



WESTMINSTER

Staff Report

TO: The Mayor and Members of the City Council

DATE: March 16, 2016

SUBJECT: Study Session Agenda for March 21, 2016

PREPARED BY: Donald M. Tripp, City Manager

Please Note: Study Sessions and Post City Council meetings are open to the public, and individuals are welcome to attend and observe. However, these meetings are not intended to be interactive with the audience, as this time is set aside for City Council to receive information, make inquiries, and provide Staff with policy direction.

Looking ahead to next Monday night's Study Session, the following schedule has been prepared:

A light dinner will be served in the Council Family Room

6:00 P.M.

CITY COUNCIL REPORTS

1. Report from Mayor (5 minutes)
2. Reports from City Councillors (10 minutes)

CITY MANAGER'S REPORT

PRESENTATIONS

1. WestyConnect Training for City Council - ***Verbal***
2. Emergency Management Update and Recommendations to City Council
3. Community Development Block Grant Program Overview

EXECUTIVE SESSION

1. Discuss strategy and progress on negotiations related to economic development matters for Downtown Westminster, disclosure of which would seriously jeopardize the City's ability to secure the development; discuss strategy and progress on the possible sale, acquisition, trade or exchange of property rights, including future leases; provide instruction to the City's negotiators; and receive legal advice from the City Attorney on the same, all as authorized by Sections 1-11-3(C)(2), (4), (7) and (8), W.M.C., and Sections 24-6-402 (4)(a),(b) and (e), C.R.S. - ***Verbal***

INFORMATION ONLY ITEMS

None at this time.

Additional items may come up between now and Monday night. City Council will be apprised of any changes to the Study Session meeting schedule.

Respectfully submitted,

Donald M. Tripp
City Manager

NOTE: Persons needing an accommodation must notify the City Manager's Office no later than noon the Thursday prior to the scheduled Study Session 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 mbarajas@cityofwestminster.us to make a reasonable accommodation request.



WESTMINSTER

Staff Report

City Council Study Session Staff Report
March 21, 2016



SUBJECT: Emergency Management Update
PREPARED BY: Greg Moser, Emergency Management Coordinator

Recommendation

Provide direction to Staff on development of the City's Emergency Management Plan.

Summary Statement

Staff is requesting City Council direction on the following actions to enhance the emergency preparedness of the City of Westminster and to better align City policy with current State and Federal policies:

- Formally adopt and implement the National Incident Management System (NIMS)
- Designate the Emergency Management Coordinator as the NIMS implementation manager
- Designate the Fire Chief as the City's Designated Emergency Response Authority (DERA) for hazardous materials incidents

Staff will be present at the March 21, 2016 Study Session to provide additional information and answer questions. If City Council concurs with these recommendations, Staff will bring these back for official action at the next City Council Meeting.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council want to adopt NIMS and designate the NIMS and DERA positions as recommended by Staff?

Alternative

The City could choose not to adopt NIMS and not designate the positions as recommended. Moving forward with this designation and these appointments is critical to the future of the City's Emergency Management Program and to future funding opportunities.

Background Information

The National Incident Management System (NIMS) has been adopted nationwide as a baseline standard for training and incident management. The City has implemented several aspects of NIMS, but has not formally adopted it or developed an implementation and tracking program. Formal adoption of NIMS and the institutionalization of the Incident Command System is a prerequisite for homeland security grant eligibility per Homeland Security Presidential Directive-5 Management of Domestic Incidents (HSPD-5). The implementation of NIMS is an ongoing function that requires annual review and assessment. Formal adoption of NIMS, the creation of a NIMS implementation plan, the centralization of NIMS training, documentation and training credit, and the designation of a NIMS implementation manager will enhance our ongoing efforts to ensure a safe and sustainable community for the City's citizens.

Colorado Revised Statute (CRS) 29-22-102 requires cities to designate a hazardous materials response authority (DERA). The City Manager is currently the City's DERA. Designating the Fire Chief as DERA will better align this responsibility for the effective management of hazardous materials incidents and their consequences.

