



REVISED CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) and Citizen Presentations (Section 12) are 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 except when addressing the City Council during Section 12 of the agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
7. Citizen Communication (5 minutes or less)

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

8. Consent Agenda
 - A. Financial Report for November 2010
 - B. Marked Patrol Car Purchase
 - C. Colorado Municipal League 2011 Annual Dues Authorization
 - D. Fleet Maintenance Cumulative Purchases Over \$50,000 in 2010
 - E. Police Department Cumulative Purchases Over \$50,000 in 2010
 - F. Open Space Purchase of Lower Church Lake, Loon Lake, 35 Church Ditch Inches with Storage Rights & Easements
 - G. Fifth Amendment to the Second IGA Concerning the Ice Centre at the Promenade
 - H. Governor's Energy Office Contract Amendment to Manage and Administer the EECBG Small Business Program
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Councillor's Bill No. 68 re Amend WMC Title XI, Chapter 3 re Extension of the City's Growth Management Program
 - B. Resolution No. 44 re Service Commitment Allocations for 2011
 - C. Resolution No. 45 re Amberwood Estates Residential Project Service Commitment Award Extension
 - D. Resolution No. 46 re Walnut Grove PUD Planning Area 4A Service Commitment Award Extension
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
 - A. City Council
13. Adjournment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY (separate agenda)

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.

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, DECEMBER 13, 2010 AT 7:05 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Kaiser moved, seconded by Councillor Major, to approve the minutes of the regular meeting of November 22, 2010, as written. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall announced that with the approaching holidays, Council's meeting of December 27 had been rescheduled to December 20. Barring any unforeseen circumstances, December 20 would be the last Council meeting of the year. Christmas and New Year's Days would fall on Saturdays and when coupled with the Focused Workweek schedule, City Hall and most administrative offices would be closed on the Thursdays and Fridays preceding the holidays.

After tonight's meeting, the Board of Directors of the Promenade Parking Garage General Improvement District would meet. Following adjournment of that meeting, the City Council would convene in executive session to give direction to Staff regarding a proposed Economic Development Agreement with Drury Inn & Suites pursuant to Westminster Municipal Code sections 1-11-3(C)(4) and (7) and Colorado Revised Statutes, §24-6-402(4)(e).

COUNCIL REPORTS

Mayor McNally reported having been provided exquisite native attire by the Hmong community to participate in their New Year's celebration. For that day she was honored to have been considered a member of the Hmong community.

Through Bill Walenczak, Department Director, the Mayor extended appreciation to the elves on the Parks, Recreation and Libraries staff that were responsible for decorating City Hall inside and out for the Christmas season. Their efforts were enjoyed by the entire community.

SPECIAL PRESENTATION TO CITY COUNCIL

Police Chief Lee Birk presented the Mayor and Councillors specially prepared individual coin sets symbolic of Westminster's Centennial Year Celebration in 2011. Celebratory activities would be held throughout the year. As a visual reminder of the Centennial, the Citizens Police Academy Alumni Association and the Fraternal Order of Police had jointly purchased Centennial badges for sworn Police Officers and Centennial coin sets for the civilian staff and City Council. The Chief displayed a Centennial badge and indicated that officers were humbled to have received them.

CITIZEN COMMUNICATION

Several people spoke in opposition to Agenda Item 11A, Councillor's Bill No. 64, as amended. The purpose of the bill was to amend Titles V and XI of the Westminster Municipal Code concerning a Rental Property Fee and Licensing Program. Speaking were: Pat Chomyn, Larry Mostrom, Rosie Leino, Robert Alldredge, Tammy Camalick, Connie Gilley, Richard Mann, Monica Hernandez, Kathryn MacGeraghty, Erika Freeman-Daniels, Dave

Shade, Paul Irely, Mary Tuneberg, Jay Hill, Victor Sulzer, Robin Cunningham, Dennis Fanning, Nola Pierce, Marilyn Durkee, and Robert Ramirez. All were local realtors and/or property managers who asked Council to table final adoption of Councillor's Bill No. 64 for a month or two to allow additional time for review of the proposed ordinance and input from industry representatives. Many objected to what they viewed to be a double standard, stating that the proposed ordinance should apply to owner-occupied residential properties, not just residential properties occupied by renters. There was support for the existing rental housing inspection program and fear that the new inspection fee would cause reduced property values by cutting into property management revenues now used for maintenance and improvement. Many speakers thought the ordinance was poorly worded and infringed on property rights through police powers. They were concerned about proposed penalties and wished representatives from the industry had been invited to provide input throughout the process, as they would be impacted by the proposed changes. It was suggested the proposed ordinance was duplication of recently passed State legislation concerning habitability.

Larry Dean Valente thanked the City for the way it had managed the 80th Avenue Bridge replacement project, specifically praising the efforts of Dave Downing and Lonnie Henderson for their vigilance. Additionally, he appreciated that the surrounding neighborhood had been elevated on the snow plowing route schedule so that access in the construction area would function as well as possible since the project had not been completed before winter.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: based on the City Manager's recommendation, determine that the public interest would best be served by authorizing the City Manager to execute a two-year, sole source fee agreement subject to annual appropriation with Carlson, Hammond and Paddock, L.L.C. (CHP) for special water counsel services in an amount not to exceed \$250,000 for 2011 and not to exceed \$250,000 for 2012; based on the City Manager's recommendation, determine that the public interest would best be served by authorizing the City Manager to execute a two-year, sole source fee agreement with Slattery & Hendrix Engineering, L.L.C. for water resources engineering services in an amount not to exceed \$60,000 for 2011 and not to exceed \$60,000 for 2012; based on the City Manager's recommendation, determine that the public interest would best be served by awarding the bid for the replacement of strength equipment for City Park Fitness Center to Healthstyles Exercise Equipment in the amount of \$63,268; authorize the City Manager to sign the first amendment to the existing concessionaire agreement with Dadiotis Golf Enterprises, LLC to operate the City's two golf course restaurants; ratify the expenditure of \$6,100 to the previously approved contract with Swanhorst & Company, LLC for year end 2009 annual audit services, bringing the contract approval amount to \$62,100; based on the City Manager's report and recommendation, determine that the public interest would be best served by ratifying the purchase of services from Alpine Waste and Recycling, and to pay any past invoices not previously authorized with Alpine Waste and Recycling up to a maximum of \$61,000; authorize the City Manager to sign an intergovernmental agreement with the Urban Drainage and Flood Control District for the Tanglewood Creek Channel and Pond Improvements; authorize the City Manager to execute a \$81,055 contract with the low bidder, Interface Communications Company, for the installation of illuminated street name signs at various traffic signal locations on 120th Avenue, Federal Boulevard and Huron Street; authorize the City Manager to execute a one-year contract with the option to renew for up to two additional years for the City's Landscape Maintenance Services contract to the low bidder, CoCal Landscape Services, Inc, in the amount of \$283,598 for the first year and authorize up to \$127,619 for the first year for irrigation repairs and related repairs as required in the specifications of the contract; authorize the City Manager to execute a contract for the 2011 Asphalt Pavement Crackseal Project with the low bidder, A-1 Chipseal Company, in the amount of \$114,625 and authorize a contingency of \$10,375 for a total project budget of \$125,000; authorize the City Manager to execute a contract with the low bidder, Northern Colorado Constructors, Inc., in the amount of \$493,449 for construction of improvements to the City wastewater collection and potable water distribution systems with a 15% construction contingency in the amount of \$74,017 for a total construction budget of \$567,466; based on the City Manager's recommendation, City Council found 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 with Oracle for annual maintenance on the JD Edwards system for a period of one year (2011) with an option to renew for four additional

years, subject to annual appropriation, and ratify all previous maintenance contracts with Oracle and/or their predecessor companies; final passage on second reading of Councillor's Bill No. 60 providing for supplemental appropriation of funds to the 2010 budget of the General, Utility, and General Capital Improvement Funds; final passage on second reading of Councillor's Bill No. 61 providing for supplementary appropriations from the 2010 Refunding Certificates of Participation to the 2010 budget of the General Fund; final passage on second reading of Councillor's Bill No. 62 authorizing the City Manager to execute and implement an Economic Development Agreement with LGS Innovations; and final passage on second reading of Councillor's Bill No. 63 authorizing the City Manager to execute and implement the Economic Development Agreement with The Bedrin Organization for a "Murdoch's" store.

Mayor Pro Tem Dittman moved, seconded by Councillor Major, to approve all items on the consent agenda as presented. The motion carried.

RESOLUTION NO. 43 ADOPTING REVISED AMBULANCE FEE SCHEDULE

It was moved by Councillor Major, seconded by Councillor Kaiser, to adopt Resolution No. 43 establishing a revised ambulance fee schedule to include a new fee for intravenous (IV) therapy within the ambulance fee structure. The motion passed unanimously at roll call.

COUNCILLOR'S BILL NO. 65 AMENDING TITLE V & RELATED SECTIONS OF THE W.M.C.

Upon a motion by Councillor Major, seconded by Councillor Kaiser, the Council voted unanimously on roll call vote to pass on first reading Councillor's Bill No. 65 amending Title V and Sections 6-3-5, 9-4-1 and 11-4-17 of the Westminster Municipal Code concerning licensing and regulations, trespassing, solicitation on or near a street or highway, and temporary uses on private property.

COUNCILLOR'S BILL NO. 66 CLARIFYING PENALTIES FOR VARIOUS VIOLATIONS OF W.M.C.

Councillor Winter moved to pass on first reading Councillor's Bill No. 66 amending sections of the Westminster Municipal Code to clarify the applicable penalties for various violations. The motion, seconded by Councillor Kaiser, passed unanimously on roll call vote.

