663)</u>	<u>(92,813)</u>		<u>(86,998)</u>	<u>5,815</u>	
Revenues Over(Under) Expenditures	<u>92,000</u>	<u>128,235</u>	(2)	<u>210,829</u>	<u>82,594</u>	

(1) Budget to actual variance mostly due to personnel services, employee insurances.

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

**CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
MONTH OF NOVEMBER 2015**

Center Location Major Tenant	Current Month			Last Year			Percentage Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S/TARGET	433,158	18,018	451,176	391,874	65,518	457,392	11	(72)	(1)
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	310,578	2,695	313,273	311,568	1,214	312,782	0	122	0
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	265,860	1,370	267,230	253,899	1,695	255,594	5	(19)	5
SHOPS AT WALNUT CREEK 104TH & REED TARGET	254,949	3,642	258,591	233,691	1,318	235,009	9	176	10
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	215,869	995	216,864	186,108	2,170	188,278	16	(54)	15
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	178,667	1,806	180,473	169,119	1,896	171,015	6	(5)	6
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	178,771	909	179,680	178,775	337	179,112	0	170	0
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	168,749	864	169,613	160,868	1,000	161,868	5	(14)	5
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	155,899	1,680	157,579	139,999	1,112	141,111	11	51	12
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	137,886	13,015	150,901	143,741	15,021	158,762	(4)	(13)	(5)
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	133,230	770	134,000	128,712	565	129,277	4	36	4
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	98,672	345	99,017	91,733	373	92,106	8	(8)	8
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	89,223	528	89,751	85,464	671	86,135	4	(21)	4

**CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
MONTH OF NOVEMBER 2015**

Center Location Major Tenant	Current Month			Last Year			Percentage Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN LOWE'S	74,142	330	74,472	72,842	2,222	75,064	2	(85)	(1)
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	67,624	171	67,795	60,269	244	60,513	12	(30)	12
BRADBURN VILLAGE 120TH & BRADBURN WHOLE FOODS	60,420	158	60,578	16,924	70	16,994	257	126	256
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	56,748	398	57,146	51,973	795	52,768	9	(50)	8
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	56,859	117	56,976	67,313	370	67,683	(16)	(68)	(16)
WESTMINSTER MALL 88TH & SHERIDAN JC PENNEY	43,094	396	43,490	40,066	780	40,846	8	(49)	6
NORTHVIEW 92ND AVE YATES TO SHERIDAN H MART	43,332	140	43,472	42,647	1,172	43,819	2	(88)	(1)
BROOKHILL IV E SIDE WADS 90TH-92ND MURDOCH'S	32,575	97	32,672	30,568	445	31,013	7	(78)	5
MEADOW POINTE NE CRN 92ND & OLD WADS CARRABAS	32,588	66	32,654	29,123	301	29,424	12	(78)	11
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	8,725	23,833	32,558	9,820	37,336	47,156	(11)	(36)	(31)
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SCANDANAVIAN DESIGNS	29,575	1,818	31,393	23,910	14	23,924	24	12,886	31
RANCHO PLAZA SE CORNER 72ND & FEDERAL WALMART MARKET	31,172	174	31,346	9,054	0	9,054	244	--	246
TOTALS	3,158,365	74,335	3,232,700	2,930,060	136,639	3,066,699	8	(46)	5

**CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
NOVEMBER 2015 YEAR-TO-DATE**

Center Location Major Tenant	Current Month			Last Year			Percentage Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S/TARGET	5,310,796	214,641	5,525,437	4,897,439	212,767	5,110,206	8	1	8
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	3,514,603	28,855	3,543,458	3,650,568	17,331	3,667,899	(4)	66	(3)
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	3,057,426	11,035	3,068,461	2,888,664	44,939	2,933,603	6	(75)	5
SHOPS AT WALNUT CREEK 104TH & REED TARGET	2,967,510	33,178	3,000,688	2,807,784	19,464	2,827,248	6	70	6
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	2,267,637	20,066	2,287,703	2,155,750	14,503	2,170,253	5	38	5
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	2,005,148	12,312	2,017,460	1,944,071	13,736	1,957,807	3	(10)	3
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	2,004,529	22,844	2,027,373	1,931,191	26,387	1,957,578	4	(13)	4
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	1,916,217	15,523	1,931,740	1,908,106	10,385	1,918,491	0	49	1
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	1,706,370	207,128	1,913,498	1,681,163	274,606	1,955,769	1	(25)	(2)
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	1,643,468	38,083	1,681,551	1,393,271	41,476	1,434,747	18	(8)	17
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	1,579,247	16,964	1,596,211	1,494,407	8,689	1,503,096	6	95	6
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	1,138,350	4,154	1,142,504	1,027,928	5,847	1,033,775	11	(29)	11
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN LOWE'S	1,004,370	17,844	1,022,214	898,752	8,883	907,635	12	101	13

**CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
NOVEMBER 2015 YEAR-TO-DATE**

Center Location Major Tenant	Current Month			Last Year			Percentage Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	913,981	14,519	928,500	773,317	8,280	781,597	18	75	19
BRADBURN VILLAGE 120TH & BRADBURN WHOLE FOODS	791,657	70,733	862,390	187,774	1,926	189,700	322	3,573	355
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	640,409	6,400	646,809	645,874	4,600	650,474	(1)	39	(1)
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	633,699	1,897	635,596	697,660	5,705	703,365	(9)	(67)	(10)
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	593,547	19,069	612,616	546,795	8,574	555,369	9	122	10
WESTMINSTER MALL 88TH & SHERIDAN JC PENNEY	550,330	8,724	559,054	521,665	9,900	531,565	5	(12)	5
NORTHVIEW 92ND AVE YATES TO SHERIDAN H MART	485,336	6,025	491,361	459,385	6,258	465,643	6	(4)	6
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE	401,937	7,669	409,606	369,359	3,305	372,664	9	132	10
BROOKHILL IV E SIDE WADS 90TH-92ND MURDOCH'S	381,565	24,596	406,161	368,298	8,565	376,863	4	187	8
RANCHO PLAZA SE CORNER 72ND & FEDERAL WALMART MARKET	335,599	5,428	341,027	77,626	358	77,984	332	1,416	337
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	327,566	4,325	331,891	295,895	4,624	300,519	11	(6)	10
WILLOW RUN 128TH & ZUNI SAFEWAY (closed June 2015)	314,693	1,893	316,586	369,335	2,253	371,588	(15)	(16)	(15)
TOTALS	36,485,990	813,905	37,299,895	33,992,077	763,361	34,755,438	7	7	7



Agenda Item 8 B

Agenda Memorandum

City Council Meeting
December 28, 2015



SUBJECT: Approval of the 2016 City Council Assignments

Prepared By: Barbara Opie, Assistant City Manager

Recommended City Council Action

Approve the attached 2016 Council Assignments list as discussed at the December 19 City Council Teambuilding Retreat.

Summary Statement

- Council approval is requested pertaining to Council assignments for 2016.
- These assignments pertain to internal boards, commissions, and panels of the City organization as well as numerous external organizations in which the City is involved.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified.

Alternative

None identified.

Background Information

The City of Westminster is involved in a number of organizations that are external to the city government. These include a wide range of both standing committees as well as groups that have been formed to address current issues. They range from transportation issues to representation on the Denver Regional Council of Governments (DRCOG) and the Urban Drainage and Flood Control District (UDFCD).

There are currently 10 boards, commissions and panels to which City Council liaison is assigned. The purpose of such Council assignments is to assure open and time sensitive communications between City Council and the respective Board, Commission, or Panel. These particular assignments are to be handled on an "on-call" basis. The Chairperson of each respective Board, Commission, or Panel shall be responsible to contact the Council representative when he or she is needed to be at the respective meeting. Otherwise, the Council representative is not required to be in attendance at the Board/Commission/Panel meeting.

City Council is requested to approve the attached City Council assignments list that was discussed by City Council at the December 19 City Council Teambuilding Retreat and make assignments to the vacancies left by former Mayor Pro Tem Brigg's departure and desired changes by the current members of City Council.

Appointments to the various committees on the attached Council Assignments list support the following City's Strategic Plan Goals: Visionary Leadership, Effective Governance and Proactive Regional Collaboration and Vibrant, Inclusive and Engaged Community by actively participating in these internal and external committees.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment: 2016 City Council Assignments

CITY COUNCIL ASSIGNMENTS
– 2016 –

Organization	Meeting Time/Date/Place	Council/Staff
Adams County Economic Development Board of Directors	1st Thursday of every other month (Jan, Mar, May, Jul, Sept, Nov), 11:00 networking; 11:30 a.m.-1:00 p.m.; 12200 Pecos St, Suite 100	Maria De Cambra/ Christopher Gray
ADCO Mayors Executive Committee	3rd Friday, 7:30 a.m., location varies per municipality.	Mayor/ Don Tripp
Broomfield-Westminster Open Space Foundation	Varies. Scheduled as needed.	Mayor/ Alberto Garcia/ Heather Cronenberg/ Don Tripp
CML Policy Committee	Three times a year at CML office (Oct 16 2015, Dec 4 2015, and Feb 12, 2016 at 10 am)	Anita Seitz/Maria De Cambra (Alt)/ Ben Goldstein/ Steve Smithers
DRCOG Board	3rd Wednesday, 6:30-8:30 p.m., 1290 Broadway, 1 st Floor – 1 st Wednesday is MVC from 4pm – 6pm	Mayor /Emma Pinter (Alt)/ Ben Goldstein
Jeffco Mayors/Commissioners/Managers	Feb 4, May 5, August 4, and Nov 10, 7:15-8:45a.m., 100 Jefferson County Parkway, Lookout Mountain Room	Mayor/ Don Tripp
Jeffco Economic Council Board Meeting	3 rd Wednesday, 11:45 – 1:00 p.m., Jeffco Admin. Building	Alberto Garcia/ Christopher Gray
North Area Transportation Alliance (NATA)	4 th Thursday each month, 7:30-9a, 14583 Orchard Pkwy., Ste. 300	Mayor/ Emma Pinter (Alt)/ Barbara Opie
Metro Mayors Caucus	1 st Weds of Feb/Apr/Jun/Aug/Oct from 7:30-10:00 a.m. at Denver Metro Chamber of Commerce, 4 th Flr, 1445 Market Street, Denver	Mayor
Rocky Flats Stewardship Council	Feb 1, 2016 at 8:30 a.m. – 12:15 p.m., Rocky Mountain Metro Airport. Will decide regular meeting schedule at that time.	Bruce Baker/ Shannon Bird (Alt)/ Mary Fabisiak
Urban Drainage and Flood Control District Board Meeting 303-455-6277	3 rd Thursday of each month (no meetings Jan/July) at UDFCD offices 12:15 lunch; 1:00-3:30 p.m. meeting; Annual Meeting Feb 1. 2016	Mayor
U.S. 36 Mayors/Commissioners Coalition (US36 MCC) Audrey DeBarros 303-604-4383	1 st Thursday each month 7:30-9am; location: odd months/ Broomfield, even months/Superior	Mayor/ Barbara Opie /Dave Downing

City Boards/Commission/Panel/Staff	Meeting Time/Date/Place	Council
Election Commission Staff Liaison – Linda Yeager x2161	As needed basis in the GS Conference Room	Bruce Baker
Environmental Advisory Board Staff Liaison – Nick Butel x2183	Last Wednesday of every month at 6:30 p.m., Council Board Room (until Oct-Dec)	Anita Seitz
Historic Landmark Board Staff Liaison – Patrick Caldwell x2090/ Terrilyn W. x2357	1 st Tuesday of every quarter at 7 p.m. – CMO will be notified when scheduled, Council Board Room/Council Chambers for Public Hearings Only	Emma Pinter
Human Services Board Staff Liaison – Alexa Priddy x2016	Two to seven times a year. (Location: TBD) February Planning/Scheduling Meeting	Anita Seitz
Inclusivity Board – Alexa Priddy x2016	1 st Tuesday of every month – Multi Purpose Room	Maria De Cambra
Planning Commission Staff Liaison – Mac Cummins/ x2092	2 nd & 4 th Tuesday of each month at 7:00 p.m. in Council Chambers	Shannon Bird
Parks, Recreation & Library Advisory Board Staff Liaison – Jason Genck x2177	2nd Thursday of every other month starting in January at 6:00 p.m., location varies. (Multi-purpose Room)	Alberto Garcia
Personnel Board Staff Liaison – Debbie Mitchell x2155	Meets 1 time per year for legal updates and training of Board’s choice and as needed for personnel hearings	Bruce Baker
Special Permit & License Board Staff Liaison – Carla Koeltzow x2162	1 st and 3 rd Wednesdays of each month (dependent upon applications) 7:00 p.m., Council Chambers	Shannon Bird
Youth Advisory Panel Staff Liaison – Cindy McDonald x2219	1 st Thursday of each month @ 6:30 p.m., PRL Conf Rm	Alberto Garcia



Agenda Item 8 C

Agenda Memorandum

City Council Meeting
December 28, 2015



SUBJECT: Intergovernmental Agreement with the City of Northglenn, Ralston House, the Cities of Westminster, Thornton, Federal Heights, Brighton, Commerce City and Aurora, the City and County Of Broomfield and the County of Adams Regarding Construction of the Northglenn Ralston House

Prepared By: Ben Goldstein, Senior Management Analyst

Recommended City Council Action

Authorize the Mayor or Mayor Pro Tem to execute an Intergovernmental Agreement with the City of Northglenn, Ralston House, the Cities of Westminster, Thornton, Federal Heights, Brighton, Commerce City and Aurora, the City and County Of Broomfield and the County of Adams Regarding Construction of the Northglenn Ralston House, which authorizes a contribution of \$30,000 by the City for the design of this project.