The approval and implementation of these recommendations will enhance our efforts to ensure safety for the City's citizens and to participate in proactive regional collaboration in emergency and disaster preparedness, mitigation, prevention, protection, response, and recovery.

This action would address City Council Strategic Plan goal of "Visionary Leadership, Effective Governance and proactive Regional Collaboration." Formal action to adopt these resolutions is recommended at the next City Council meeting.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment – Draft NIMS Adoption Resolution
Attachment – Draft DERA Designation Resolution

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 2016

A RESOLUTION FOR THE ADOPTION OF THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)

WHEREAS, the City Council of the City of Westminster, Colorado, does hereby find as follows:

WHEREAS, Homeland Security Presidential Directive (HSPD)-5 requires the Secretary of the Department of Homeland Security to develop and administer a National Incident Management System (NIMS), to provide a consistent nationwide approach to effectively and efficiently prevent, prepare for, respond to and recover from domestic incidents, regardless of cause, size or complexity;

WHEREAS, the collective input and guidance from all Federal, State, and local homeland security partners has been, and will continue to be, vital to the development, effective implementation and utilization of a comprehensive NIMS;

WHEREAS, it is necessary and desirable that all Federal, State, and local emergency agencies and personnel coordinate their efforts to effectively and efficiently provide the highest levels of incident management;

WHEREAS, to facilitate the most efficient and effective incident management it is critical that Federal, State, and local organizations utilize standardized terminology, standardized organizational structures, interoperable communications, consolidated action plans, unified command structures, uniform personnel qualification standards, uniform standards for planning, training, and exercising, comprehensive resource management, and designated incident facilities during emergencies or disasters;

WHEREAS, the NIMS standardized procedures for managing personnel, communications, facilities and resources will improve the City's ability to utilize federal funding to enhance local agency readiness, maintain first responder safety, and streamline incident management processes,

WHEREAS, the Incident Command System components of NIMS are already an integral part of various City incident management activities, including current emergency management training programs;

WHEREAS, the National Commission on Terrorist Attacks (9-11 Commission) recommended adoption of a standardized Incident Command System; and.

WHEREAS, The State of Colorado official adopted NIMS through Executive Order D 011 04 on December 6, 2004.

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

1. That the National Incident Management System (NIMS) is established as the City standard for incident management.

PASSED AND ADOPTED this day of , 2016.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney

RESOLUTION

RESOLUTION NO.

INTRODUCED BY COUNCILLORS

SERIES OF 2016

**A RESOLUTION FOR THE ESTABLISHMENT OF A DESIGNATED EMERGENCY
RESPONSE AUTHORITY (DERA)**

WHEREAS, the City Council of the City of Westminster, Colorado, does hereby find as follows:

WHEREAS, the presence of hazardous substances at fixed sites and on the roads and rail systems in and passing through the City pose a potentially significant danger to the citizens, property and environment of the City;

WHEREAS, an awareness of the amounts, types and locations of hazardous substances within the City is essential for the preparedness and safety of our citizens and first responders;

WHEREAS, the current designation of the City Manager as the emergency response authority for hazardous substance incidents does not reflect the best alignment of duties and responsibilities;

WHEREAS, Colorado Revised Statute 29-22-102 requires that each jurisdiction provide for a designated emergency response authority (DERA) that is responsible for providing and maintaining the capability for emergency response to a hazardous substance incident occurring within its jurisdiction;

WHEREAS, the DERA may enter into agreements with public and private entities for hazardous substance emergency response services;

WHEREAS, the DERA has authority to seek reimbursement for reasonable, necessary, and documented costs of emergency response from parties with the care, custody and control of hazardous substances at the time of the incident; and

WHEREAS, the City is required to annually report the identity of the DERA to the Colorado State Patrol.

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

1. That the Fire Chief shall be the Designated Emergency Response Authority (DERA) for the City of Westminster.

PASSED AND ADOPTED this day of , 2016.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney



Staff Report

City Council Study Session
March 21, 2016



SUBJECT: Community Development Block Grant Program Overview

PREPARED BY: Heather Ruddy, Community Development Program Planner

Summary Statement

This report provides City Council with an overview of the Community Development Block Grant Program. Staff will be present at the March 21, 2016 Study Session to answer questions and provide additional information.