COUNCILLOR'S BILL NO. 67 TO RECOVER COSTS OF 144TH AVENUE IMPROVEMENTS

Councillor Kaiser moved, seconded by Councillor Lindsey, to pass on first reading Councillor's Bill No. 67 establishing recovery payments owed to the City for costs incurred in constructing improvements to the 144th Avenue, Zuni Street to Jason Drive Project. At roll call, the motion passed with all Council members voting affirmatively.

AMENDED COUNCILLOR'S BILL NO. 64 CREATING RENTAL PROPERTY FEES & LICENSING

It was moved by Mayor Pro Tem Dittman and seconded by Councillor Major to pass on second reading Councillor's Bill No. 64, as amended pursuant to Council's direction between first and second reading, to amend Title V of the Westminster Municipal Code concerning the Rental Property Maintenance Code.

Discussion ensued, and Council sought answers to questions and issues raised earlier during Citizen Communication. The Rental Housing Code had been in effect in Westminster for 15 years. Councillor's Bill No. 64 established inspection fees and clarified what units were subject to registration. Another change to the Code included a requirement for installation of carbon monoxide alarms per State law. The frequency of inspections would not change and inspections would be scheduled at frequencies based on age of the property, as reflected in the ordinance. After all questions of Council were answered, Councillors thanked those in the audience who had attended the meeting and voiced their concerns. Preparation of this ordinance had been ongoing since June of 2010 following Council's review of staff's suggested budget cuts. At that time, Council agreed that the rental housing

inspection program had value; protected the health, safety and welfare of residents of the community; and directed that the program be retained and funded through creation of licensing and fees. Public hearings had been held as part of the 2011 – 2012 budget preparation and adoption process. The public had been provided many opportunities to give input in formal and informal meetings of Council, and articles had appeared in the *Westminster Window* to inform the public of the forthcoming changes that would be proposed. Additionally, the proposed changes had been discussed at Council events, such as We're All Ears, Breakfast with Council, and Dessert with Council, since June.

The roll was called, and the motion to pass Councillor's Bill No. 64 on second reading passed unanimously.

CITIZEN PRESENTATIONS

Jay Hill, Rosie Leino, and Mary Tuneberg voiced frustration about not having an opportunity to participate in preparation of the Rental Housing Code Inspection Fees and Licensing Program and disappointment in Council's passage of Councillor's Bill No. 64.

ADJOURNMENT

There being no further business to come before the City Council, it was moved by Kaiser and seconded by Major to adjourn. The motion carried and the meeting adjourned at 8:25 p.m.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 20, 2010



SUBJECT: Financial Report for November 2010
Prepared By: Tammy Hitchens, Finance Director

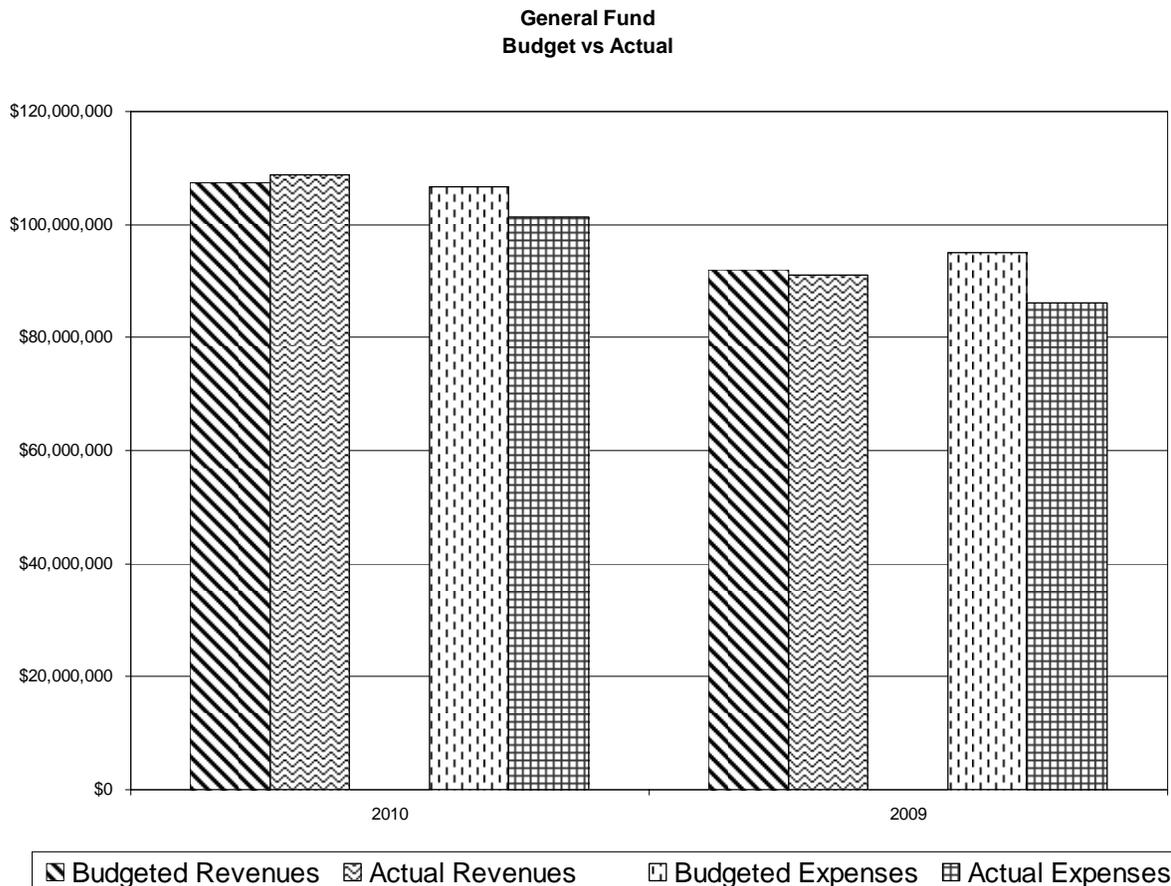
Recommended City Council Action

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. Revenues also include carryover where applicable. The revenues are pro-rated based on 10-year historical averages. Expenses are also pro-rated based on 9-year historical averages.

The General Fund revenues exceed expenditures by \$7,712,722. The following graph represents Budget vs. Actual for 2009-2010.

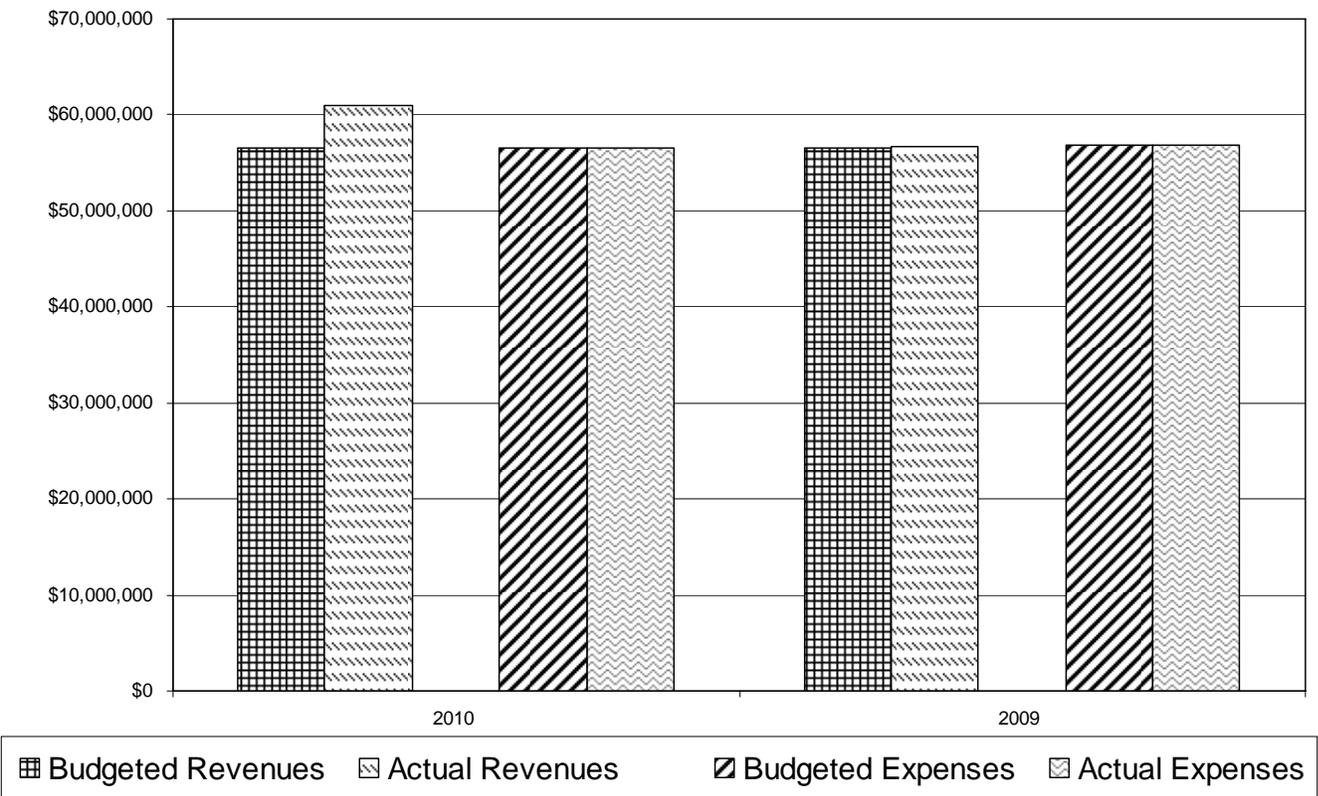


In this chart, 2010 actual revenues and expenditures do not include the refunding of the 1998 Certificates of Participation in the amount of \$10 million. The budget appropriation for the refunding will be reflected in December.