Summary Statement

- In an effort to continue to meet the needs of the 17th Judicial District (roughly Adams County), Ralston House recently expanded its operations, replacing Children's Advocacy Center (CAC) which no longer exists. Ralston House has been operating out of the location formerly occupied by CAC, but has found that this facility does not meet their needs. In conjunction with the City of Northglenn, the owner of the current facility, Ralston House has requested the participation of its area partners, including the City of Westminster, to design and construct a new facility that would better accommodate current and future needs. The first step in this process is an initial design of the facility, which will provide the above mentions parties to this IGA with an estimated total project cost and thus the information needed for City Councils ultimate approval. The requested contribution by the City of Westminster for the initial design is \$30,000.
- Adequate funds are available in the City's budget, as staff anticipated this request and budgeted \$50,000 for this expense.
- The City Attorney's Office has reviewed and approved the attached IGA.

Expenditure Required: \$30,000 (City's share)

Source of Funds: General Fund - CIP

Policy Issue

Should the City enter into an Intergovernmental Agreement with the City of Northglenn, Ralston House, the Cities of Westminster, Thornton, Federal Heights, Brighton, Commerce City and Aurora, the City and County Of Broomfield and the County of Adams regarding construction of the Northglenn Ralston House, authorizing a contribution of \$30,000 by the City for the design of this project?

Alternative

Council could choose not to execute this intergovernmental agreement at this time. Staff does not recommend this alternative because the services provided by Ralston House are important to the City's overall law enforcement effort. Additionally, it is important to identify the estimated cost for constructing a new space for Ralston House prior to the development of the 2017/2018 Budget to allow City Council the opportunity to weigh the ultimate request for funds to construct the new facility against other budget needs.

Background Information

Ralston House, a not-for-profit agency, provides a friendly and safe place for children and teens who have been sexually abused to tell their stories and begin to heal. Ralston House receives referrals from law enforcement, social services and the district attorney's office and works in conjunction with these entities to provide specialized forensic interviews and medical examinations. Ralston House helps get to the truth when there is suspicion of physical abuse, emotional abuse, sexual assault on a child, or if the child or teen has witnessed abuse or violence. Ralston House is a child-friendly place that is less "scary" than a police department. They provide an environment where children and teens are able to tell their stories without being re-traumatized in the process. Services are available at three locations for young children and youth, through the age of 18. Accredited by the National Children's Alliance, Ralston House adheres to best practice policies and procedures to serve the best interest of children.

Ralston House child advocacy center was developed in 1990 to assist in the investigative process of child sexual abuse cases. It was founded by the Arvada Police Department to provide a child-friendly, safe and neutral environment where police detectives, social workers, therapists and medical professionals could talk with children and their families in surroundings that would lessen the anxiety of a child who had been assaulted. The City of Westminster Police Department has been working closely with Ralston House for many years with much success. The City has utilized Ralston House's Arvada location for nearly all cases of this nature, including cases from both the 1st and 17th Judicial District (roughly Jefferson and Adams Counties respectively), despite the fact that until recently Ralston House has primarily served only the 1st Judicial District.

In an effort to continue to meet the needs of the 17th Judicial District (roughly Adams County), Ralston House recently expanded its operations, replacing Children's Advocacy Center (CAC), which no longer exists. Ralston House has been operating out of the location formerly occupied by CAC, but has found that this facility does not meet their needs. In conjunction with the City of Northglenn, the owner of the current facility, Ralston House has requested the participation of its area partners, including the City of Westminster, to design and construct a new facility that would better accommodate current and future needs. The first step in this process is an initial design of the facility, which will provide the above mentions parties to this IGA with an estimated total project cost and thus the information needed for City Councils ultimate approval. The requested contribution by the City of Westminster for the initial design is \$30,000.

Based on ongoing discussion with Ralston House and area partners, staff anticipated this request and budgeted \$50,000 as a place holder for this expense in the 2016 Amended Budget, which was recently approved by City Council. The requested amount of \$30,000 is well within the budget for this expense.

Approval of this IGA supports the City's Strategic Plan Goals of *Beautiful, Desirable, Safe and Environmentally Responsible City* and *Visionary Leadership, Effective Governance and Proactive Regional Collaboration* by collaborating with the City's regional partners to evaluate the future facility needs of Ralston House.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment: IGA

AN AGREEMENT BY AND AMONG THE CITY OF NORTHGLENN, RALSTON HOUSE, THE CITIES OF WESTMINSTER, THORNTON, FEDERAL HEIGHTS, BRIGHTON, COMMERCE CITY AND AURORA, THE CITY AND COUNTY OF BROOMFIELD AND THE COUNTY OF ADAMS REGARDING THE DESIGN OF THE NORTHGLENN RALSTON HOUSE

The following Agreement is made on this ___ day of _____, 2015, by and among the City of Northglenn, Ralston House, a Colorado Nonprofit Corporation ("Ralston House") and the Cities of Westminster, Thornton, Federal Heights, Brighton, Commerce City and Aurora, the City and County of Broomfield and the County of Adams (all parties with the exception of the Ralston House may be collectively referred to as the "Municipal Parties"):

WHEREAS, the City of Northglenn ("Northglenn") is the owner of a certain parcel of Property located within the City of Northglenn more specifically described in the attached **Exhibit A** (the "Property"); and

WHEREAS, Ralston House is a child advocacy center which has for many years provided professional and comprehensive services for sexually, physically, and emotionally abused children and their families; and

WHEREAS, Ralston House currently provides these services through its Jefferson County facility, and recently through a facility located on the Property; and

WHEREAS, based on the services currently being provided, the Municipal Parties desire to contribute initially to the design of the Ralston House, and ultimately if feasible to the construction of a new facility on the same Property in order to cause the Ralston House to continue to provide expanded services in Adams County, and to enable the Ralston House to provide this same type and level of services to Adams County and Broomfield families;

WHEREAS, the Municipal Parties and Ralston House desire that Northglenn manage the design of a proposed new City of Northglenn owned Ralston House facility on the Property; and

WHEREAS, Ralston House agrees to provide services as a child advocacy center, and for providing related charitable and educational services, including but not limited to counseling services and educational programming to the Municipal Parties; and

WHEREAS, the Municipal Parties desire to set forth their understanding of the terms and conditions to pay for the cost of initial design of the Northglenn Ralston House; and

WHEREAS, following completion of the design, the Municipal Parties will provide for such construction by separate agreement, if such construction is determined to be feasible, as set forth below.

TERMS

NOW, THEREFORE, in consideration of the mutual covenants and agreements contained herein, the Municipal Parties and Ralston House hereby agree as follows:

1. Recitals Incorporated. The recitals set forth above are incorporated into this Agreement, and shall be deemed terms and provisions hereof, to the same extent as if fully set forth in this Section.

2. Design of the Northglenn Ralston House.

A. The Municipal Parties agree that, based on the conceptual plans and space assessment already completed for the Northglenn Ralston House to be constructed on the Property, that the Northglenn Ralston House shall be designed in substantial conformity with the floor plan, and design concept attached hereto as **Exhibit B**, and incorporated herein by this reference (the "Specifications"). Said design will consist of the following two phases :

i. Phase One. Completion of a Site Development Analysis and an Engineer's Opinion of Probable Cost. Prior to, and as a condition to commencing Phase Two below, the Parties hereto shall meet and confer to determine whether the Site Development Analysis and Engineer's Opinion of Probable Cost demonstrate that the Northglenn Ralston House is preliminarily feasible to proceed to Phase Two; and

ii. Phase Two: The architectural and engineering design work to complete a full set of construction plans for the Northglenn Ralston House.

B. Subject to the reallocation provisions set forth in Section 3 of this Agreement, the Municipal Parties agree to split the costs of design equally by contributing the amount of Thirty Thousand Dollars (\$30,000.00) per entity to said design cost (the "Design Costs") based on the Specifications and the two phase process set forth above. The Municipal Parties shall each contribute the Design Costs in calendar year 2016 upon fifteen (15) days advance notice in writing from the City of Northglenn. The Design Costs received by Northglenn shall be deposited into a special account set up by Northglenn for the sole purpose of meeting the obligations of the Municipal Parties set forth in this Agreement (the "Special Account"). Such amounts shall be paid into the Special Account prior to Northglenn expending, or agreeing to spend, any funds on the design of the Northglenn Ralston House. If any funds remain after completion of Phase One, any Municipal Party who elects not to proceed forward with Phase Two shall have the remaining portion of the funds they contributed returned. ,

- C. Northglenn shall undertake the requisite procurement process to solicit bids and award a contract for and manage the contract(s) for the design of the Northglenn Ralston House. Northglenn shall utilize the contracting procedures set forth in the Northglenn Municipal Code for contracting for the design of the Northglenn Ralston House, in consultation with all parties to this Agreement. Provided, however, the Municipal Parties and the Ralston House shall all participate to the extent each party determines necessary in the process of working with the selected design consultant to complete the design of the Northglenn Ralston House.
- D. All work products produced as a result of this Agreement, including but not limited to, the Site Development Analysis, Engineer's Opinion of Probable Cost, Architectural Design and Engineering Design Construction Plans, shall be owned by and made available to the Municipal Parties in an appropriate format

3. Future Contribution by the Municipal Parties to the Cost of Construction and Construction Management. The Municipal Parties agree that future contributions toward the cost of construction and construction management of the Northglenn Ralston House will be determined by a subsequent and separately executed agreement. The Municipal Parties further agree that the Funding Allocation shall include an adjustment to account for any cost paid by any party for the Design Cost that is disproportionate to the cost paid under the ultimate funding allocation of construction and construction management.

4. Grant Application(s). The Municipal Parties and Ralston House acknowledge and agree that based on the limited information available as of the date of this Agreement as to the estimated cost of construction and construction management, funding in addition to contributions made by the Municipal Parties will be necessary to complete the construction of the Northglenn Ralston House. Ralston House and Northglenn, with the cooperation of the other Municipal Parties hereto, shall apply for grant applications to obtain funding to construct the Northglenn Ralston House after the completion of the Site Development Analysis and Engineer's Opinion of Probable Cost are completed. In the event such grant funding is obtained, such funds shall be utilized to reduce the funding contribution of the Municipal Parties as provided in the separate agreement.

5. Covenant Regarding Funding Obligations. Each Municipal Party to this Agreement covenants and agrees to contribute a maximum, not-to-exceed amount of \$30,000 in 2016. The Municipal Parties acknowledge and agree that in reliance upon such covenants, Northglenn shall undertake its obligations hereunder regarding the design of the Northglenn Ralston House, and shall represent that it has sufficient funds to contract for the design of the Northglenn Ralston House as more particularly described in Section 2 of this Agreement. The Municipal Parties further acknowledge and agree that all Design Cost payment obligations under this Agreement are current expenditures of the Municipal Parties, payable in the current fiscal year. The Municipal Parties' remaining obligations hereunder shall not constitute a multiple-fiscal year direct or indirect debt or other financial obligation of the Municipal Parties within the meaning

of Article X, Section 20 of the Colorado Constitution.

6. Miscellaneous.

A. None of the Municipal Parties hereto waive the rights, limitations, and defenses of the Colorado Governmental Immunity Act, or other rights or protections as otherwise provided by law.

B. The Municipal Parties hereto are separate, independent governmental entities and shall maintain such status throughout.

C. This Agreement may be executed by the Municipal Parties and the Ralston House with separate signature pages.

D. It is understood and agreed that this Agreement is intended to facilitate cooperation between the Municipal Parties and the Ralston House, and cause the design of the Northglenn Ralston House to be completed, as specified in Paragraph 2, but nothing in this Agreement shall be construed to establish a separate legal entity and, except as set forth herein, this Agreement does not authorize any Party to act for another for any other purpose whatsoever.