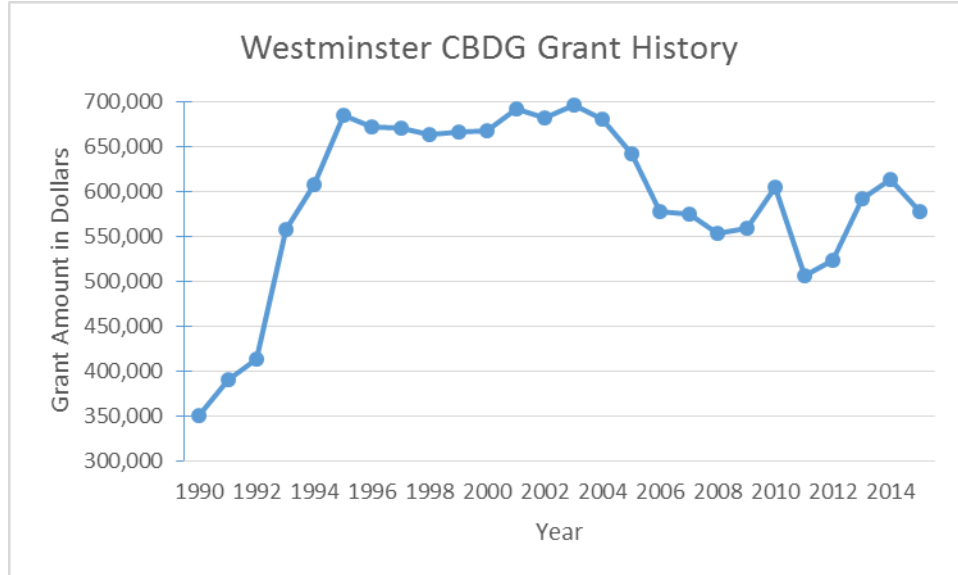
Background Information

Program History

The Community Development Block Grant (CDBG) program is funded by the federal government through the Department of Housing and Urban Development (HUD). The CDBG program was enacted in 1974 under the Housing and Community Development Act. The primary objective of this program is to help develop viable urban communities through the provision of decent housing, a suitable living environment and economic opportunity, principally for low- and moderate-income persons.

The Entitlement Program is the portion of the CDBG program that provides formula grants to metropolitan cities (with populations of 50,000 or more) and urban counties (with populations of at least 200,000, excluding the population of metropolitan cities located therein). Participating grantees automatically receive, but are not required to receive, an annual allocation of CDBG funds. The amount of each entitlement grant is determined by statutory formula, which uses several objective measures of community need, including poverty, population, housing overcrowding, age of housing, and growth lag.

The City of Westminster has been a CDBG entitlement grantee since 1990. Over its 25-year history as a CDBG grantee, the City *on average* has received around \$593,000 annually through the program. For a decade, from 1995 through 2005, the City's grant amount totaled well over \$600,000. However, starting in 2006, the City realized a reduction in funding where grant amounts decreased until 2010 when funding spiked and then fell again dramatically the following year. This illustrates that CDBG funding is unpredictable, as evidenced in the chart below. Due to the fact that it is a formula allocation, the actual grant amounts vary from year to year depending on demographics, federal appropriations, and the number of grantees receiving funds in a particular year. In 2015, the City received \$578,221 in CDBG funds, which represented 0.6% of the City's 2015 general fund budget.



Project Selection and Funding

The authorizing statute of the CDBG program requires that each activity funded, except for program administration and planning activities, must meet one of three national objectives. The three national objectives are:

1. Benefit low- and moderate income (LMI) persons – This national objective is often referred to as the “primary” national objective because the statute requires that recipients expend 70 percent of their CDBG funds to benefit LMI persons.
2. Aid in the prevention or elimination of slums and blight – This category covers activities that aid in the prevention or elimination of slums or blight in a designated area, on a spot basis, or within an urban renewal area and is not based on the income of residents. There are restrictions on what specific activities are permitted.
3. Urgent need – Use of the urgent need national objective category is rare. It is designed only for activities that alleviate emergency conditions when other financial resources are not available to meet such needs.