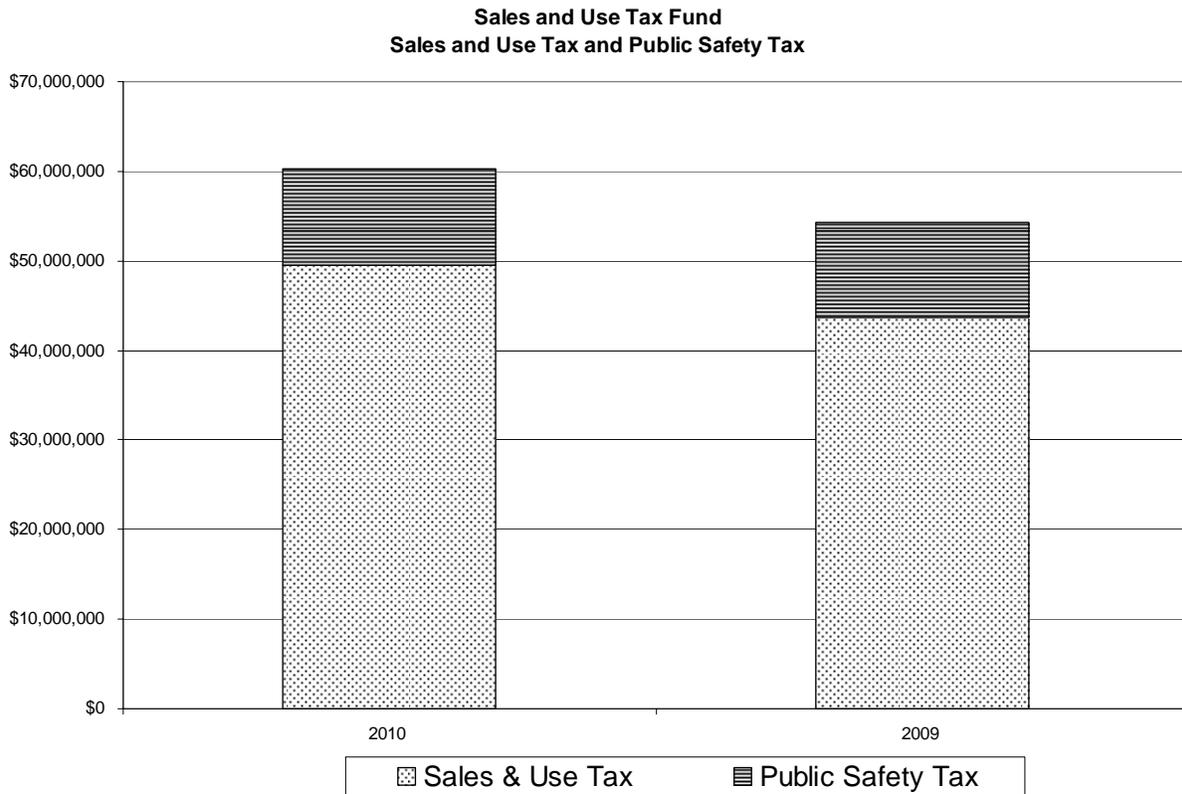
The Sales and Use Tax Fund revenues and carryover exceed expenditures by \$4,514,947.

- On a year-to-date cash basis, sales and use tax returns are up 10.2% from 2009.
- On a year-to-date basis, across the top 25 shopping centers before including urban renewal area adjustments, total sales and use tax receipts are down 1.5% from the prior year. With the urban renewal area adjustments, sales and use tax receipts are up 14.0%.
- Sales and use tax receipts from the top 50 Sales Taxpayers, representing about 62% of all collections, are up 10.9% after urban renewal area adjustments.
- Urban renewal areas make up 42.0% of gross sales tax collections. After urban renewal area and economic development assistance adjustments, 16.2% of this money is available for General Fund use.
- The Westminster Mall is down 21.0% on a year-to-date basis.
- Building use tax is up 24.0% year-to-date from 2009.
- Audit and Enforcement revenue includes one large audit assessment of \$1.7 million.

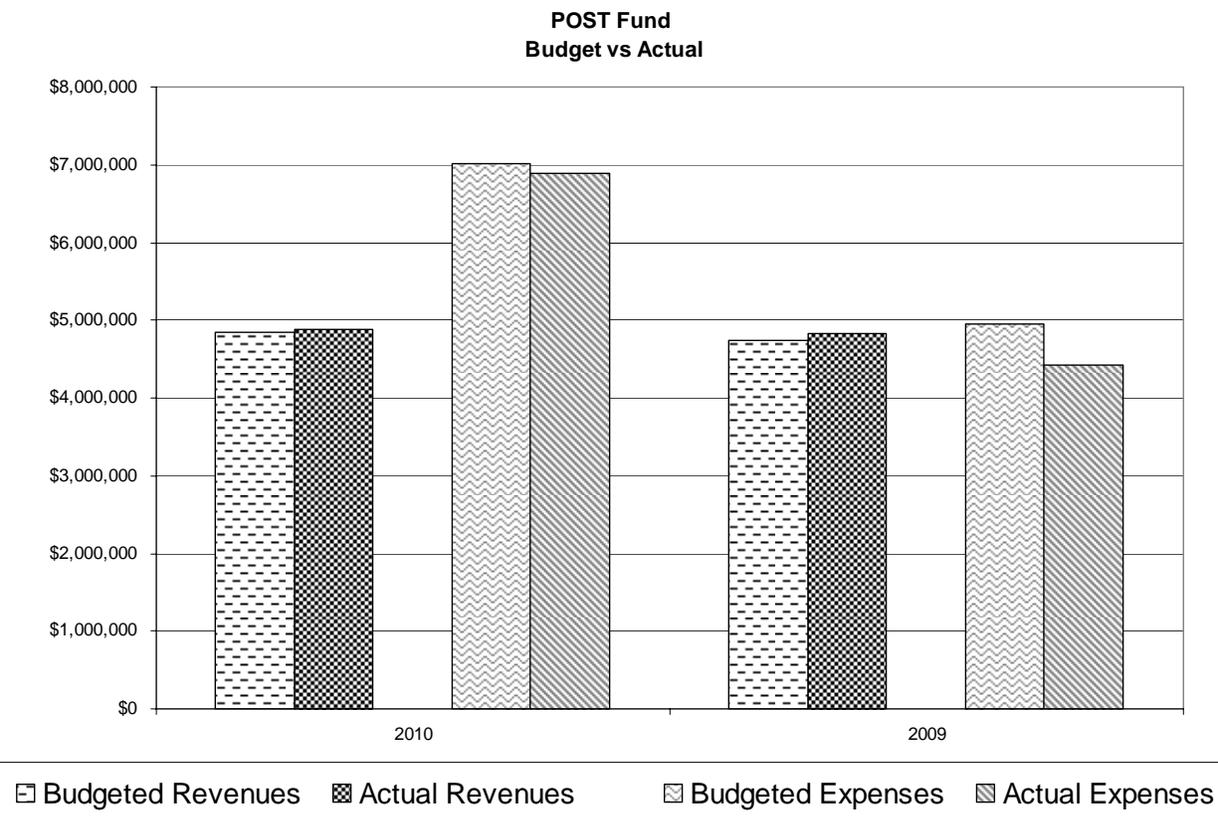
**Sales & Use Tax Fund
Budget vs Actual**



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

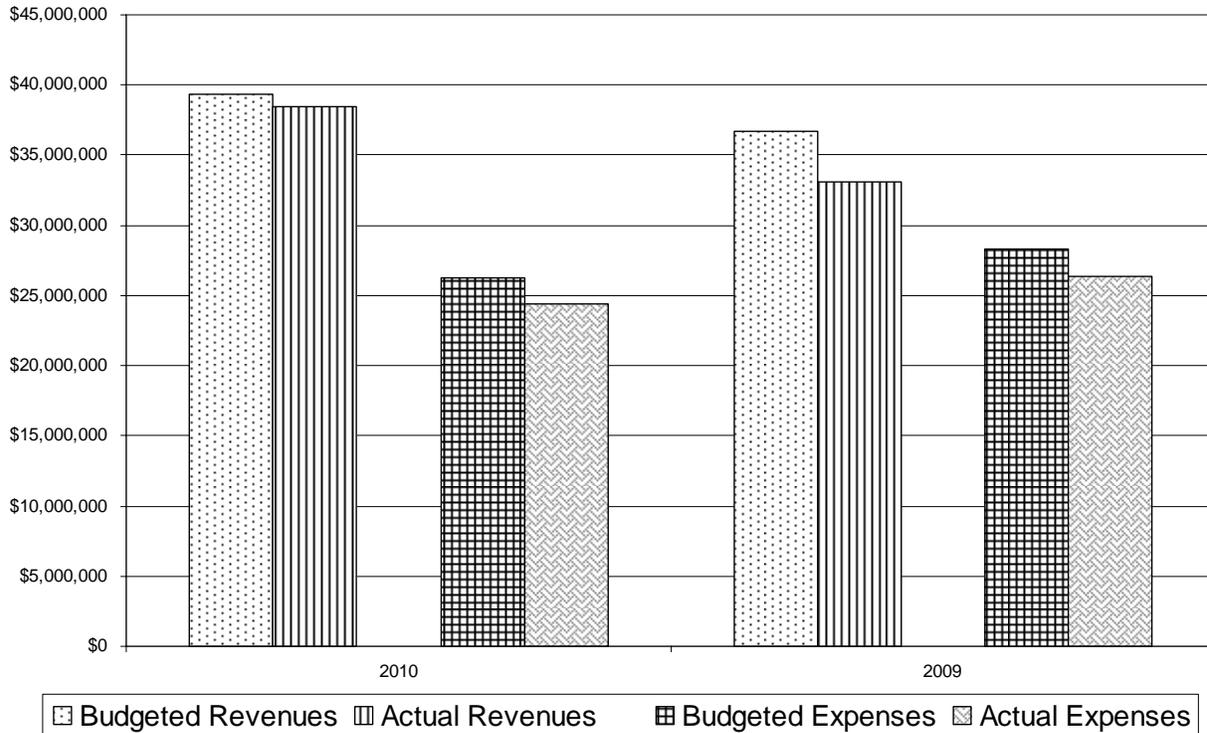


The Parks Open Space and Trails Fund expenditures exceed revenues by \$1,995,458. There is currently \$2,965,000 outstanding in reimbursement grants from Adams County Open Space. These funds are anticipated to be received by year end.