E. Notices. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if hand delivered, sent by certified mail or registered mail, postage and fees prepaid, addressed to the Party to whom such notice is to be given at the address set forth on the signature page below, or at such other address as has been previously furnished in writing, to the other Municipal Parties and the Ralston House. Such notice shall be deemed to have been given when deposited in the United States mail.

F. Paragraph Captions. The captions of the paragraphs are set forth only for the convenience and reference of the Municipal Parties and the Ralston House and are not intended in any way to define, limit or describe the scope or intent of this Agreement.

G. Integration and Amendment. This Agreement represents the entire agreement between the Municipal Parties and the Ralston House with regard to the subject matter of this agreement and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the Municipal Parties and the Ralston House. If any provision of this Agreement is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the remaining provisions of this Agreement shall continue in full force and effect.

H. Governing Law. This Agreement shall be governed by the laws of the State of Colorado.

I. Venue. Venue for any actions under this contract shall be in Adams

County, Colorado.

IN WITNESS WHEREOF, the Municipal Parties and Ralston House have caused this Agreement to be executed as of the day and year first above written.

CITY OF NORTHGLENN

RALSTON HOUSE

CITY OF WESTMINSTER

CITY OF THORNTON

CITY OF FEDERAL HEIGHTS

CITY OF BRIGHTON

CITY OF COMMERCE CITY

CITY OF AURORA

CITY AND COUNTY OF BROOMFIELD



ADAMS COUNTY

CITY & COUNTY OF 55
ATTEST:
SEAL *Jocia Kegemais*
Deputy City & County Clerk

APPROVED AS TO FORM:
William A. T... et al
City & County Attorney

Exhibit A

Existing Ralston House Location

Adams County Parcel ID
171909200001

Adams County Parcel ID
171909200002

Adams County Parcel ID
171909200003





SLATERPAULL
ARCHITECTS

1331 Newpark Street Denver, CO 80202 P: 303.667.0977 www.slaterpaull.com

PROJECT:
RALSTON HOUSE

Enter address here

SHEET TITLE:
FLOOR PLAN

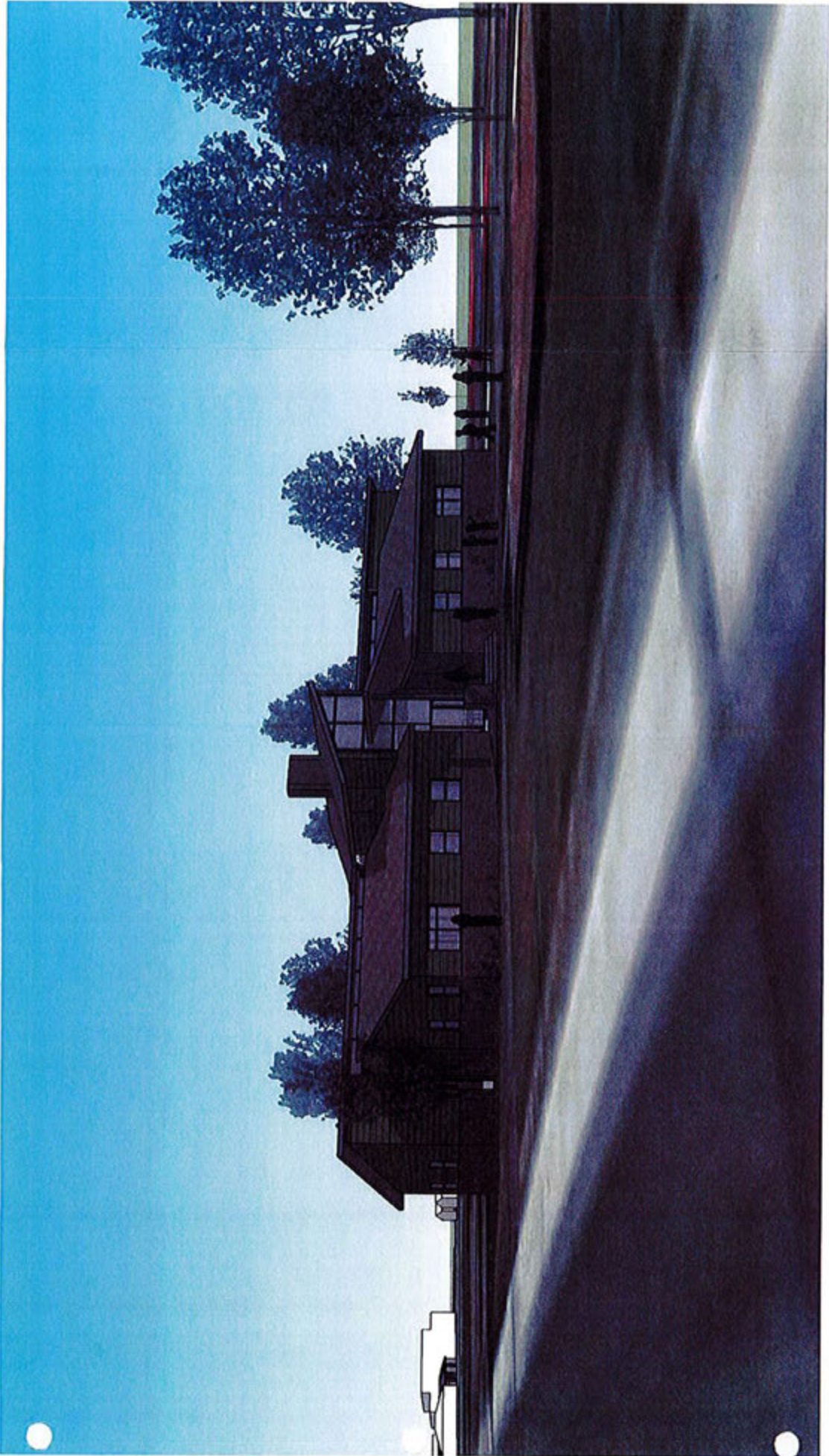
SCALE: 3/32" = 1'-0"

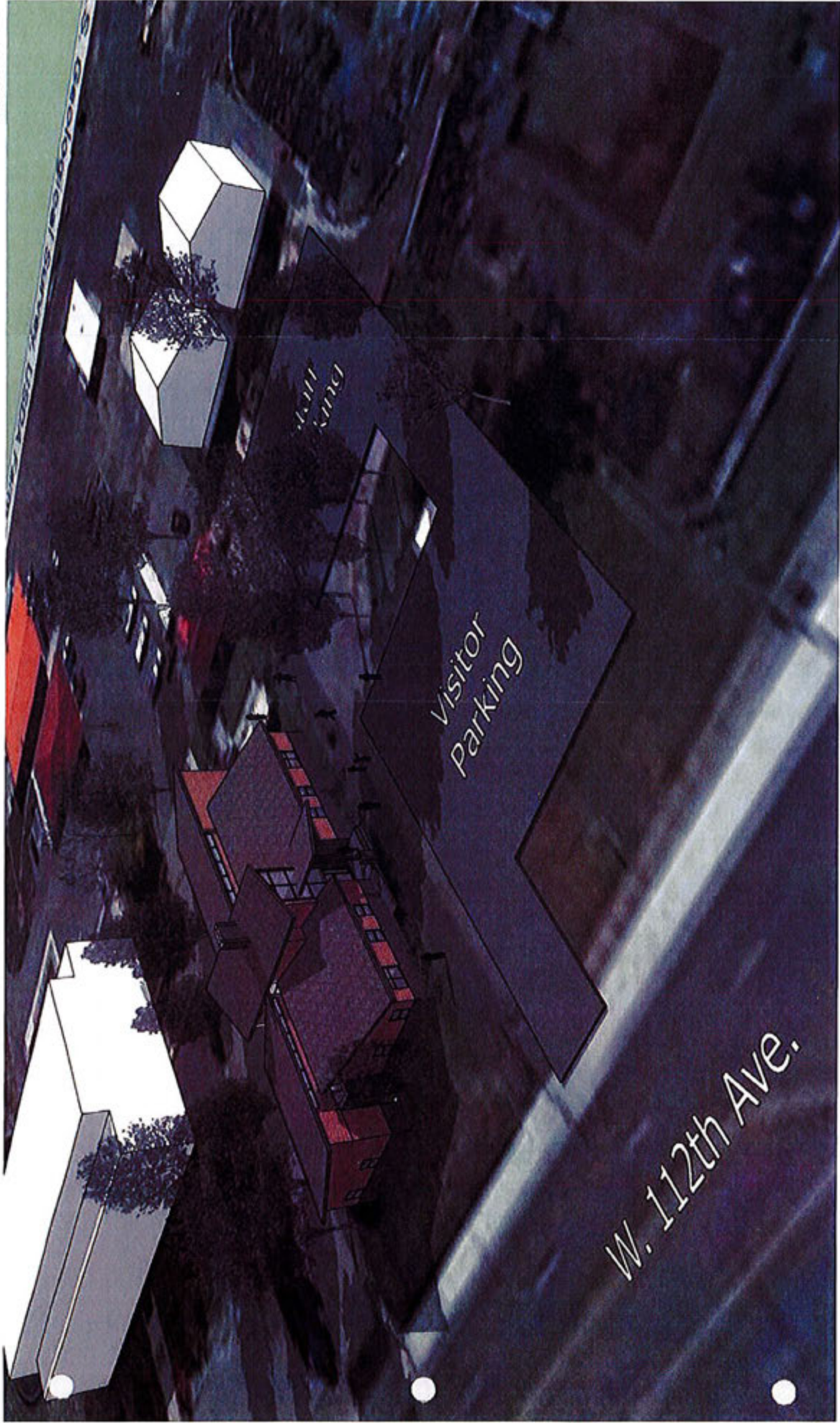
REF:
PROJ NO: Project Number
DATE: 08/28/14
SHEET: Author
DRAWN BY: Checker
CHECKED BY:

G-000



EXHIBIT B2







Agenda Item 8 D-E

Agenda Memorandum

City Council Meeting
December 28, 2015



SUBJECT: 120th Avenue and Federal Boulevard Intersection Improvement Project – Award of Construction Contract

Prepared By: David W. Loseman, Assistant City Engineer

Recommended City Council Action

1. Authorize the reallocation of \$400,000 from the McKay Lake Outfall Drainage Project and \$600,000 from the Little Dry Creek Bridge Replacement Project to the 120th Avenue and Federal Boulevard Project.
2. Authorize the City Manager to award the bid and execute a contract with the lowest and most qualified bidder, Jalisco International, Inc., in the amount of \$4,982,990.85 for the construction of the US 287 (120th Avenue) Federal Boulevard Intersection Improvements Project; and authorize a construction contingency of \$400,000.

Summary Statement

- In September 2010, the City Council authorized the submission of an application for a federal grant for improvements to the intersection of 120th Avenue and Federal Boulevard. A total amount of \$3,421,000 in federal funding was awarded for the construction costs. Local matching funds of \$1,043,000 were required to secure the federal grant. In addition, the Colorado Department of Transportation (CDOT), which prepared the design of the improvements, and will also contribute \$200,000 toward the construction of the project. Design, plan approval and administration of the federal funding are performed by CDOT as stewards of the Federal Aid funding process.
- In May 2012, the Denver Regional Council of Governments (DRCOG) requested that the City postpone the construction of this project until 2015, and City staff agreed due to workload considerations at the time. Due to delays with CDOT's design of the improvements, the construction of the project is now scheduled for spring 2016, which is acceptable to DRCOG.
- The federal funding is received in the form of reimbursements after the City makes payments to the contractor. City Council action was previously obtained appropriating the grant funds in advance. Construction is expected to be underway in the first half of 2016, and the project will be completed by winter 2016.

Expenditure Required: \$5,382,990.85

Source of Funds: Federal Grant Program (\$3,421,000);
CDOT contribution (\$200,000); and
General Capital Improvement Fund – 120th Avenue and Federal Boulevard
Project (\$2,043,000)

Policy Issue

Should the City enter into a contract with Jalisco International for the construction of the 120th Avenue and Federal Boulevard Project?

Alternative

Council is not obligated to proceed with this project, but Staff recommends acceptance of the \$3,421,000 in federal money and award of the construction contract in order to secure highly desirable improvements to this heavily traveled intersection.

Background Information

In September 2010, the City Council approved the submission of an application to DRCOG for federal funding to assist in the design and construction of improvements to the 120th Avenue and Federal Boulevard intersection. This application was approved for funding by DRCOG in February 2011. In May 2012, DRCOG staff made a request to the City to postpone the construction of this project. City staff agreed with this request and took advantage of this delay by proceeding with the design and construction of the Ranch Creek Underpass project, which geographically overlaps the intersection project. This underpass was completed in November 2015, prior to the commencement of the intersection project, which will avoid the need for a significant asphalt patch at the location of the culvert.