The following provides a description of the broad types of eligible activities that may be funded through the CDBG program.

Public Services – such as job training and employment services, health care and substance abuse services, child care, crime prevention, and Fair Housing counseling. Funding in this category is limited by federal law to a maximum of 15 percent of a grantee’s annual CDBG entitlement grant.

Housing Activities – including homeownership assistance, rehabilitation and preservation, lead-based paint testing and abatement, and activities that support new housing construction such as acquisition, clearance, and demolition, site improvements and street improvements.

Economic Development – such as microenterprise assistance, commercial rehabilitation, and special economic development activities.

Public Facilities and Improvements – activities such as acquisition, installation, construction, and rehabilitation of infrastructure (e.g., water/sewer lines, streets, and sidewalks); acquisition, construction, or rehabilitation of neighborhood facilities, and facilities for persons with special needs (e.g., homeless shelters, group homes, and halfway houses); etc.

Other – such as real property activities including acquisition, disposition, clearance, and demolition, rehabilitation of publicly- or privately-owned commercial or industrial buildings; code enforcement; historic preservation; renovation of closed buildings; interim assistance to arrest severe deterioration or alleviate emergency conditions; completion of urban renewal projects.

Planning and Administration – which is the general management, oversight, and coordination of the CDBG program and other related activities. Funding in this category is limited by federal law to 20 percent of the City’s total allocation for the year.

Ineligible Activities - The general rule is that any activity not specifically authorized under the CDBG regulations and statute is ineligible to be assisted with CDBG funds. In addition, the regulations stipulate that the following activities may not be assisted with CDBG funds:

- Buildings for the general conduct of government are ineligible. However, the removal of architectural barriers from government buildings is eligible.
- General government expenses.
- Financing for political activities or to engage in other partisan political activities.

The CDBG regulations and statutes place certain requirements and stipulations on certain project and activity categories and not others. For example, the regulations and statute cap the amount of CDBG funds that can be used for public service and program administration activities. Additionally, the category of eligibility may dictate the costs that are eligible, the national objective under which the activity falls, and the rules that are triggered. Often the rules and regulations that are triggered for many eligible activities make the actual implementation of such activities too onerous or costly to achieve. For this reason, the City has attempted to limit the types of projects it normally funds with CDBG program dollars to those that are relatively manageable to accomplish within a program year and provide the most value for money.