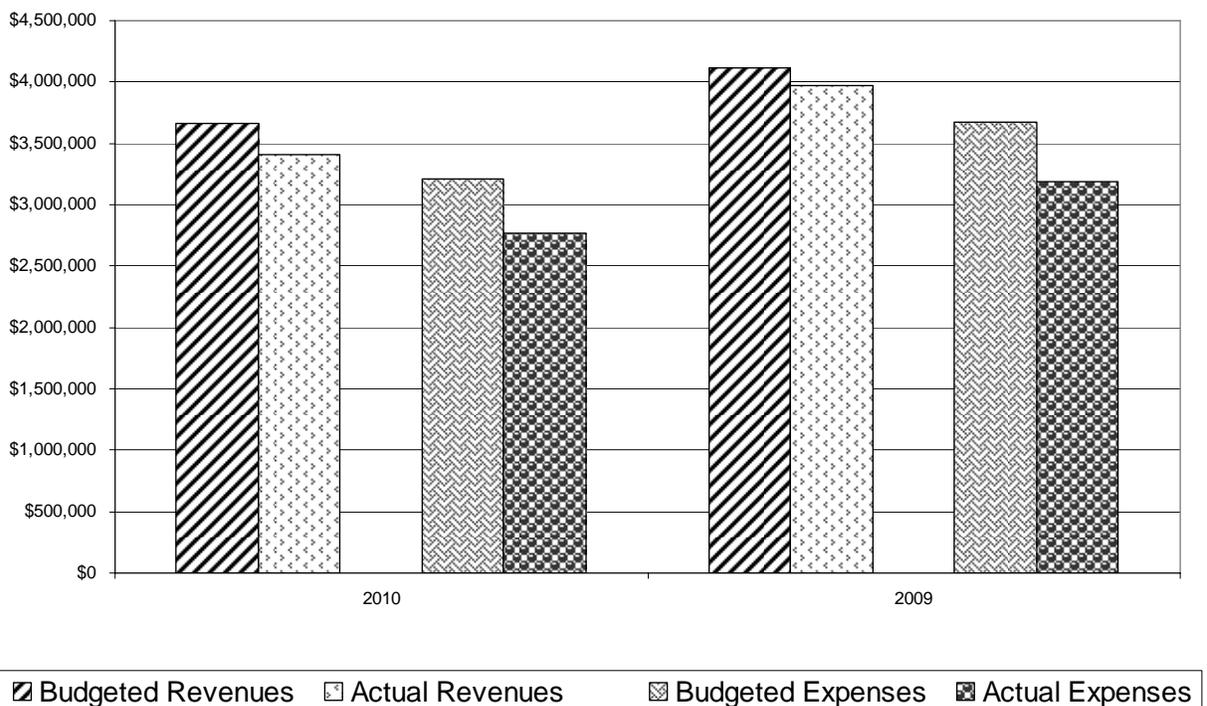
The combined Water & Wastewater Fund revenues exceed expenses by \$36,229,735 which includes \$29,505,000 in revenue bond proceeds. Operating revenues exceed expenses by \$14,058,456. \$29,581,232 is budgeted for capital projects and reserves.

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



The combined Golf Course Fund revenues exceed expenses by \$192,676.

**Golf Course Enterprise
Operating Budget vs Actual**



Policy Issue

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

Alternative

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

Background Information

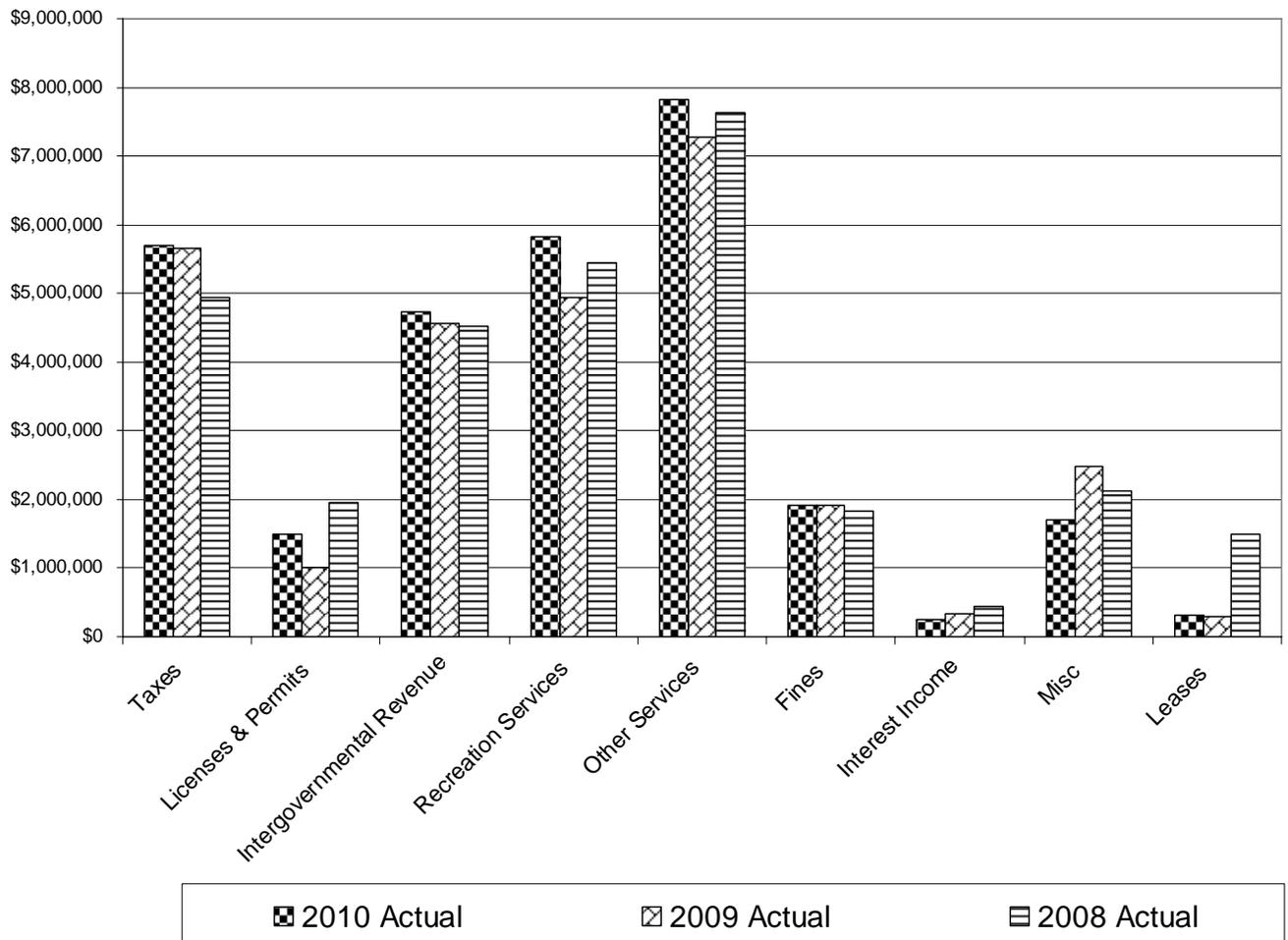
This section includes a discussion of highlights of each fund presented.

General Fund

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

The following chart represents the trend in actual revenues from 2008 – 2010 year-to-date.