The intersection project provides accommodations for six through lanes on 120th Avenue, four through lanes on Federal Boulevard, double left turn lanes for all directions and right turn lanes at all legs of the intersection. Once these intersection improvements are completed, 120th Avenue will have three westbound through lanes between I-25 and Lowell Boulevard and three eastbound through lanes between I-25 and Sheridan Boulevard. This proposed project would eliminate the existing bottleneck at Federal Boulevard where 120th Avenue necks down from six lanes to four lanes. This improvement project will also enhance northbound Federal Boulevard traffic flow by adding a second lane north of 120th Avenue.

The existing eastbound to southbound sweeping right-turn lane will be removed along with one bridge on this “ramp” to provide for an expansion of the open space area and the construction of a pedestrian connection to the Big Dry Creek Trail from the west side of the creek. Several years ago, the City acquired the land under the ramp and triangular area to the northeast from CDOT for open space in anticipation of the closure of this ramp.

Curb, gutter, sidewalks and roadway lighting will be installed on both sides of 120th Avenue and Federal Boulevard along the west, south and east legs (i.e. the federal highway legs of the project) within 1,600 feet from the actual intersection. No lighting will be provided along the north leg (i.e. the City street leg of the project), but curb, gutter and sidewalk improvements will be included to make the transition to the two-lane Federal Parkway cross-section to the north of the intersection. The roadways will also be re-surfaced within the project limits, and sidewalks will be installed where none currently exist adjacent to the roadways.

CDOT prepared the design of the improvements and will contribute \$200,000 toward the construction of the project. Design, plan approval and administration of the federal funding are performed by CDOT under the terms of the intergovernmental agreement that was previously approved by Council on December 8, 2014.

City funding previously appropriated by Council is currently not adequate to construct this project. The reason for this shortfall is that in the design effort, CDOT recommended that it was best to include project incentives/disincentives for the contractor to complete the construction of the intersection using a “Fast Track” method. This Fast Track will pay the contractor up to \$120,000 (\$6,000 per day) if the firm

completes the concrete paving of the intersection within 20 days. The volumes of traffic on both 120th Avenue and Federal Boulevard makes the use of this method very desirable and less disruptive to the traveling public. City staff agreed with this recommendation subject to the City Council’s approval of the additional expense. Staff feels that one lesson learned from the recent 72nd Avenue/Raleigh Street Bridge Project is that an incentive clause similar to the one being recommended by CDOT on this 120th Avenue/Federal Boulevard Intersection Project would have been beneficial on that earlier project, which had a significant impact upon area businesses. While this proposed project at 120th Avenue/Federal Boulevard should not have as many negative impacts upon local businesses, the motoring public will certainly be affected. For that reason, staff strongly recommends that the incentive clause be included in the contract documents in order to minimize the inconvenience to the public.

Other CDOT-initiated incentives, such as an asphalt and concrete smoothness specification along with the recommended contingency, require the use of previously budgeted funds from the McKay Drainage Project and the 72nd and Little Dry Creek Bridge Replacement Projects. These two projects both have funds available within the budgets since the contingencies for both projects are not being entirely used for those projects. Therefore, this leaves some funds available for appropriation from these projects to the 120th Avenue and Federal Boulevard Project if Council so desires.

The construction package for this project was advertised in the Daily Journal and on the City’s website for six weeks, and bids were opened on November 5, 2015. Five contractors submitted bids on this project with the low bid of \$4,982,990.85 being submitted by Jalisco International, Inc. It is recommended that City Council award the construction contract to Jalisco International, Inc.

The bid results are as follows:

<u>Bidder</u>	<u>Amount of Bid</u>
Jalisco International, Inc.	\$ 4,982,990.85
Concrete Express, Inc.	\$ 5,017,949.50
New Design Construction	\$ 5,653,194.37
Lawson Construction	\$ 6,286,093.91
Concrete Works of Colorado	\$ 6,441,344.60
Engineer’s Estimate from CDOT	\$ 4,959,165.00

Staff has reviewed the results of the bidding procedure and recommends that the low bidder, Jalisco International, Inc., be awarded the contract for construction of the project in the amount of \$4,982,990.85. Staff is familiar with Jalisco International, Inc., since this company worked with the City in the past on the 120th Avenue and Huron Street Project and most recently on the 120th Avenue and Lowell Boulevard “FASTER” Project with the Colorado Department of Transportation, completed in 2015. The Colorado Department of Transportation has also concurred with the award of this contract to Jalisco International. Staff is confident that the company will complete this project in a timely and professional manner.

The requested construction contingency of \$400,000 is approximately 8% of the overall construction budget. This is a reasonable contingency for a project of this size and complexity.

Funding for the project comes from several sources including federal funds, funds from the Colorado Department of Transportation and funding from the General Capital Improvement Project Fund (GCIF).

Subject: 120th Avenue & Federal Boulevard Intersection Improvements Construction Contract Page 4

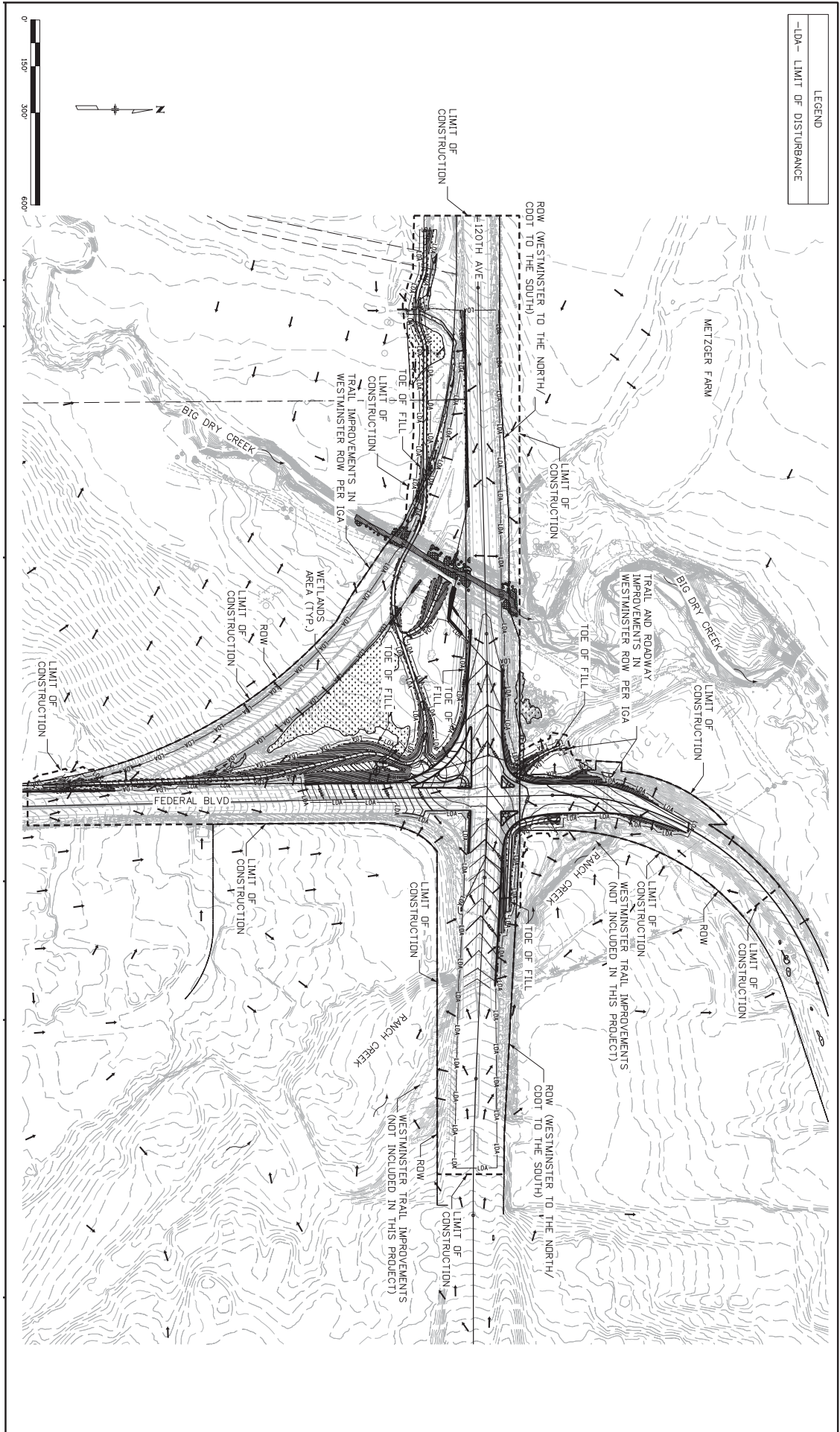
This project meets Council's Strategic Plan goals of *Excellence in City Services; a Dynamic, Diverse Economy; and Ease of Mobility* by providing an improved transportation system utilizing outside funding sources.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment: Project Map

PROJECT MAP





Agenda Item 8 F

Agenda Memorandum

City Council Meeting
December 28, 2016



SUBJECT: Ratify 2016 Gasoline and Diesel Purchase for City Vehicles

Prepared By: Jeffery Bowman, Fleet Manager

Recommended City Council Action

Ratify the 2016 contracted purchase of 170,000 gallons of unleaded, E-10 gasoline and 90,000 gallons of diesel fuel from Hill Petroleum to be delivered to City sites for a cost not to exceed \$408,552.

Summary Statement

- While the City of Westminster fuel use has averaged approximately 215,000 gallons of gasoline and 120,000 gallons of diesel annually over the last five years, the City is trending towards 195,000 gallons of unleaded and 118,000 gallons of diesel in 2015.
- The City often purchases fuel under a commodities contract where prices are locked in for a certain amount of fuel for a specified period of time.
- Fuel contract lock timelines have changed in the past few years; most notably in the amount of time the purchaser has to make a decision. While previously a fuel vendor could wait days for a purchaser to decide whether or not to lock in a price, in today's fast-paced futures market, the purchaser needs to respond immediately.
- As described in the November 23, 2015, City Council Agenda Memo 8 D, City Staff decided to use a "strike price" approach where the Fleet Manager is pre-authorized to lock in futures fuel prices when the price per gallon decreases to a specific per gallon cost. Once the purchase was made, City Council would be asked to ratify the purchase contract at a subsequent City Council meeting.
- The 2016 prices for gasoline and diesel were locked on December 3, 2015, as futures gasoline and diesel prices declined.
- The \$408,552 represents the costs for approximately 85% of Westminster's 2015 gasoline consumption and 75% of Westminster's diesel consumption based on estimated 2015 use.
- The projected gasoline costs are based on the lowest bid price of \$1.5325 per gallon combined transport and tank wagon loads. The projected diesel costs are based on the lowest bid price of \$1.6247 per gallon combined transport and tank wagon loads.
- City Council approved \$1,126,430 in the 2016 Fleet Maintenance Fund budget to purchase both gasoline and diesel fuel.
- The purchase prices authorized here are substantially under \$2.00 per gallon price for gasoline and the \$2.20 per gallon price for diesel that were shared with City Council in the November 23, 2015, City Council Agenda Memo 8 D.

Expenditure Required: Not to exceed \$408,552

Source of Funds: 2016 Fleet Maintenance Fund

Policy Issue

Should City Council ratify a fixed price agreement for gasoline and diesel purchases for 2016?

Alternative

No alternatives are identified based on prior authorization given to Staff from Council on November 23, 2015, City Council Agenda Memo 8 D.

Background Information

The last time the City of Westminster entered a fuel contract lock price was 2014 for the 2015 budget year. In the last three years, the speed with which fuel contract transactions happen has increased, leaving decision time to lock a contract often to mere minutes. In comparison to the days, or even weeks of decision time to lock a contract in years past, municipal fleets need to be able to react to short term dips in fuel pricing. Municipal fleets are a primary user of fuel contracts because fuel contracts not only secure a price within the fleet's budget, it also creates a "first at the pipe" priority assuring fuel supply over fleets that purchase on spot pricing. For example, as refineries decrease fuel production for maintenance, customers holding contracts are first to receive their allotted fuel delivery. While spot purchasing allows the City to take advantage of price decreases, the City also pays market price when prices soar.