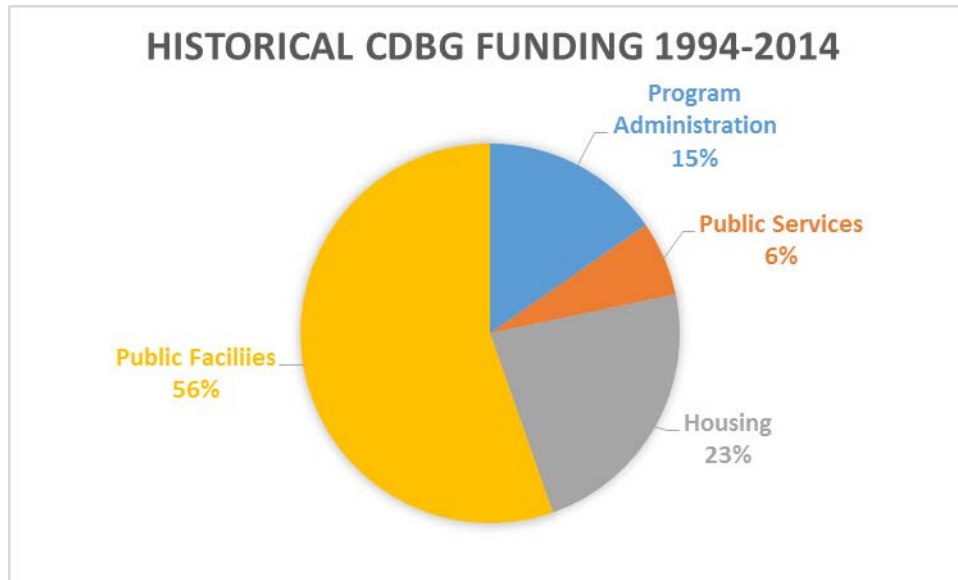
Westminster Project Funding History

Non-Profits

In the past, the City provided CDBG funding to non-profits (subrecipients) serving low- and moderate-income Westminster residents. However, over time it became evident that the federal rules and regulations governing this use of CDBG funds were too demanding and used up an inordinate amount of Staff resources. There are many federal requirements placed on both the City as grantee and the non-profit as subrecipient, which include, but are not limited to, handicapped access requirements, procurement requirements, environmental review, flood insurance, labor standards such as the Davis Bacon Act, and specific limits of insurance. Subrecipients are required to submit quarterly programmatic reports and requests for funds with support documentation. Finally, City staff are required to make annual monitoring visits to all subrecipient to ensure compliance with appropriate rules and regulations. The City of Los Angeles studied the costs associated with providing grants to non-profits with CDBG funds and found that it costs approximately \$8,000 to administer each individual public service agency grant. As an alternative to funding non-profits with CDBG funds, the City shifted the funding source to the General Fund to provide assistance to these organizations without the added cost and burden of following federal requirements. The Human Services Board recommends to City Council the allocation of City General Fund dollars for the program.

Public Facility Improvements

Historically, the City has invested the majority of its CDBG program dollars in public facility improvements in low and moderate income areas of the City, most specifically in parks and street improvements. The following chart depicts the breakdown of the City’s historical CDBG project funding.



As federal requirements become more and more burdensome and costly, staff has attempted to focus the expenditure of CDBG funds on smaller projects that may be completed quickly and without involvement of outside agencies. Staff has also attempted to refocus the use of CDBG funds on smaller projects due to the recurrent delay in the receipt of the City’s allocation from the Federal Government. The City operates under an annual CDBG program year of March 1 through February 28. However, due to the repeated inability of Congress to pass a budget appropriation and spending bill on time, in recent years, the City has not received its annual CDBG allocation until late summer or early fall, often six months into its program year. HUD requires CDBG grant recipients to spend down CDBG funds at a rate where a recipient’s grant funds balance does not exceed 1.5 times their annual allocation. HUD makes no allowances to grantees for the delay in funding and requires that grantees meet their timely expenditure requirements. This means that the City may not have more than 1.5 times its annual allocated funding amount in its line of credit by December 31 of each year. Effectively, the City must spend the bulk of its CDBG allocation in three months’ time to meet its expenditure requirement. Consequently, staff has had to come to City Council for the past two years with substantial amendments, redirecting CDBG funds to projects that may be completed and paid for by the end of the year in part due to the delay in receipt of funds from the federal government.

The CDBG Process in Westminster

Consolidated Plan

HUD dictates that the first step in the CDBG process is the completion of a five-year Consolidated Plan. The Consolidated Plan describes community needs, resources, priorities, and proposed activities to be undertaken with CDBG funds. The City Council approved the current Consolidated Plan in April, 2015, which governs the 2015 through 2019 program years.

Action Plan

Each year, after Congress has passed a budget bill and appropriated funds, the City must submit an updated Action Plan to HUD, referred to as an Action Plan. This may occur anytime between the months of January and May, depending on the timing of congressional budget action. The Action Plan describes the specific planned uses for CDBG in that program year as well as certain other program requirements. Staff begins planning for the following year’s Action Plan each summer with a series of intra-departmental meetings to identify potential projects to be funded with CDBG funds. These projects take into account input received from extensive public outreach. Project ideas are ranked and prioritized and once a set of recommended projects are agreed upon at the staff level, they are presented to the City Council in a study session for consideration.

Public Participation

For both the Consolidated Plan and the Action Plan, City staff conducts an extensive public outreach process. In the past, staff has utilized community surveys to generate project ideas and set priorities. The last community survey was conducted during the Consolidated Plan process and garnered 89 responses. Staff utilized the feedback from these surveys in the development of the 2015 and 2016 Action Plans.