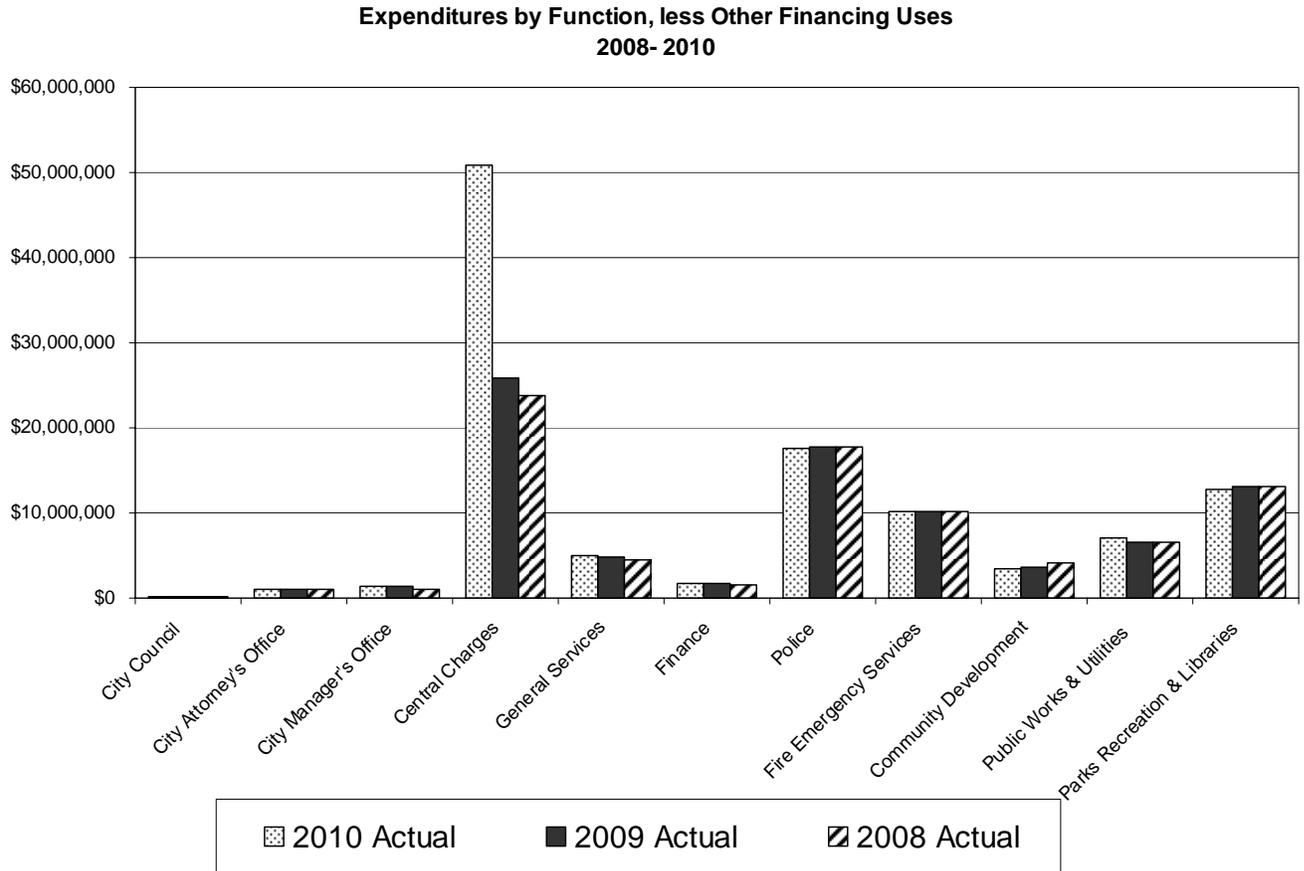
**General Fund Revenues without Transfers, Carryover, and Other Financing Sources
2008- 2010**



Significant differences between years in General Fund revenue categories are explained as follows:

- Licenses & Permits reflects increases in Adams and Jefferson Counties.
- Recreation Services is up due mostly to facility pass and admission fees.
- Other Services is up due mostly to franchise, emergency management service and street cut fees.
- Miscellaneous revenue is down mostly as a result of variances in reimbursements from the prior year.

The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2008 –2010.



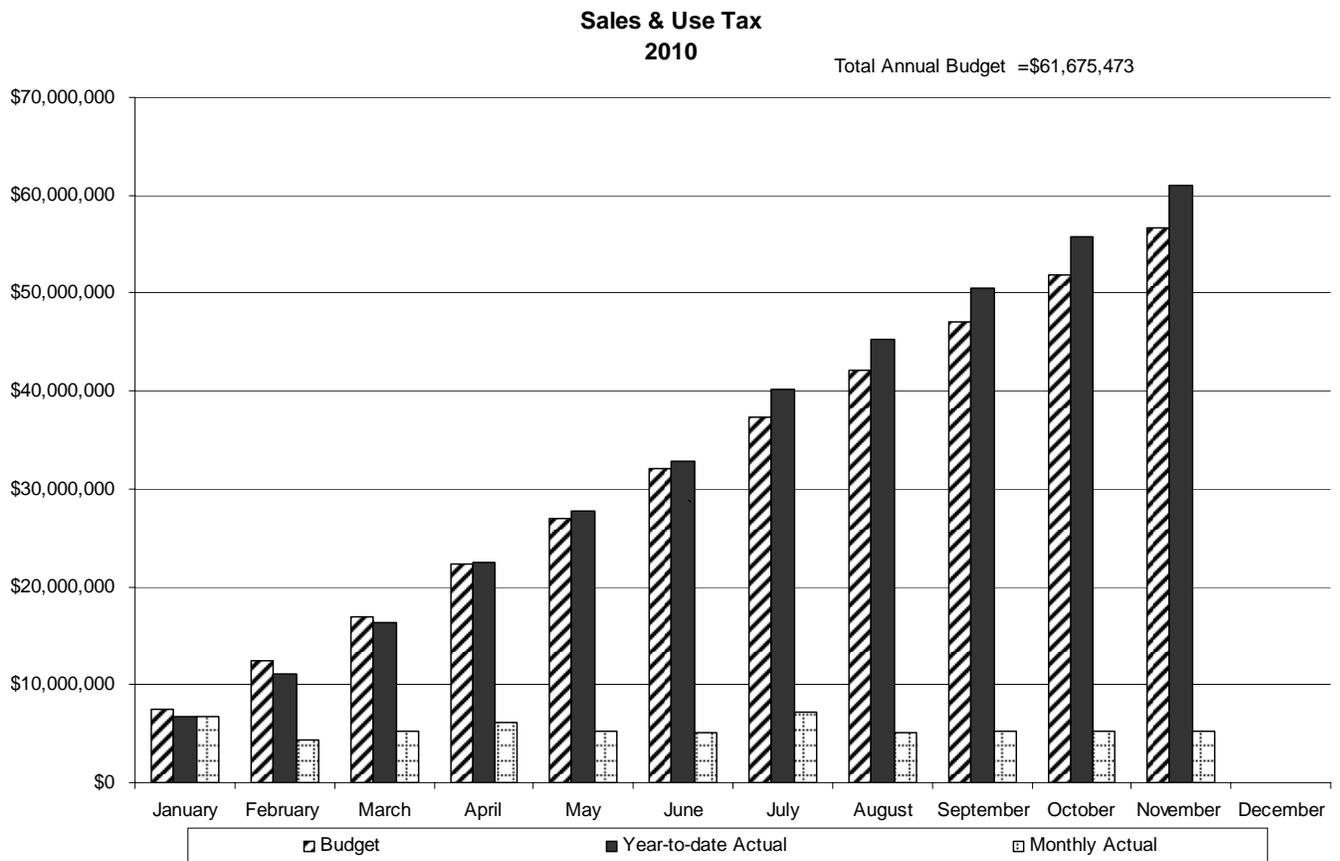
Significant differences between years in General Fund expenditure categories are explained as follows:

- Central Charges expenditures is up due to an increase in equipment rental capital replacement fees, transfers of energy audit lease proceeds to the General Capital Improvement Fund, and refinancings of the 1998 and 2001 Certificates of Participation issues totaling \$23.0 million.