Historically, the City's vehicle fleet uses approximately 335,000 gallons of motor fuel annually. Gasoline use is highest at 215,000 gallons, while diesel fuel use averages 120,000 gallons. Approximately 15% of 2016 gasoline and 25% of 2016 diesel fuel purchases are expected to be purchased on spot market. Fuel is dispensed at three City locations: the Municipal Service Center (MSC), Big Dry Creek Facility (BDC) and City Park. Only the MSC has large enough storage capacity to receive full transport deliveries. A full transport load of gasoline is 8,500 gallons. The fuel quantity and ability to accept it is important, as fuel contract prices are based on full transport loads and monthly consumption. The fuel tanks at BDC and City Park are smaller, so deliveries are not shipped in transport load sized trailers, but are shipped via "tank wagons." A tank wagon is a straight truck with an attached tank whose volume is less than transport loads. A tank wagon delivery can cost as much as 20 cents per gallon more than a transport load on contracted price.

Determining the amount and type of fuel issued at each City fuel location and the method used to deliver that fuel, along with the fuel budget number, enabled Staff to develop the strike price for 2016 fuel contracts. This 170,000 gallon purchase of gasoline and 90,000 gallon purchase of diesel fuel will be acquired for substantially less than the City of Westminster's \$2.00 for gasoline and \$2.20 diesel per gallon "strike price" that was shared with City Council on the November 23, 2015, City Council Agenda Memo 8 D

The City of Westminster uses an E-10 blend of gasoline: 10% ethanol and 90% gasoline. This blend is the standard fuel blend along the Front Range. As costs started trending downward, Fleet Maintenance began soliciting futures prices for an estimated 140,000 gallons, via transport trailer and an estimated 30,000 gallons, via tank wagon of E10 gasoline in December 2015. At the same time, Fleet Maintenance began soliciting diesel futures prices for an estimated 60,000 gallons, via transport trailer and an estimated 30,000 gallons, via tank wagon. Three vendors were solicited: Chief Petroleum, Gray Oil Company and Hill Petroleum. Each vendor has government contracts that outline all criteria for fuel quality and delivery. Hill Petroleum's pricing represents the low bid for the 170,000 gallons of gasoline and 90,000 gallons of diesel, at the anticipated transport trailer and tank wagon delivery quantities.

Quoted fuel pricing from each vendor is as follows:

Vendor	Unleaded					
	Unleaded \$ per gallon	Total Cost Unleaded Transport (140,000 gal.)	Unleaded \$ per gallon Tankwagon	Total Cost Unleaded Tankwagon (30,000 gal)	Total \$ Unleaded Bid	Unleaded Average Cost per gallon
	Hill Gray Oil Chief	\$ 1.5228 No Bid \$ 1.7390	\$ 213,192 \$ 243,460	\$ 1.5778 No Bid \$ 1.839	\$ 47,334 \$ 55,170	\$ 260,526 \$ - \$ 298,630

Vendor	Diesel					
	Diesel \$ per gallon Transport	Total \$ Diesel Transport (60,000 gal.)	Diesel \$ per gallon Tankwagon	Total \$ Diesel Tankwagon (30,000 gal)	Total \$ Diesel Bid	Diesel Average Cost per gallon
	Hill Gray Oil Chief	\$ 1.6064 \$ 1.8185 \$ 1.7690	\$ 96,384 \$ 109,110 \$ 106,140	\$ 1.6614 \$ 1.9575 \$ 1.8690	\$ 49,842 \$ 58,725 \$ 56,070	\$ 146,226 \$ 167,835 \$ 162,210

Unleaded				Diesel			
Transport		Tankwagon		Transport		Tankwagon	
140,000		30,000		60,000		30,000	
\$/Gallon:	\$ 1.5228	\$ 1.5778		\$/Gallon:	\$ 1.6064	\$ 1.6614	
	\$ 213,192.00	\$ 47,334.00			\$ 96,384.00	\$ 49,842.00	
Total \$ Unleaded \$ 260,526.00				Total \$ Unleaded \$ 146,226.00			
Total 2016 Fuel Contract Lock:				\$ 406,752.00			
Diesel Winter Additive at \$0.04 /Gallon:				\$1,800.00			
Grand Total 2016 Fuel Contract Lock:				\$ 408,552.00			

This contract for fuel purchases meets Council’s Strategic Plan Goal of “Financially Sustainable Government Providing Excellence in City Services” by keeping the City’s fuel supply within budget and reliable into 2016.

Respectfully submitted,

Donald M. Tripp
City Manager



Agenda Item 8 G

Agenda Memorandum

City Council Meeting
December 28, 2015



SUBJECT: Second Reading of Councillor's Bill No. 58 re Rocky Mountain High Intensity Drug Trafficking Area Grant Supplemental Appropriation

Prepared By: Lee Birk, Chief of Police
Todd Reeves, Police Commander
Karen Creager, Special District Accountant

Recommended City Council Action

Pass Councillor's Bill No. 58 on second reading appropriating grant monies to be received from the 2016 Rocky Mountain High Intensity Drug Trafficking Area (RMHIDTA) Grant to the 2016 General Fund budget.

Summary Statement

- City Council action is requested to adopt the attached Councillor's Bill on second reading, authorizing a supplemental appropriation to the 2016 Budget of the General Fund.
- This Councillor's Bill was approved on first reading on December 14, 2015.

Expenditure Required: \$334,379

Source of Funds: Rocky Mountain High Intensity Drug Trafficking Area Grant

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment: Ordinance

BY AUTHORITY

ORDINANCE NO. **3813**

COUNCILLOR'S BILL NO. **58**

SERIES OF 2015

INTRODUCED BY COUNCILLORS
Pinter - Bird

**A BILL
FOR AN ORDINANCE AMENDING THE 2016 BUDGET OF THE GENERAL FUND AND
AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2016 ESTIMATED
REVENUES IN THE FUND**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2016 appropriation for the General Fund initially appropriated by Ordinance No. 3737 is hereby increased by \$334,379. This appropriation is due to the award of federal grant funds from the Rocky Mountain High Intensity Drug Trafficking Area Grant for the continued operation of the North Metro Task Force.

Section 2. The \$334,379 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10 D-F dated December 14, 2015 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Fund	<u>\$334,379</u>
Total	<u>\$334,379</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 14th day of December, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of December, 2015.

ATTEST:

Mayor

City Clerk



Agenda Item 10 A

Agenda Memorandum

City Council Meeting
December 28, 2015



SUBJECT: Councillor's Bill No. 59 Approving: Business Assistance Agreement with Legacy Partners, Residential LLC

Prepared By: Stephen P. Smithers, Deputy City Manager

Recommended City Council Action

Pass Councillor's Bill No. 59 on first reading authorizing the City Manager to execute and implement a business assistance agreement with Legacy Partners, Residential LLC in substantially the same form as the attached agreement.

Summary Statement

- The City has worked over the past 17 years to develop the Promenade into a vibrant entertainment and retail project.
- The Promenade has had particular challenges over the last 5-7 years with maintaining traffic levels, which has resulted in substantial vacancies on the west side of the development.
- The parcel of land located between the Ice Centre and the Westin Hotel has been brought forward with several different development proposals; however, none of these has moved forward. This vacant parcel has been a concern to the Westin Hotel and is a concern to the City.
- Legacy Partners has now brought forward a proposal to develop a residential project that Staff believes will inject some needed energy into the Promenade.
- Legacy Partners has requested assistance to make this high cost project feasible and after detailed review Staff concurs that this assistance is necessary.
- The assistance being proposed is in the form of fee waivers and rebates resulting directly from the project. No assistance will be provided unless the project moves forward.

Expenditure Required: \$4,141,436

Source of Funds: Fee Waivers and Rebates from the Project

Policy Issue

Should City Council approve fee waivers and a building use tax rebate for the Legacy Project as set forth in this Agenda Memorandum?

Alternative

City Council could not offer this business assistance package. It is Staff’s opinion based on the background work done with the developer that this development will not move forward without this assistance. As discussed in the background section of this memo, this development has a number of extraordinary costs that Staff has confirmed cannot be absorbed by Legacy Partners. Staff believes that if this development does not go forward that this site will continue to sit vacant for an extended period of time, which will continue to be significant negative condition for the larger Promenade development.

Background Information

The development site between the Westin Hotel and the Ice Centre just north of Church Ranch Boulevard and just east of Westminster Boulevard was approved for a large office building and parking garage in 2001. The City agreed to waive fees associated with this development to help this important project to move forward. Unfortunately, this project got caught up in the Dot Com recession in 2002/2003, which brought major increases in office vacancy rates, and killed the project.

The Developer, Inland Pacific Corporation, then brought forward and received approval from the City for a condominium/health spa development known as MyAnnanda. Just before breaking ground, the financing for this project got pulled because of the approaching Great Recession, and the fallout in the condominium market. Because of these factors the project did not go forward. The City included a significant assistance agreement for this project because of its importance to the Promenade.

The Legacy Residential Development now being proposed has the challenge of dealing with site limitations created by this parcel for a more dense development. In order to make the 300 unit 5 story residential rental project work, the developer designed the building with multi-story structured parking on the interior of the residential units. This presents significant additional cost that would not occur if the site allowed for parking requirements to be met by at grade surface parking. This combined with less than ideal access for this development creates particular challenges for development on this parcel.

Legacy Partners has been very transparent in sharing their financial information for the project and Staff has spent considerable time reviewing this information. Based on the financial data provided, it is clear to Staff that this development will not move forward without the assistance proposed in this Agenda Memorandum.

The assistance being proposed is as follows:

Proposed Assistance

**Approximate
Value**

<u>Construction Use Tax Rebate</u>	<u>\$850,466</u>
92% of the General Use Tax (excludes the City’s .25% Open Space Tax and .60% Public Safety Tax) on construction materials for this project will be waived	
(\$61,628,000 construction valuation x 50% x 3% x 92% = \$850,466)	

Public Land Dedication Fee-in-lieu Reduction \$3,136,320

The \$15.00 per square foot of land area fee-in-lieu of public land dedication will be reduced to \$5.00 per square foot. (2.0 persons per unit x 300 units = 600 persons. City requires 12 acres per 1,000 persons, so 600 persons = 7.2 acres or 313,632 square feet. \$15.00 p.s.f. x 313,632 square feet = \$4,704,480 and \$5.00 p.s.f. = \$1,568,160, so \$4,704,480 - \$1,568,160 = \$3,136,320)

Park Development Fee Waiver \$154,650

50% of the Park Development Fee on this project will be waived. (\$1,031 per unit x 300 units = \$309,000 x 50% = \$154,650)

Total Proposed Assistance Package Not To Exceed \$4,141,436

This assistance package is based upon the City’s goal of a “Vibrant, Inclusive and Engaged Community” and “Dynamic and Divers Economy.” Legacy Partner’s project will help diversify the City’s housing offerings and strengthen the City’s investment in the Promenade.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment: Councillor’s Bill and Agreement

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **59**

SERIES OF 2015

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AUTHORIZING THE ECONOMIC DEVELOPMENT AGREEMENT
WITH LEGACY PARTNERS, RESIDENTIAL LLC**

WHEREAS, the City wishes to provide assistance to aid in the development of a residential project of the Company in the City; and

WHEREAS, City Council finds the execution of this Economic Development Agreement will provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City; and

WHEREAS, the Company has proposed construction of a 300 unit residential project for the purpose of providing high-density housing for future residents of the City, thus providing housing diversity within the City; and

WHEREAS, a proposed Economic Development Agreement between the City, and Legacy Partners, Residential LLC , is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of December, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of January, 2015.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

**ECONOMIC DEVELOPMENT AGREEMENT
FOR
LEGACY AT PROMENADE**

THIS ECONOMIC DEVELOPMENT AGREEMENT (the "Agreement") is made and entered into this ___ day of _____, 2015, between the CITY OF WESTMINSTER (the "City") and Legacy Partners, Residential LLC, a Delaware limited liability and its assigns (the "Company").

WHEREAS, the City wishes to provide assistance to aid in the development of a residential project of the Company in the City; and

WHEREAS, the Company has proposed construction of a 300 unit residential project known as the "Legacy at Promenade" as described in the Third Amended Official Development Plan Westminster Promenade East (the "Legacy Project") at Lots 2A & 2B of the second replat, Westminster Promenade East (A replat of Lot 2 of the first replat of Westminster Promenade East), Plat Book No. 155, Page No's. 40 & 41, Reception No. F1084600, Dated July 14, 2000, County of Jefferson, State of Colorado (the "Development Parcel"); for the purpose of providing high-density housing for future residents of the City, thus providing housing diversity within the City; and

WHEREAS, City Council finds the execution of this Economic Development Agreement will provide benefit and advance the public interest and welfare of the City and its citizens by securing the location of this economic development project within the City.