Upon City Council approval of the proposed projects, staff presents the draft Action Plan to community members at a meeting held at either the MAC or Irving Street Library. Citizens are provided the opportunity to provide feedback at this time or during a 30-day public comment period in which the draft plan is made available for public comment and inspection. Community feedback is actively considered and appropriate revisions to the plan are made. The City Council considers the final Action Plan in a public hearing at a scheduled City Council meeting after receiving notification from HUD of when the Action Plan will be due; again anytime between January and May following congressional approval of the budget and budget appropriation. All meetings are noticed to the public for at least 14 days prior to the meeting date.

The following provides a list of locations where public notices are sent regarding the Action Plan and Consolidated Plan. Recipients are asked to place the public notice in a prominent location in their facility for a 30-day period. Additionally, select individuals who have expressed an interest in the CDBG program and/or have requested direct notification of actions taken within the program also receive notices.

Schools	Apartment Complexes
Hidden Lake High School Westminster High School Ranum Middle School Shaw Heights Middle School Early Childhood Center Flynn Elementary School Harris Park Elementary School Hodgkins Elementary School Skyline Vista Elementary School Westminster Elementary School Crown Pointe Academy	Lowell Colony Apartments Orchard Crossing Susan Kay Apartments Terrace Gardens Village at Greenbriar Glendale Apartments Westminster Commons Villa Maria Clare of Assisi Homes Cottages at Panorama Point Residences at Panorama Point Westchester Apartments East Bay Senior Housing Mountain Terrace Bradburn Gardens Westbury Apartments

	Toscana Walnut Creek Warwick Station Apartments
Organizations FRESC Adams County Housing Authority Jefferson County Housing Authority Harris Park Townhomes HOA Hidden Lake HOA Meade Manor HOA Growing Home Heart of Westminster community organization Westminster Grange Denver Post South Westminster Arts Group (SWAG) Lao Buddhist Temple Community Enterprise Servicios de La Raza Hmong American Association of Colorado	City Facilities City Hall Irving Street Library College Hill Library The MAC Swim and Fitness Center City Website and Social Media
Individuals Joe Sloan Gary Shea Vi June Bill Christopher Dino Valente Jill Jennings Golich	

Future Strategies

CDBG staff is charged with promoting the City’s strategic plan goals by providing funding to projects that benefit low- and moderate-income residents in Westminster. The CDBG program is one funding source that the City Council may utilize to achieve its priority goals and objectives. It is CDBG staff’s desire to work more closely with the City’s Capital Improvement Program process in order to ensure that those projects funded with CDBG are aligned with the City Council’s strategic plan goals. Incorporating the CDBG program in the CIP process will also allow staff to further vet those projects brought forth through the public participation process or through staff and City Council recommendation internally and identify ongoing funding of maintenance and lifecycle costing. This will also allow staff to work with other departments in determining the pros and cons of utilizing CDBG funds for projects and determining the most beneficial, least costly, and least burdensome use of funds.

Finally, Staff will be bringing forward the 2016 Action Plan for City Council consideration at the March 28, 2016 City Council meeting. The draft Action Plan was presented to the City Council on December 7, 2015 and to the community in a meeting on December 9. After receiving feedback on the draft plan and being notified that the City will receive nearly \$30,000 more than anticipated, staff made modifications to the projects proposed for 2016 funding. Staff modified the projects to fund the pedestrian improvements at Fireman’s Park, which, was previously proposed as a “plan b” project to

fully utilize the increased allocation. Staff proposes classifying the speed monitoring signs projects as the alternative “plan b” project, which may be completed should funding need to be reallocated or expedited. Staff received public comment in opposition to the use of CDBG funds on speed monitoring signs and would like to reevaluate the use of CDBG funds for this project.