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

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

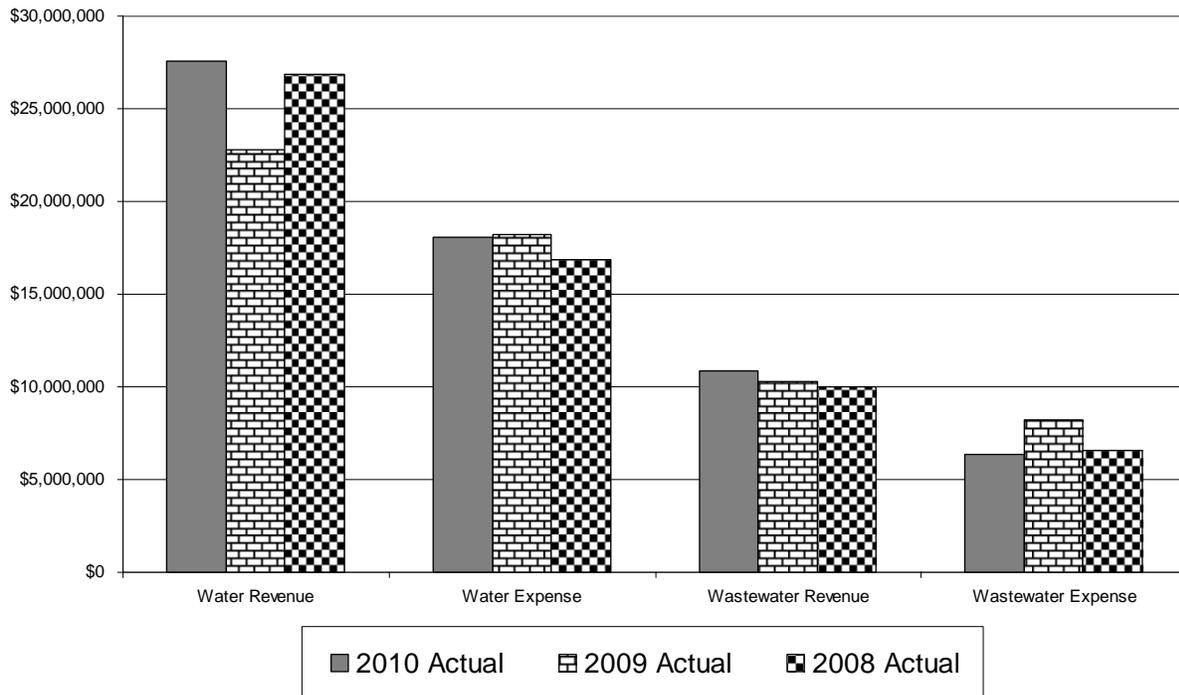


Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

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

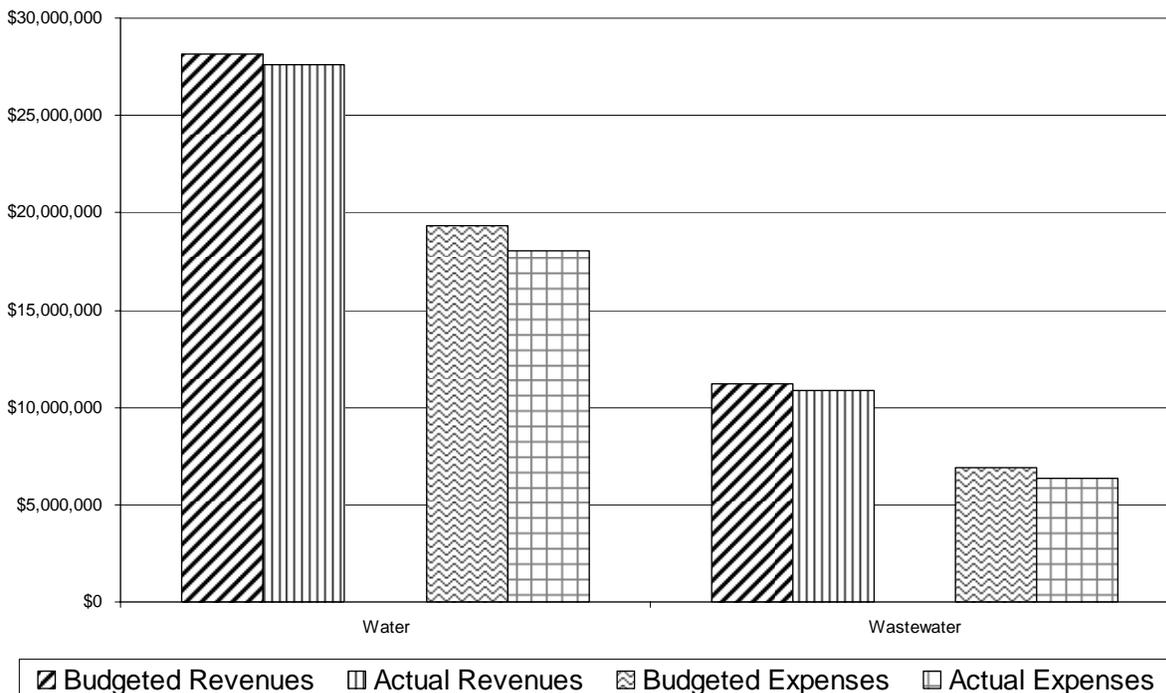
These graphs represent the segment information for the Water and Wastewater funds.

**Water and Wastewater Funds
Operating Revenue and Expenses 2008-2010**



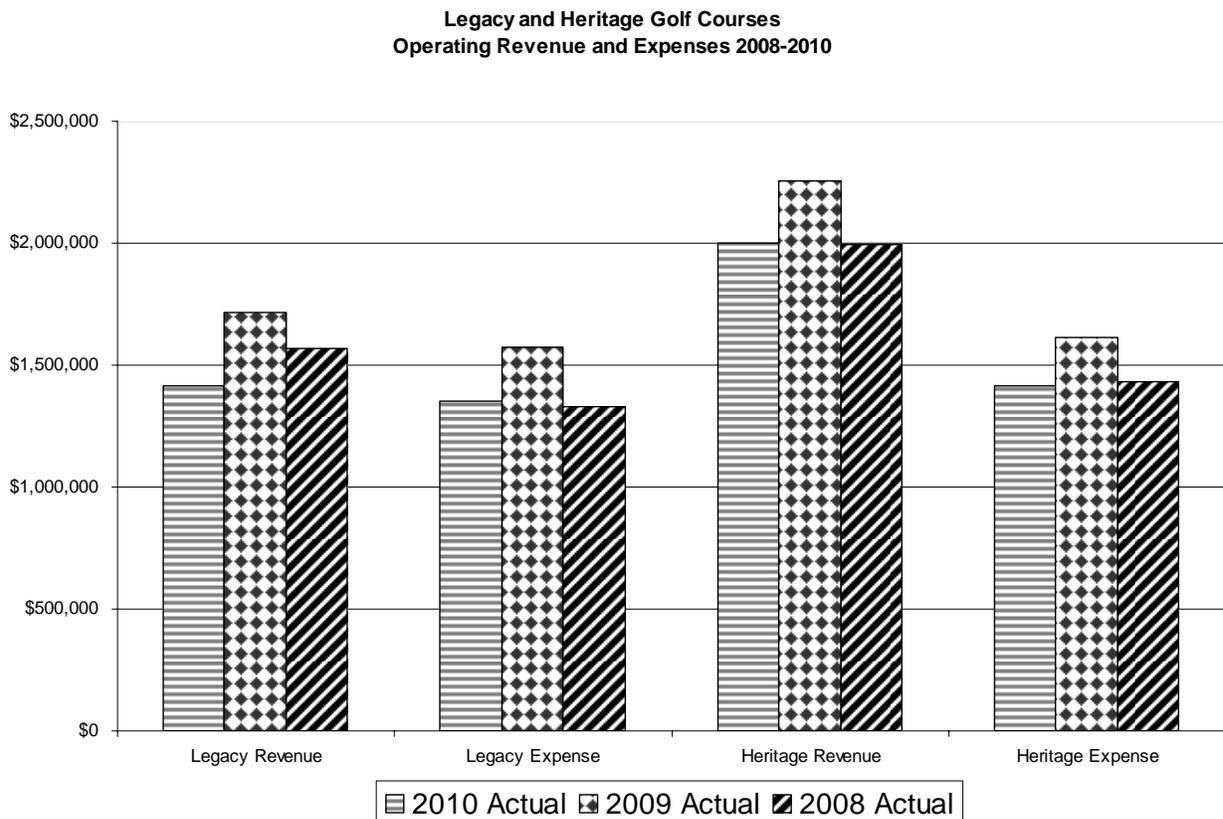
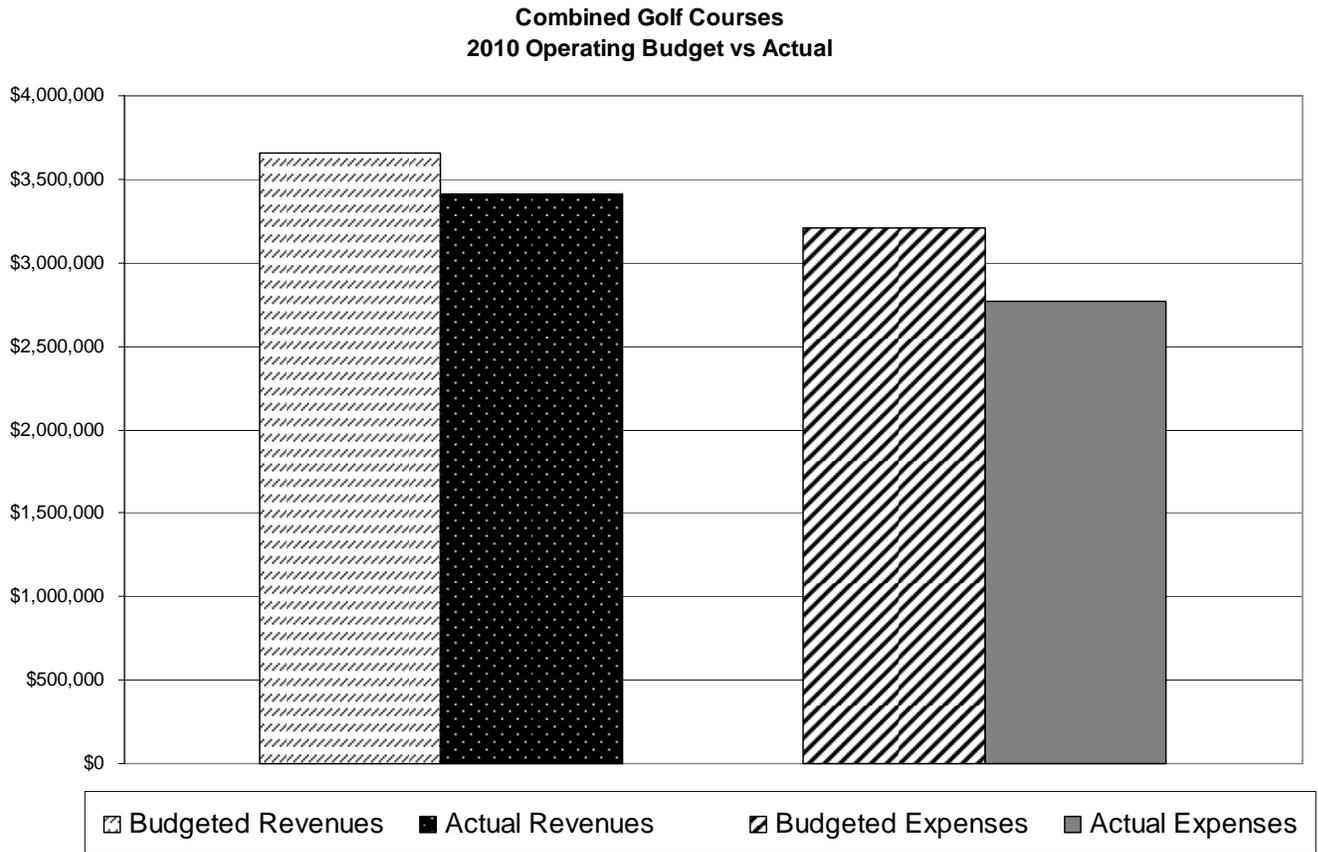
The water revenue annual variance is due to the effect of climatic variations on water consumption, billing rates, and an intergovernmental sale of effluent water.