NOW, THEREFORE in consideration of the mutual promises set forth below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and the Company hereby agree to the following:

1. Use Tax Rebate-Construction. The City shall rebate 92% of the Building Use Tax (excludes the City's 25% Open Space Tax and .6% Public Safety Tax) required under W.M.C. Sections 4-2-9 and 4-2-3 for construction of the Legacy Project. The rebate on use tax on construction materials is currently estimated to be approximately \$850,466.

2. Public Land Dedication Fee. The City shall reduce the required fee-in-lieu of Public Land Dedication required under W.M.C. Section 11-6-8 from \$15.00 per square foot to \$5.00 per square foot for the Legacy Project. The reduction in the public land dedication fee-in-lieu will equal approximately \$3,136,320.

3. Park Development Fee. The City shall waive 50% of the Park Development Fee required under W.M.C. 11-6-8(C) for development of the Legacy Project. The park development fee waiver will be approximately \$154,650.

4. Common Area Maintenance (CAM) Charges. The Company agrees to pay 100% of the West Promenade CAM charges associated with development and operation of the company's Legacy Project on the Development Parcel.

5. Application of Waivers. The tax and fee waivers described above in sections one through four (the "Tax and Fee Waivers") shall be applied at time payment would otherwise be due.

6. Entire Agreement. This Agreement shall constitute the entire agreement between the City and the Company regarding the Tax and Fee Rebates and Waivers and supersedes any prior agreements between the parties and their agents or representatives related to the same subject matter, all of which are merged into and revoked by this Agreement with respect to its subject matter.

7. Termination. This Agreement shall terminate and become void and of no force or effect upon the City if the Company has not commenced construction of the Legacy Project by December 31, 2016 or should the Company not comply with the City regulations or code.

8. Business Termination. In the event following completion of construction, the Legacy Project ceases to conduct business for a period of ninety (90) or more consecutive days at any time prior to July 31, 2021 for reasons solely within the discretion or control of Company, including but not limited to reorganization, restructuring, dissolution or bankruptcy, then the Company shall pay to the City within sixty (60) days of such business termination the total amount of fees and taxes that were waived or rebated pursuant to the terms of this Agreement.

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

10. Annual Appropriation. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20.

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

12. Successors and Assigns. The terms of this Agreement for the Legacy Project shall inure to the benefit of the parties and their respective successors and assigns and shall be deemed to run with the Development Parcel.

LEGACY PARTNERS RESIDENTIAL LLC,
a Delaware limited liability company

CITY OF WESTMINSTER

Donald M. Tripp
City Manager

NOTARY:

ATTEST:

Linda Yeager
City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

AGENDA

**CITY OF WESTMINSTER DOWNTOWN
GENERAL IMPROVEMENT DISTRICT
MEETING**

MONDAY, DECEMBER 28, 2015

AT 7:00 P.M.

- 1. Roll Call**
- 2. Consideration of Minutes of Preceding Meetings** (October 26 and November 23, 2015)
- 3. Public Hearings and Other New Business**
 - A. Public Hearing on Petition for Inclusion of Property into the Downtown General Improvement District
 - B. Councillor's Bill No. 60 to Include Certain Westminster Economic Development Authority-owned Property into the Downtown General Improvement District
- 4. Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE DOWNTOWN
GENERAL IMPROVEMENT DISTRICT MEETING
MONDAY, OCTOBER 26, 2015, AT 10:16 P.M.

ROLL CALL

Present at roll call were Chairperson Atchison, Vice Chairperson Briggs, and Board Members Baker, De Cambra, Garcia, Pinter, and Seitz. Also present were Donald M. Tripp, Executive Director, David Frankel, Attorney, and Linda Yeager, Secretary.

CONSIDERATION OF MINUTES

It was moved by Vice Chairperson Briggs, seconded by Board Member Seitz, to approve the minutes of the August 24, 2015, meeting as presented. The motion carried.

RESOLUTION NO. 2 RE CONTRACT AND ADMINISTRATIVE AUTHORITY

It was moved by Board Member Garcia, seconded by Board Member Pinter, to adopt Resolution No. 2 outlining the Executive Director's authority to enter into contracts and make purchases on behalf of the City of Westminster Downtown General Improvement District and to delegate these activities to appointed City of Westminster Staff in a manner consistent with practices established for the City under the Westminster Municipal Code, as it may be amended from time to time, and all current and future administrative memoranda. On roll call vote, the motion carried by a 6:1 vote with Board Member Baker voting no.

INTERGOVERNMENTAL COOPERATION AGREEMENT WITH CITY/WEDA/DISTRICT

Board Member Seitz moved, seconded by Board Member De Cambra, to authorize the Mayor, as the Presiding Officer of the City of Westminster Downtown General Improvement District, to execute an Intergovernmental Cooperation Agreement between the City of Westminster, the Westminster Economic Development Authority, and the City of Westminster Downtown General Improvement District, in substantially the same form as attached, providing for reimbursement to the City by either WEDA and/or the GID of certain costs incurred by the City within the boundaries of the Westminster Center Urban Reinvestment Plan Area. The motion passed unanimously.

INTERGOVERNMENTAL SERVICE AGREEMENT WITH CITY

It was moved by Vice Chairperson Briggs, seconded by Board Member Pinter, to authorize the Executive Director to execute an Intergovernmental Service Agreement with the City of Westminster in substantially the same form as the attached agreement regarding the payment of a service fee to the City. The motion passed unanimously.

ADJOURNMENT

There was no further business and the meeting adjourned at 10:19 p.m.

Chairperson

ATTEST:

Secretary

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE DOWNTOWN
GENERAL IMPROVEMENT DISTRICT MEETING
MONDAY, NOVEMBER 23, 2015, AT 8:30 P.M.

ROLL CALL

Present at roll call were Chairperson Atchison, Vice Chairperson Garcia, and Board Members Baker, Bird, Pinter, and Seitz. Board Member De Cambra was absent. Also present were Donald M. Tripp, Executive Director, David Frankel, Attorney, and Linda Yeager, Secretary.

PETITION FOR INCLUSION OF CERTAIN WEDA-OWNED PROPERTY INTO THE GID

It was moved by Board Member Seitz, seconded by Board Member Baker, to Schedule a public hearing on the Petition for Inclusion filed on behalf of WEDA and direct the Clerk to publish all required notices for said hearing. The motion passed unanimously.

ADJOURNMENT

There was no further business and the meeting adjourned at 8:31 p.m.

Chairperson

ATTEST:

Secretary

Downtown GID Agenda Item 3 A-B

Agenda Memorandum

City of Westminster Downtown General Improvement District Meeting
December 28, 2015



SUBJECT: Councillor's Bill No. 60 re Petition for Inclusion of certain WEDA-owned Property into the City of Westminster Downtown General Improvement District

Prepared By: David Frankel, City Attorney

Recommended Board Action

1. Conduct a Public Hearing.
2. Pass Councillor's Bill No. 60 on first reading to approve the inclusion of Westminster Economic Development Authority land into the Downtown General Improvement District.

Summary Statement

- General Improvement Districts (GIDs) are a financing tool utilized to help fund improvements and operational costs within certain developments to ensure financial sustainability.
- Under a GID structure, a property tax mill levy is assessed on owners within the GID boundaries as they are the primary beneficiaries of public improvements, such as streets, lights, parks, parking improvements, etc. to be built and maintained for the benefit of the users.
- The City of Westminster Downtown GID was established on August 24, 2015, and a mill levy not to exceed 50 mills was approved at the November 3, 2015 election.
- Including the WEDA-owned property at the Downtown Westminster site into the GID would facilitate funding of improvements and services for the new Downtown.
- The GID received a Petition for Inclusion of the WEDA-owned land at the Downtown Westminster site on November 23, 2015.
- The Clerk to the GID has published the required notices for tonight's hearing and the next procedural step is for the GID to approve on first reading an ordinance including the WEDA land.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the GID Board grant the Petition for Inclusion and approve on first reading the proposed Inclusion ordinance?

Alternatives

1. Do not grant the Petition for Inclusion. This is not recommended for the following reasons:
 - a. The Petition for Inclusion would place WEDA's property into a GID - a revenue generating district, which will defray City capital improvement and operational costs associated with public infrastructure within the Downtown Westminster boundaries.
 - b. Property owners within the boundaries of the proposed GID directly benefit from the City's investment of public improvements and the GID is a prudent financing tool to ensure the owners are paying for the capital and maintenance costs of public improvements within the district.

Background Information

The City currently has seven GIDs, such as the Mandalay Gardens and 144th Avenue GIDs, which provide a stable revenue stream to fund public infrastructure costs within specific development boundaries. The revenue derived from the GIDs offsets the expenses associated with constructing and maintaining public improvements. The mill levy level assessed on the property owners within the district was derived on market research of comparable developments as a means to provide competitive overlapping tax level so as not to overburden the owners with a high level of taxes.

The GID mill levy for Downtown Westminster has been set to not exceed 50 mills. This levy, when fully implemented, will produce an overall millage of approximately 130 mills for property owners, which is a little above the current average of 123 mills of comparable GIDs researched by Staff. It should be noted that the current mill levy applied in Downtown Westminster is the lowest level on the survey and the proposed 50 mill GID rate results in a total rate well below the highest rate in the survey applied at Broomfield's Arista development. The Arista mill levy is just over 173 mills.

The 50 mill assessment rate for the Downtown GID is based on the estimated annual cost to provide operations and maintenance on the proposed improvements, which Staff estimates at build out will exceed \$3 million annually. At build-out, the total estimated commercial and residential assessed value is approximately \$113 million resulting in projected revenues of \$5.88 million to provide funding for both capital expenditure and annual operation and maintenance costs. Phase I of the project will produce revenues in the neighborhood of \$500,000. It should be noted that this estimate is subject to change given the dynamics of the uncertainty of the development timeline and final property composition; however, it is a reasonable estimate based on the long-term vision and master plan of Downtown Westminster.

The action requested in this agenda memorandum relates to the City's Strategic Plan goal of Visionary Leadership, Effective Governance and Proactive Regional Collaboration and to a Financially Sustainable

SUBJECT: Councillor's Bill to Include WEDA-owned property into Downtown GID

Page 3

Government Providing Excellence in City Services by creating a governmental entity to oversee the ongoing needs to fund a financially sustainable Downtown Westminster development.

Respectfully submitted,

Donald M. Tripp
Executive Director

Attachments: Petition for Inclusion
Councillor's Bill

PETITION

FOR THE INCLUSION OF PROPERTY WITHIN THE
CITY OF WESTMINSTER DOWNTOWN
GENERAL IMPROVEMENT DISTRICT

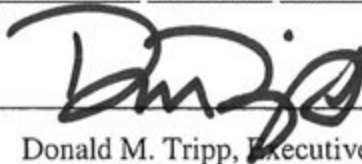
I, the undersigned, am the authorized representative of the Westminster Economic Development Authority ("WEDA"), the owner of the property described in Exhibit A attached hereto (the "Property"), hereby petition the City Council of the City of Westminster, Colorado, (the "City") as the ex officio Board of Directors (the "Board") of the City of Westminster Downtown General Improvement District (the "District") for the inclusion of the Property within the boundaries of the District, pursuant to section 31-25-618, Colorado Revised Statutes. In support of this petition, I state as follows:

1. The undersigned petitioner for the inclusion of the Property within the boundaries of the District is the authorized representative of WEDA, the fee title owner of the Property.
2. The legal description of the Property has been verified by the City Clerk ex officio Secretary of the Board.
3. The undersigned petitioner has accompanied this Petition with a deposit of moneys sufficient to pay all costs of the inclusion proceedings.

WHEREFORE, I ask the Board to take all steps and procedures required by law for the inclusion of the Property within the boundaries of the District, including the publication of notice of the filing of this petition and the mailing of such notice to each elector of the District, and the adoption of an ordinance including the Property within the boundaries of the District.

Name of Fee Title Owner: Westminster Economic Development Authority

By: _____



Donald M. Tripp, Executive Director

STATE OF COLORADO)
) SS.
COUNTY OF ADAMS)

I, Donald M. Tripp, being first duly sworn on oath verifies that the facts set forth in this Petition are true to the best of my knowledge, information and belief.



Donald M. Tripp

Subscribed and sworn to before me this 23rd day of November, 2015.

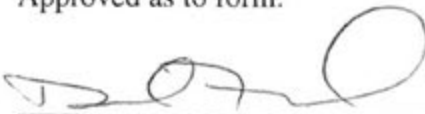
My commission expires: January 27, 2017.