The following projects will be presented to City Council on March 28, 2016 for consideration of approval and submission to HUD:

- Program Administration - \$115,993
- Emergency and Essential Home Repair Program - \$50,000
- Oakwood Drive Pedestrian Improvements - \$128,817
- Fireman’s Park Pedestrian Improvements - \$55,159
- Section 108 Loan Principal Balance Payment - \$230,000

Total: \$579,969

As stated earlier, CDBG staff is charged with promoting the City’s strategic plan goals by providing funding to projects that benefit low- and moderate-income residents in Westminster. Specifically, the CDBG program supports the City’s 2015 Strategic Plan Goal of *Visionary Leadership, Effective Governance and Proactive Regional Collaboration* through collaboration with other governmental and non-profit entities. The CDBG program supports the strategic plan goals of *Vibrant, Inclusive and Engaged Community; Dynamic, Diverse Economy* by supporting the provision of affordable/workforce housing, funding projects and programs that build a sense of community, and growing a sense of place in Westminster neighborhoods. The CDBG program supports the strategic plan goal of *Beautiful, Desirable, Safe, and Environmentally Responsible City* by funding projects that create special places and settings in the City. The CDBG program supports the strategic plan goal of *Financially Sustainable Government Providing Excellence in City Services* by funding projects and programs that foster social, economic, and environmental vitality. Finally, the CDBG program supports the strategic plan goal of *Ease of Mobility* by funding projects that improve the walkability and bikeability of Westminster.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment: Ten-Year CDBG Approved Project History

City of Westminster Community Development Block Grant Program
Approved Studies and Projects
2005-2015

Year	Project	Budget (\$)
2005		
	Program Administration	\$128,442
	Non-Profit Contributions	96,300
	Lowell Blvd. Streetscape Improvements	417,470
	Total	\$ 642,212
2006		
	Program Administration	115,652
	Non-Profit Contributions	84,000
	Lowell Blvd. Streetscape Improvements	378,608
	Total	\$ 578,260
2007		
	Program Administration	115,060
	Non-Profit Contributions	75,000
	Semper Farmhouse Exterior Restoration	45,000
	Lowell Blvd. Streetscape Improvements	340,243
	Total	\$ 575,303
2008		
	Program Administration	110,770
	Lowell Blvd. Streetscape Improvements	443,080
	Total	\$ 553,850
2009		
	Program Administration	111,874
	Lowell Blvd. Streetscape Improvements	447,496
	Total	\$ 559,370
2010		
	Program Administration	120,998
	Bradburn Blvd. Realignment	433,993
	Emergency and Minor Home Repair Program	50,000
	Total	\$ 604,991
2011		
	Program Administration	101,381
	Bradburn Blvd. Realignment	355,526
	Emergency and Minor Home Repair Program	50,000
	Total	\$ 506,907
2012		
	Program Administration	104,662
	76 th Avenue Pedestrian Improvements	36,746
	Rodeo Market Park Design Study	9,250
	Minor Home Repair Program	50,000
	Bradburn Blvd.	368,647
	Total	\$ 200,658

City of Westminster Community Development Block Grant Program
 Approved Studies and Projects
 2005-2015

2013		
	Program Administration	118,385
	Lowell Blvd. 80 th Ave. to U.S. 36 Streetscape Improvements Study	33,466
	Westminster Grange/Rodeo Market Community Arts Center Facility Improvements and Programming Study	15,000
	Bradburn Blvd. Realignment Phase II	183,540
	Rodeo Market Park Improvements	250,000
	Total	\$ 600,391
2014		
	Program Administration	122,822
	Section 108 Loan Prepayment	453,316
	Bradburn Blvd. Stump Removal and Tree Planting	25,000
	Bradburn Blvd. Decorative Street Lighting	206,208
	Emergency and Essential Home Repair Program	90,000
	73 rd Ave. and Lowell Blvd. Redevelopment Water Tap Credits	200,000
	Westminster Grange/Rodeo Market Community Arts Center Facility Improvements and Programming Study	35,000
	Total	\$ 1,132,346
2015		
	Program Administration	115,644
	Bradburn Blvd. Street Enhancement	372,577
	Emergency and Essential Home Repair Program	90,000
	Total	\$ 578,221