**Water and Wastewater Funds
2010 Operating Budget vs Actual**



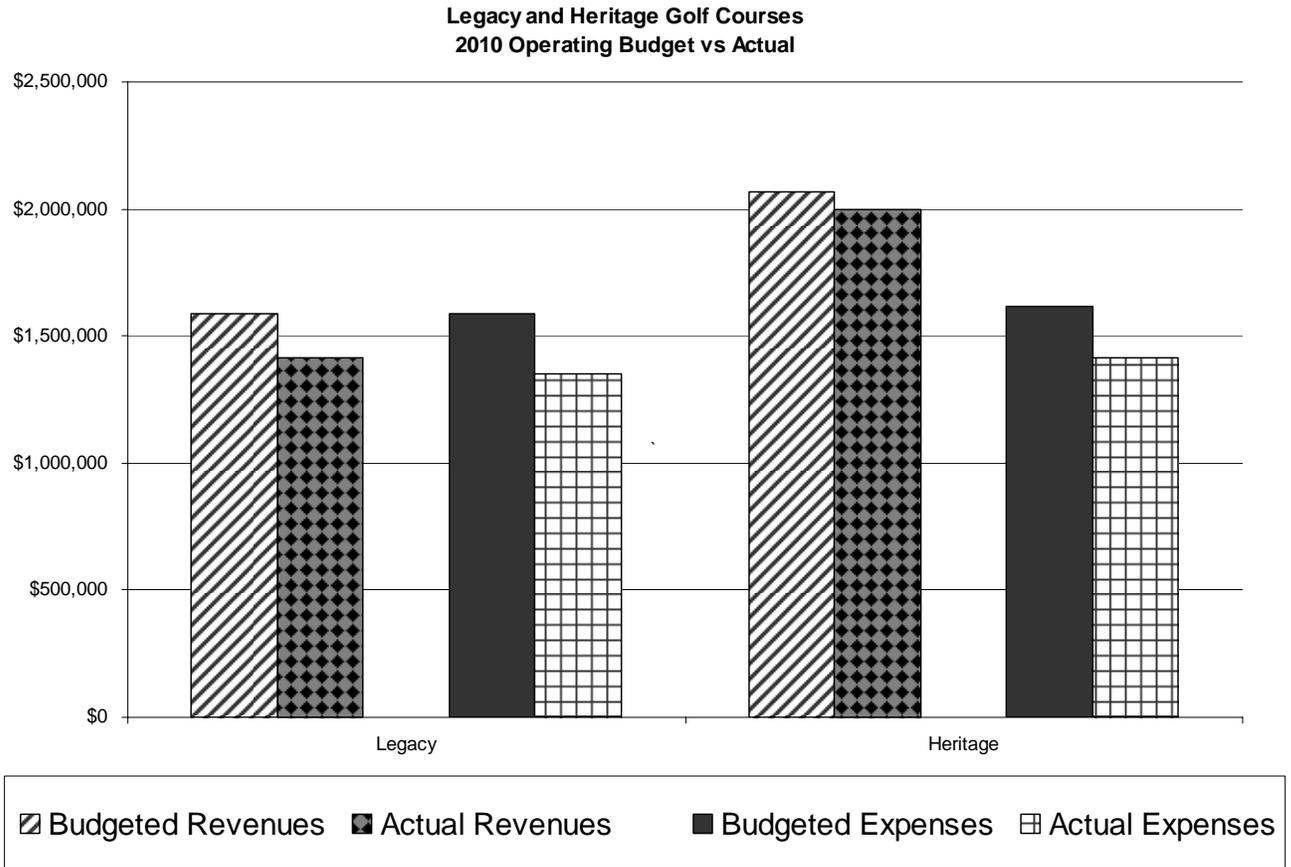
Golf Course Enterprise (Legacy and Heritage Golf Courses)

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



The variance between years is primarily due to the 2009 lease financing of a new golf cart fleet.

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



Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2010**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues						
Taxes	5,678,400	5,571,381		5,701,241	129,860	102.3%
Licenses & Permits	1,371,178	1,268,326		1,496,473	228,147	118.0%
Intergovernmental Revenue	5,278,812	4,445,568		4,736,907	291,339	106.6%
Charges for Services						
Recreation Services	6,219,206	5,367,412		5,818,849	451,437	108.4%
Other Services	8,760,147	7,448,753		7,824,035	375,282	105.0%
Fines	2,262,105	2,091,993		1,918,354	(173,639)	91.7%
Interest Income	425,000	330,518		249,078	(81,440)	75.4%
Misc	1,625,161	1,593,988		1,700,428	106,440	106.7%
Leases	328,023	318,480		318,480	0	100.0%
Interfund Transfers	64,517,612	59,141,144		59,141,144	0	100.0%
Other Financing Sources	16,116,028	16,111,832	(1)	26,148,276	10,036,444	162.3%
Sub-total Revenues	<u>112,581,672</u>	<u>103,689,395</u>		<u>115,053,265</u>	<u>11,363,870</u>	<u>111.0%</u>
Carryover	3,817,820	3,817,820		3,817,820	0	100.0%
Revenues	<u>116,399,492</u>	<u>107,507,215</u>		<u>118,871,085</u>	<u>11,363,870</u>	<u>110.6%</u>
Expenditures						
City Council	222,312	192,994		170,482	(22,512)	88.3%
City Attorney's Office	1,156,960	1,057,594		989,865	(67,729)	93.6%
City Manager's Office	1,611,334	1,465,389		1,307,262	(158,127)	89.2%
Central Charges	45,036,085	41,689,541	(1)	50,846,447	9,156,906	122.0%
General Services	5,937,816	5,288,613		4,932,026	(356,587)	93.3%
Finance	2,037,876	1,863,792		1,739,389	(124,403)	93.3%
Police	20,869,814	19,183,348		17,585,904	(1,597,444)	91.7%
Fire Emergency Services	11,876,889	10,824,099		10,255,345	(568,754)	94.7%
Community Development	4,302,220	3,907,600		3,511,389	(396,211)	89.9%
Public Works & Utilities	7,798,534	7,090,038		7,028,749	(61,289)	99.1%
Parks, Recreation & Libraries	15,549,652	14,174,708		12,791,505	(1,383,203)	90.2%
Total Expenditures	<u>116,399,492</u>	<u>106,737,716</u>		<u>111,158,363</u>	<u>4,420,647</u>	<u>104.1%</u>
Revenues Over(Under)						
Expenditures	<u>0</u>	<u>769,499</u>		<u>7,712,722</u>	<u>6,943,223</u>	

(1) Other Financing Source revenue and Central Charges expenditures reflects the \$10 million refunding of the 1998 Certificates of Participation. The budget appropriation for the refunding will be reflected in December.

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Sales and Use Tax Fund						
Revenues and Carryover						
Sales Tax						
Sales Tax Returns	40,321,375	37,095,890		39,334,383	2,238,493	106.0%
Sales Tx Audit Revenues	711,876	665,712		2,333,364	1,667,652	350.5%
S-T Rev. STX	<u>41,033,251</u>	<u>37,761,602</u>		<u>41,667,747</u>	<u>3,906,145</u>	110.3%
Use Tax						
Use Tax Returns	7,010,205	6,276,263		6,465,981	189,718	103.0%
Use Tax Audit Revenues	785,000	752,030		1,315,304	563,274	174.9%
S-T Rev. UTX	<u>7,795,205</u>	<u>7,028,293</u>		<u>7,781,285</u>	<u>752,992</u>	110.7%
Total STX and UTX	<u><u>48,828,456</u></u>	<u><u>44,789,895</u></u>		<u><u>49,449,032</u></u>	<u><u>4,659,137</u></u>	110.4%
Public Safety Tax						
PST Tax Returns	11,616,517	10,624,588		10,268,093	(356,495)	96.6%
PST Audit Revenues	315,500	284,027		555,192	271,165	195.5%
Total Rev. PST	<u>11,932,017</u>	<u>10,908,615</u>		<u>10,823,285</u>	<u>(85,330)</u>	99.2%
Total Interest Income	235,000	215,417		98,480	(116,937)	45.7%
Carryover	680,000	680,000		680,000	0	100.0%
Total Revenues and Carryover	<u><u>61,675,473</u></u>	<u><u>56,593,927</u></u>		<u><u>61,050,797</u></u>	<u><u>4,456,870</u></u>	107.9%
Expenditures						
Central Charges	<u>61,675,473</u>	<u>56,535,850</u>		<u>56,535,850</u>	0	100.0%
Revenues and Carryover Over(Under) Expenditures	<u><u>0</u></u>	<u><u>58,077</u></u>		<u><u>4,514,947</u></u>	<u><u>4,456,870</u></u>	