MARY JOY BARAJAS
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20014002738
My Commission Expires January 27, 2017
(SEAL)



Notary Public

Approved as to form:



Attorney for WEDA

EXHIBIT A

Verified Legal Description for Property to be Included
Within the Boundaries of the City of Westminster
Downtown General Improvement District

**LEGAL DESCRIPTION OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
OWNERSHIP AT THE DOWNTOWN WESTMINSTER SITE**

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE N44°34'47"W A DISTANCE OF 105.18 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HARLAN STREET SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE SAID EASTERLY LINE THE FOLLOWING EIGHT (8) CONSECUTIVE COURSES;

- 1.) 128.70 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 73°44'29" AND A CHORD WHICH BEARS N36°09'44"W A DISTANCE OF 120.00 FEET;
- 2.) THENCE N00°42'30"E A DISTANCE OF 252.68 FEET;
- 3.) THENCE 104.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 30°00'00" AND A CHORD WHICH BEARS N14°17'30"W A DISTANCE OF 103.53 FEET;
- 4.) THENCE N29°17'30"W A DISTANCE OF 253.49 FEET;
- 5.) THENCE 52.36 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 30°00'00" AND A CHORD WHICH BEARS N14°17'30"W A DISTANCE OF 51.76 FEET;
- 6.) THENCE N00°42'30"E A DISTANCE OF 1022.79 FEET;
- 7.) THENCE 241.91 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 360.00 FEET, A CENTRAL ANGLE OF 38°30'06" AND A CHORD WHICH BEARS N19°57'33"E A DISTANCE OF 237.39 FEET;
- 8.) THENCE N39°12'36"E A DISTANCE OF 216.41 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HARLAN STREET AND THE SOUTHERLY LINE OF WEST 92ND AVENUE RECORDED AT RECEPTION NO. F0832987; THENCE ALONG THE SAID EASTERLY LINE AND SOUTHERLY LINE OF WEST 92ND AVENUE THE FOLLOWING FOURTEEN (14) CONSECUTIVE COURSES;
 - 1.) S50°48'48"E A DISTANCE OF 20.34 FEET;
 - 2.) THENCE N39°11'12"E A DISTANCE OF 55.78 FEET;
 - 3.) THENCE 26.01 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 16.50 FEET, A CENTRAL ANGLE OF 90°18'15" AND A CHORD WHICH BEARS N05°39'40"W A DISTANCE OF 23.40 FEET TO A POINT OF REVERSE CURVATURE;
 - 4.) THENCE 208.95 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 393.50 FEET, A CENTRAL ANGLE OF 30°25'28" AND A CHORD WHICH BEARS N24°16'43"E A DISTANCE OF 206.50 FEET;
 - 5.) THENCE N09°03'59"E A DISTANCE OF 16.12 FEET;
 - 6.) THENCE 33.06 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 500.50 FEET, A CENTRAL ANGLE OF 03°47'05" AND A CHORD WHICH BEARS N07°10'20"E A DISTANCE OF 33.05 FEET TO A POINT OF REVERSE CURVATURE;
 - 7.) THENCE 38.28 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 48.50 FEET, A CENTRAL ANGLE OF 45°13'15" AND A CHORD WHICH BEARS N27°53'25"E A DISTANCE OF 37.29 FEET;
 - 8.) THENCE S89°13'00"E A DISTANCE OF 100.73 FEET;

- 9.) THENCE S89°12'30"E A DISTANCE OF 16.89 FEET;
- 10.) THENCE 51.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1036.00 FEET, A CENTRAL ANGLE OF 02°50'33" AND A CHORD WHICH BEARS S87°47'44"E A DISTANCE OF 51.39 FEET;
- 11.) THENCE S86°22'27"E A DISTANCE OF 303.71 FEET;
- 12.) THENCE 69.00 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1260.31 FEET, A CENTRAL ANGLE OF 03°08'13" AND A CHORD WHICH BEARS S87°56'42"E A DISTANCE OF 68.99 FEET TO A POINT OF COMPOUND CURVATURE;
- 13.) THENCE 8.73 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1259.00 FEET, A CENTRAL ANGLE OF 00°23'51" AND A CHORD WHICH BEARS S89°42'48"E A DISTANCE OF 8.73 FEET;
- 14.) THENCE S89°54'43"E A DISTANCE OF 162.21 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 92ND AVENUE RECORDED AT RECEPTION NO. F1097396; THENCE ALONG SAID SOUTHERLY LINE S89°55'03"E A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 92ND AVENUE RECORDED AT RECEPTION NO. F083987; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;
- 1.) S00°45'31"W A DISTANCE OF 9.26 FEET;
- 2.) THENCE S89°16'45"E A DISTANCE OF 495.77 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 903; THENCE ALONG THE SAID WESTERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;
- 1.) S45°07'17"E A DISTANCE OF 143.20 FEET;
- 2.) THENCE S15°22'31"E A DISTANCE OF 102.65 FEET TO THE NORTHEASTERLY CORNER OF LOT 1, BLOCK 1, LAKE ARBOR COMMERCIAL OFFICE PARK FILING NO. 1; THENCE ALONG THE NORTHERLY, WESTERLY AND SOUTHERLY LINE OF SAID LOT 1 THE FOLLOWING THREE (3) CONSECUTIVE COURSES;
- 1.) N89°17'30"W A DISTANCE OF 175.87 FEET;
- 2.) THENCE S00°42'30"W A DISTANCE OF 160.00 FEET;
- 3.) THENCE S89°17'30"E A DISTANCE OF 222.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 903; THENCE ALONG SAID WESTERLY LINE S15°22'31"E A DISTANCE OF 1207.45 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 901; THENCE ALONG SAID WESTERLY LINE S00°05'03"W A DISTANCE OF 904.69 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 88TH AVENUE; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;
- 1.) 23.73 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°37'27" AND A CHORD WHICH BEARS S45°23'47"W A DISTANCE OF 21.33 FEET;
- 2.) THENCE N89°17'30"W A DISTANCE OF 1682.39 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 88TH AVENUE RECORDED AT RECEPTION NO. 89053018; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING THREE (3) CONSECUTIVE COURSES;
- 1.) N00°39'31"E A DISTANCE OF 2.10 FEET;
- 2.) THENCE N88°29'13"W A DISTANCE OF 135.26 FEET;
- 3.) THENCE N89°17'30"W A DISTANCE OF 74.75 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM LOT 1, BLOCK 1, BRUNSWICK CENTER AND A PARCEL OF LAND RECORDED AT RECEPTION NO. 85121731 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE N06°32'50"E A DISTANCE OF 1909.92 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL OF LAND RECORDED AT RECEPTION NO. 85121731 AND THE POINT OF BEGINNING; THENCE ALONG THE WESTERLY AND NORTHERLY LINE OF SAID PARCEL THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) N00°42'30"E A DISTANCE OF 350.00 FEET;

2.) THENCE S89°17'30"E A DISTANCE OF 120.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 1, BRUNSWICK CENTER; THENCE ALONG THE NORTHERLY, EASTERLY AND SOUTHERLY LINE OF SAID LOT 1 THE FOLLOWING THREE (3) CONSECUTIVE COURSES;

1.) S89°17'30"E A DISTANCE OF 280.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;

2.) THENCE S00°42'30"W A DISTANCE OF 350.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;

3.) THENCE N89°17'30"W A DISTANCE OF 280.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 AND THE SOUTHEAST CORNER OF SAID PARCEL OF LAND RECORDED AT RECEPTION 85121731; THENCE ALONG SOUTHERLY LINE OF SAID PARCEL OF LAND N89°17'30"W A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

AND ALSO EXCEPTING THEREFROM A 10' BY 20' PARCEL OF LAND WITHIN A PORTION OF BLOCK A-2 OF WESTMINSTER CENTER SUBDIVISION, FILING NO. 1 AS RECORDED AT RECEPTION NUMBER 2015002087, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN; CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 24; THENCE S89°17'30"E A DISTANCE OF 334.92 FEET ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 24; THENCE DEPARTING SAID SOUTHERLY LINE, N00°42'30"E A DISTANCE OF 746.02 FEET TO THE EASTERLY MOST CORNER OF SAID BLOCK A-2 BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID BLOCK A-2, S58°10'03"W A DISTANCE OF 20.00 FEET; THENCE N31°49'57"W A DISTANCE OF 10.00 FEET, THENCE, N58°10'03"E A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID BLOCK A-2; THENCE ALONG SAID NORTHEASTERLY LINE S31°49'57"E A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 100.098 ACRES (4,360,280 SQ. FT.), MORE OR LESS.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARING S89°17'30"E AND BEING MONUMENTED BY A FOUND 3" ALUMINUM CAP PLS #17488 AT THE SOUTH QUARTER CORNER AND A FOUND 3-1/4" ALUMINUM CAP PLS #13155 AT THE SOUTHEAST CORNER.

EXCLUSION

EXCLUDED FROM THIS LEGAL DESCRIPTION ARE THE TENANT IMPROVEMENTS, BUILDING AND PERSONAL PROPERTY OWNED BY JC PENNEY LOCATED AT 5453 W. 88TH AVE, WESTMINSTER CO 80031. SAID TENANT IMPROVEMENTS, BUILDING AND PERSONAL PROPERTY WOULD NEED TO BE INCLUDED BY A FUTURE PETITION FILED BY JC PENNEY WHICH IS CURRENTLY A TENANT OF WEDA.

EXCLUDED FROM THIS LEGAL DESCRIPTION ARE THE TENANT IMPROVEMENTS AND PERSONAL PROPERTY OF OLIVE GARDEN, LOCATED AT 5551 W. 88TH AVE, WESTMINSTER CO 80031 AND U.S. BANK, LOCATED AT 5971 W. 88TH AVE, WESTMINSTER, CO 80031. SAID TENANT IMPROVEMENTS AND PERSONAL PROPERTY WOULD NEED TO BE INCLUDED BY FUTURE PETITIONS FILED BY THEIR OWNERS WHICH ARE CURRENTLY TENANTS OF WEDA.

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **60**

SERIES OF 2015

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCLUDING PROPERTY WITHIN THE
CITY OF WESTMINSTER DOWNTOWN GENERAL
IMPROVEMENT DISTRICT

WHEREAS, a Petition for the Inclusion of Property within the City of Westminster Downtown General Improvement District (the "Petition") has been filed with the City Council of the City of Westminster (the "City"), sitting ex officio as the Board of Directors (the "Board") of the City of Westminster Downtown General Improvement District (the "District"); and

WHEREAS, the Petition states that it has been signed by the authorized representative fee title owners of the property which the petitioner seeks to have included within the boundaries of the District; and

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

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

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

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, COLORADO, AS THE EX OFFICIO BOARD OF DIRECTORS OF THE CITY OF WESTMINSTER DOWNTOWN GENERAL IMPROVEMENT DISTRICT:

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

a. In accordance with C.R.S. section 31-25-618, the owners of the property described in Exhibit A to this ordinance (the "Property") have filed the Petition with the Board requesting that the Property be included within the boundaries of the District.

b. The Petition accurately describes the Property and such legal description has been verified by the City Clerk ex officio Secretary of the Board.

c. A deposit of moneys sufficient to pay all costs of the inclusion proceedings accompanied the filing of the Petition.

d. The City Clerk, as secretary of the Board (the "Secretary") has caused a notice of the filing of such Petition to be given and published, according to the requirements of the pertinent provisions of C.R.S. Title 31, Article 25, Part 6, including the mailing of such notice to each elector of the District.

e. The notice states the filing of such Petition, the names of the petitioners, descriptions of the Property sought to be included, and the request of said petitioners. The notice notifies all persons having objections to appear at the office of the Board at the time stated in the notice and show cause why the Petition should not be granted.

f. The Board, at the time and place stated in the notice, has heard the Petition and all objections presented by any person showing cause why said Petition should not be granted and overrules any such objections.

g. The Board has determined to grant the Petition.

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

Section 3. Filing of Ordinance. Within ten days after final publication of this ordinance, the City Clerk ex officio Secretary of the Board shall file a certified copy of this ordinance with the County Clerk and Recorder of Jefferson County. Thereupon the Property shall be included within the boundaries of the District.

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

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

Section 6. Effective Date. This ordinance shall take effect upon its passage after second reading.

Section 7. 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 28th day of December, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of January, 2016.

CITY OF WESTMINSTER DOWNTOWN
GENERAL IMPROVEMENT DISTRICT

Mayor ex officio President

ATTEST:

City Clerk ex officio Secretary

Approved as to form:

Attorney for District

STATE OF COLORADO)
)
 COUNTY OF JEFFERSON) SS.
)
 CITY OF WESTMINSTER DOWNTOWN)
 GENERAL IMPROVEMENT DISTRICT)

I, Linda Yeager, City Clerk of the City of Westminster, Colorado (the "City") and ex officio Secretary of the City of Westminster Downtown General Improvement District (the "District"), do hereby certify:

Section 1. The foregoing is a true and correct copy of an ordinance (the "Ordinance") introduced and passed on first reading at the regular meeting of the Board of Directors of the District (the "Board") on December 28, 2015, and passed and adopted on second reading by the Board at the regular meeting of the Board on January 11, 2016. A quorum of the Board was in attendance at each meeting.

Section 2. The members of the Board voted on passage and adoption of the Ordinance on first reading on December 28, 2015, as follows:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

Those Abstaining: _____

Section 3. The adoption of the Ordinance was duly moved and seconded and the Ordinance was adopted on second reading by an affirmative vote of a majority of the members of the Board at the regular meeting of the Board on January 11, 2016, as follows:

Those Voting Aye: _____

Those Voting Nay: _____

Those Absent: _____

Those Abstaining: _____

Section 4. The Ordinance was approved and authenticated by the signature of the Mayor as ex officio President of the District, attested by the Clerk as ex officio Secretary of the District and recorded in the minutes of the Board.

Section 5. Attached hereto as Exhibit B are affidavits of publication by title and in full of the Ordinance in the Westminster Window on January 7, 2016, and on January 21, 2016.

Section 6. Attached hereto as Exhibit C are copies of the notices of the meetings of December 28, 2015, and January 11, 2016, each of which were posted at the City Hall not less than 24 hours in advance of the meeting.

Section 7. On _____, 201__ I filed a certified copy of the Ordinance with the Jefferson County Clerk and Recorder.

Section 8. On _____, 201__, I caused to be filed with the Board of County Commissioners of Jefferson County, the Jefferson County Assessor, and the Division of Local Government of the State of Colorado, a Notice of Inclusion, a true and correct copy of which is attached here to as Exhibit D.

IN WITNESS WHEREOF, I have hereto set my hand and the seal of the City this ____ day of _____, 201__.

City Clerk ex officio Secretary of the Board

EXHIBIT A

(Attach Verified Legal Description for Property
to be included within the Boundaries of the
City of Westminster Downtown General Improvement District)

**LEGAL DESCRIPTION OF THE WESTMINSTER ECONOMIC DEVELOPMENT
AUTHORITY OWNERSHIP AT THE DOWNTOWN WESTMINSTER SITE**

A PARCEL OF LAND LOCATED IN THE SOUTH HALF OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE N44°34'47"W A DISTANCE OF 105.18 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HARLAN STREET SAID POINT BEING THE POINT OF BEGINNING; THENCE ALONG THE SAID EASTERLY LINE THE FOLLOWING EIGHT (8) CONSECUTIVE COURSES;

- 1.) 128.70 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 73°44'29" AND A CHORD WHICH BEARS N36°09'44"W A DISTANCE OF 120.00 FEET;
- 2.) THENCE N00°42'30"E A DISTANCE OF 252.68 FEET;
- 3.) THENCE 104.72 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 200.00 FEET, A CENTRAL ANGLE OF 30°00'00" AND A CHORD WHICH BEARS N14°17'30"W A DISTANCE OF 103.53 FEET;
- 4.) THENCE N29°17'30"W A DISTANCE OF 253.49 FEET;
- 5.) THENCE 52.36 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, A CENTRAL ANGLE OF 30°00'00" AND A CHORD WHICH BEARS N14°17'30"W A DISTANCE OF 51.76 FEET;
- 6.) THENCE N00°42'30"E A DISTANCE OF 1022.79 FEET;
- 7.) THENCE 241.91 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 360.00 FEET, A CENTRAL ANGLE OF 38°30'06" AND A CHORD WHICH BEARS N19°57'33"E A DISTANCE OF 237.39 FEET;
- 8.) THENCE N39°12'36"E A DISTANCE OF 216.41 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF HARLAN STREET AND THE SOUTHERLY LINE OF WEST 92ND AVENUE RECORDED AT RECEPTION NO. F0832987; THENCE ALONG THE SAID EASTERLY LINE AND SOUTHERLY LINE OF WEST 92ND AVENUE THE FOLLOWING FOURTEEN (14) CONSECUTIVE COURSES;
 - 1.) S50°48'48"E A DISTANCE OF 20.34 FEET;
 - 2.) THENCE N39°11'12"E A DISTANCE OF 55.78 FEET;
 - 3.) THENCE 26.01 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 16.50 FEET, A CENTRAL ANGLE OF 90°18'15" AND A CHORD WHICH BEARS N05°39'40"W A DISTANCE OF 23.40 FEET TO A POINT OF REVERSE CURVATURE;
 - 4.) THENCE 208.95 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 393.50 FEET, A CENTRAL ANGLE OF 30°25'28" AND A CHORD WHICH BEARS N24°16'43"E A DISTANCE OF 206.50 FEET;
 - 5.) THENCE N09°03'59"E A DISTANCE OF 16.12 FEET;

6.) THENCE 33.06 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 500.50 FEET, A CENTRAL ANGLE OF 03°47'05" AND A CHORD WHICH BEARS N07°10'20"E A DISTANCE OF 33.05 FEET TO A POINT OF REVERSE CURVATURE;

7.) THENCE 38.28 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 48.50 FEET, A CENTRAL ANGLE OF 45°13'15" AND A CHORD WHICH BEARS N27°53'25"E A DISTANCE OF 37.29 FEET;

8.) THENCE S89°13'00"E A DISTANCE OF 100.73 FEET;

9.) THENCE S89°12'30"E A DISTANCE OF 16.89 FEET;

10.) THENCE 51.40 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 1036.00 FEET, A CENTRAL ANGLE OF 02°50'33" AND A CHORD WHICH BEARS S87°47'44"E A DISTANCE OF 51.39 FEET;

11.) THENCE S86°22'27"E A DISTANCE OF 303.71 FEET;

12.) THENCE 69.00 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 1260.31 FEET, A CENTRAL ANGLE OF 03°08'13" AND A CHORD WHICH BEARS S87°56'42"E A DISTANCE OF 68.99 FEET TO A POINT OF COMPOUND CURVATURE;

13.) THENCE 8.73 FEET ALONG THE ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 1259.00 FEET, A CENTRAL ANGLE OF 00°23'51" AND A CHORD WHICH BEARS S89°42'48"E A DISTANCE OF 8.73 FEET;

14.) THENCE S89°54'43"E A DISTANCE OF 162.21 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 92ND AVENUE RECORDED AT RECEPTION NO. F1097396; THENCE ALONG SAID SOUTHERLY LINE S89°55'03"E A DISTANCE OF 50.00 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF WEST 92ND AVENUE RECORDED AT RECEPTION NO. F083987; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) S00°45'31"W A DISTANCE OF 9.26 FEET;

2.) THENCE S89°16'45"E A DISTANCE OF 495.77 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 903; THENCE ALONG THE SAID WESTERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) S45°07'17"E A DISTANCE OF 143.20 FEET;

2.) THENCE S15°22'31"E A DISTANCE OF 102.65 FEET TO THE NORTHEASTERLY CORNER OF LOT 1, BLOCK 1, LAKE ARBOR COMMERCIAL OFFICE PARK FILING NO. 1; THENCE ALONG THE NORTHERLY, WESTERLY AND SOUTHERLY LINE OF SAID LOT 1 THE FOLLOWING THREE (3) CONSECUTIVE COURSES;

1.) N89°17'30"W A DISTANCE OF 175.87 FEET;

2.) THENCE S00°42'30"W A DISTANCE OF 160.00 FEET;

3.) THENCE S89°17'30"E A DISTANCE OF 222.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 903; THENCE ALONG SAID WESTERLY LINE S15°22'31"E A DISTANCE OF 1207.45 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF BENTON STREET AND U.S. HIGHWAY 36 RECORDED AT BOOK 2489 PAGE 901; THENCE ALONG SAID WESTERLY LINE S00°05'03"W A DISTANCE OF 904.69 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 88TH AVENUE; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

1.) 23.73 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, A CENTRAL ANGLE OF 90°37'27" AND A CHORD WHICH BEARS S45°23'47"W A DISTANCE OF 21.33 FEET;

2.) THENCE N89°17'30"W A DISTANCE OF 1682.39 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WEST 88TH AVENUE RECORDED AT RECEPTION NO. 89053018; THENCE ALONG SAID NORTHERLY LINE THE FOLLOWING THREE (3) CONSECUTIVE COURSES;

- 1.) N00°39'31"E A DISTANCE OF 2.10 FEET;
- 2.) THENCE N88°29'13"W A DISTANCE OF 135.26 FEET;
- 3.) THENCE N89°17'30"W A DISTANCE OF 74.75 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM LOT 1, BLOCK 1, BRUNSWICK CENTER AND A PARCEL OF LAND RECORDED AT RECEPTION NO. 85121731 BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE SOUTH QUARTER CORNER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN; THENCE N06°32'50"E A DISTANCE OF 1909.92 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL OF LAND RECORDED AT RECEPTION NO. 85121731 AND THE POINT OF BEGINNING; THENCE ALONG THE WESTERLY AND NORTHERLY LINE OF SAID PARCEL THE FOLLOWING TWO (2) CONSECUTIVE COURSES;

- 1.) N00°42'30"E A DISTANCE OF 350.00 FEET;
- 2.) THENCE S89°17'30"E A DISTANCE OF 120.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, BLOCK 1, BRUNSWICK CENTER; THENCE ALONG THE NORTHERLY, EASTERLY AND SOUTHERLY LINE OF SAID LOT 1 THE FOLLOWING THREE (3) CONSECUTIVE COURSES;

- 1.) S89°17'30"E A DISTANCE OF 280.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;
- 2.) THENCE S00°42'30"W A DISTANCE OF 350.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;
- 3.) THENCE N89°17'30"W A DISTANCE OF 280.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1 AND THE SOUTHEAST CORNER OF SAID PARCEL OF LAND RECORDED AT RECEPTION 85121731; THENCE ALONG SOUTHERLY LINE OF SAID PARCEL OF LAND N89°17'30"W A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING.

AND ALSO EXCEPTING THEREFROM A 10' BY 20' PARCEL OF LAND WITHIN A PORTION OF BLOCK A-2 OF WESTMINSTER CENTER SUBDIVISION, FILING NO. 1 AS RECORDED AT RECEPTION NUMBER 2015002087, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN; CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 24; THENCE S89°17'30"E A DISTANCE OF 334.92 FEET ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 24; THENCE DEPARTING SAID SOUTHERLY LINE, N00°42'30"E A DISTANCE OF 746.02 FEET TO THE EASTERLY MOST CORNER OF SAID BLOCK A-2 BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID BLOCK A-2, S58°10'03"W A DISTANCE OF 20.00 FEET; THENCE N31°49'57"W A DISTANCE OF 10.00 FEET, THENCE, N58°10'03"E A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID

BLOCK A-2; THENCE ALONG SAID NORTHEASTERLY LINE S31°49'57"E A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 100.098 ACRES (4,360,280 SQ. FT.), MORE OR LESS.

BASIS OF BEARINGS

BEARINGS ARE BASED ON THE SOUTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN BEARING S89°17'30"E AND BEING MONUMENTED BY A FOUND 3" ALUMINUM CAP PLS #17488 AT THE SOUTH QUARTER CORNER AND A FOUND 3-1/4" ALUMINUM CAP PLS #13155 AT THE SOUTHEAST CORNER.

EXCLUSION

EXCLUDED FROM THIS LEGAL DESCRIPTION ARE THE TENANT IMPROVEMENTS, BUILDING AND PERSONAL PROPERTY OWNED BY JC PENNEY LOCATED AT 5453 W. 88TH AVE, WESTMINSTER CO 80031. SAID TENANT IMPROVEMENTS, BUILDING AND PERSONAL PROPERTY WOULD NEED TO BE INCLUDED BY A FUTURE PETITION FILED BY JC PENNEY WHICH IS CURRENTLY A TENANT OF WEDA.

EXCLUDED FROM THIS LEGAL DESCRIPTION ARE THE TENANT IMPROVEMENTS AND PERSONAL PROPERTY OF OLIVE GARDEN, LOCATED AT 5551 W. 88TH AVE, WESTMINSTER CO 80031 AND U.S. BANK, LOCATED AT 5971 W. 88TH AVE, WESTMINSTER, CO 80031. SAID TENANT IMPROVEMENTS AND PERSONAL PROPERTY WOULD NEED TO BE INCLUDED BY FUTURE PETITIONS FILED BY THEIR OWNERS WHICH ARE CURRENTLY TENANTS OF WEDA.

EXHIBIT B

(Attach Affidavits of Ordinance publication by title and in full)

EXHIBIT C

(Attach Notices of Meetings on December 28, 2015, and January 11, 2016)

EXHIBIT D

(Attach Notice of Inclusion of Property within the
City of Westminster Downtown General Improvement District)