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2010**

Description POST Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues						
Sales & Use Tax	4,865,857	4,455,906		4,581,135	125,229	102.8%
Intergovernmental Revenue	2,770,900	0		0	0	
Interest Income	55,000	50,417		39,826	(10,591)	79.0%
Miscellaneous	83,977	77,007		8,716	(68,291)	11.3%
Interfund Transfers	371,622	162,622		162,622	0	100.0%
Sub-total Revenues	<u>8,147,356</u>	<u>4,745,952</u>		<u>4,792,299</u>	<u>46,347</u>	<u>101.0%</u>
Carryover	93,478	93,478		93,478	0	100.0%
Total Revenues	<u>8,240,834</u>	<u>4,839,430</u>		<u>4,885,777</u>	<u>46,347</u>	<u>101.0%</u>
Expenditures						
Central Charges	7,891,646	6,722,936		6,716,865	(6,071)	99.9%
Park Services	349,188	283,557		164,370	(119,187)	58.0%
	<u>8,240,834</u>	<u>7,006,493</u>		<u>6,881,235</u>	<u>(125,258)</u>	<u>98.2%</u>
Over(Under) Expenditures	<u>0</u>	<u>(2,167,063)</u>		<u>(1,995,458)</u>	<u>171,605</u>	

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2010**

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		94,990	26,240	138.2%
Intergovernmental Revenue	4,727	1,973		1,973	0	100.0%
Rates and Charges	41,600,438	38,876,492		37,445,635	(1,430,857)	96.3%
Miscellaneous	439,826	403,174	(1)	929,801	526,627	230.6%
Total Operating Revenues	42,119,991	39,350,389		38,472,399	(877,990)	97.8%
Operating Expenses						
Central Charges	6,051,028	5,546,776		5,502,355	(44,421)	99.2%
Finance	705,372	623,549		562,858	(60,691)	90.3%
Public Works & Utilities	20,141,577	17,432,666		15,911,554	(1,521,112)	91.3%
Parks, Recreation & Libraries	147,979	135,647		90,231	(45,416)	66.5%
Information Technology	2,844,464	2,545,795		2,346,945	(198,850)	92.2%
Total Operating Expenses	29,890,420	26,284,433		24,413,943	(1,870,490)	92.9%
Operating Income (Loss)	12,229,571	13,065,956		14,058,456	992,500	
Other Revenue and Expenses						
Tap Fees	3,193,061	3,025,691		2,765,825	(259,866)	91.4%
Interest Income	1,450,000	1,329,166		687,629	(641,537)	51.7%
Sale of Assets	0	0		34,007	34,007	
Other Financing Sources	27,915,455	27,915,455		29,509,585	1,594,130	105.7%
Carryover	2,867,251	2,867,251		2,867,251	0	100.0%
Debt Service	(6,757,592)	(2,376,504)		(2,376,504)	0	100.0%
Reserve Transfer	(11,316,514)	(11,316,514)		(11,316,514)	0	100.0%
Total Other Revenue (Expenses)	17,351,661	21,444,545		22,171,279	726,734	103.4%
	29,581,232	34,510,501		36,229,735	1,719,234	

(1) Miscellaneous revenue includes the sale of effluent water based on an intergovernmental agreement.

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water Fund						
Operating Revenues						
License & Permits	75,000	68,750		94,990	26,240	138.2%
Intergovernmental Revenue	4,727	1,973		1,973	0	100.0%
Rates and Charges	29,360,461	27,711,315		26,590,085	(1,121,230)	96.0%
Miscellaneous	425,000	389,583	(1)	918,478	528,895	235.8%
Total Operating Revenues	<u>29,865,188</u>	<u>28,171,621</u>		<u>27,605,526</u>	<u>(566,095)</u>	98.0%
Operating Expenses						
Central Charges	4,258,103	3,903,261		3,895,219	(8,042)	99.8%
Finance	705,372	623,549		562,858	(60,691)	90.3%
Public Works & Utilities	13,811,268	12,162,826		11,150,710	(1,012,116)	91.7%
PR&L Standley Lake	147,979	135,647		90,231	(45,416)	66.5%
Information Technology	2,844,464	2,545,795		2,346,945	(198,850)	92.2%
Total Operating Expenses	<u>21,767,186</u>	<u>19,371,078</u>		<u>18,045,963</u>	<u>(1,325,115)</u>	93.2%
Operating Income (Loss)	<u>8,098,002</u>	<u>8,800,543</u>		<u>9,559,563</u>	<u>759,020</u>	
Other Revenue and Expenses						
Tap Fees	2,600,000	2,478,800		2,300,419	(178,381)	92.8%
Interest Income	800,000	733,333		534,933	(198,400)	72.9%
Sale of Assets	0	0		34,007	34,007	
Other Financing Sources	27,915,455	27,915,455		29,509,585	1,594,130	105.7%
Carryover	2,857,168	2,857,168		2,857,168	0	100.0%
Debt Service	(5,253,788)	(1,817,059)		(1,817,059)	0	100.0%
Reserve Transfer	(10,896,431)	(10,896,431)		(10,896,431)	0	100.0%
Total Other Revenues (Expenses)	<u>18,022,404</u>	<u>21,271,266</u>		<u>22,522,622</u>	<u>1,251,356</u>	105.9%
Increase (Decrease) in Net Assets	<u>26,120,406</u>	<u>30,071,809</u>		<u>32,082,185</u>	<u>2,010,376</u>	

(1) Miscellaneous revenue includes the sale of effluent water based on an intergovernmental agreement.

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Wastewater Fund						
Operating Revenues						
Rates and Charges	12,239,977	11,165,177		10,855,550	(309,627)	97.2%
Miscellaneous	14,826	13,591		11,323	(2,268)	83.3%
Total Operating Revenues	<u>12,254,803</u>	<u>11,178,768</u>		<u>10,866,873</u>	<u>(311,895)</u>	97.2%
Operating Expenses						
Central Charges	1,792,925	1,643,515		1,607,136	(36,379)	97.8%
Public Works & Utilities	6,330,309	5,269,840		4,760,844	(508,996)	90.3%
Total Operating Expenses	<u>8,123,234</u>	<u>6,913,355</u>		<u>6,367,980</u>	<u>(545,375)</u>	92.1%
Operating Income (Loss)	<u>4,131,569</u>	<u>4,265,413</u>		<u>4,498,893</u>	<u>233,480</u>	
Other Revenue and Expenses						
Tap Fees	593,061	546,891		465,406	(81,485)	85.1%
Interest Income	650,000	595,833		152,696	(443,137)	25.6%
Carryover	10,083	10,083		10,083	0	100.0%
Debt Service	(1,503,804)	(559,445)		(559,445)	0	100.0%
Reserve Transfer	(420,083)	(420,083)		(420,083)	0	100.0%
Total Other Revenues (Expenses)	<u>(670,743)</u>	<u>173,279</u>		<u>(351,343)</u>	<u>(524,622)</u>	-202.8%
Increase (Decrease) in Net Assets	<u>3,460,826</u>	<u>4,438,692</u>		<u>4,147,550</u>	<u>(291,142)</u>	

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Storm Drainage Fund						
Revenues						
Charges for Services	2,000,000	1,833,333		1,792,134	(41,199)	97.8%
Interest Income	80,000	73,333		65,141	(8,192)	88.8%
Miscellaneous	0	0		2,966	2,966	
Sub-total Storm Drainage Revenues	<u>2,080,000</u>	<u>1,906,666</u>		<u>1,860,241</u>	<u>(46,425)</u>	97.6%
Carryover	323,434	323,434		323,434	0	100.0%
Total Revenues	<u>2,403,434</u>	<u>2,230,100</u>		<u>2,183,675</u>	<u>(46,425)</u>	97.9%
Expenses						
General Services	92,000	80,224		82,110	1,886	102.4%
Community Development	147,000	132,594		117,449	(15,145)	88.6%
PR&L Park Services	200,000	183,333		64,107	(119,226)	35.0%
Public Works & Utilities	291,000	235,419		167,362	(68,057)	71.1%
Total Expenses	<u>730,000</u>	<u>631,570</u>		<u>431,028</u>	<u>(200,542)</u>	68.2%
Increase (Decrease) in Net Assets	<u>1,673,434</u>	<u>1,598,530</u>		<u>1,752,647</u>	<u>154,117</u>	

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Golf Course Funds - Combined						
Operating Revenues						
Charges for Services	2,970,719	2,910,856		2,607,737	(303,119)	89.6%
Interest Income	0	0		3,631	3,631	
Interfund Transfers	814,988	747,072		799,686	52,614	107.0%
Total Revenues and Carryover	<u>3,785,707</u>	<u>3,657,928</u>		<u>3,411,054</u>	<u>(246,874)</u>	93.3%
Operating Expenses						
Central Charges	230,085	212,486		197,638	(14,848)	93.0%
Recreation Facilities	3,047,135	2,992,287		2,567,952	(424,335)	85.8%
Total Operating Expenses	<u>3,277,220</u>	<u>3,204,773</u>		<u>2,765,590</u>	<u>(439,183)</u>	86.3%
Operating Income (Loss)	508,487	453,155		645,464	192,309	142.4%
Other Revenues and Expenses						
Other Financing Sources	4,820,000	4,820,000		4,820,000	0	100.0%
Debt Service	(5,328,487)	(5,272,788)		(5,272,788)	0	100.0%
Total Other Revenues and (Expenses)	<u>(508,487)</u>	<u>(452,788)</u>		<u>(452,788)</u>	<u>0</u>	100.0%
Increase (Decrease) in Net Assets	<u>0</u>	<u>367</u>		<u>192,676</u>	<u>192,309</u>	

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Legacy Ridge Fund						
Operating Revenues						
Charges for Services	1,597,500	1,562,355		1,382,447	(179,908)	88.5%
Interest Income	0	0		3,631	3,631	
Interfund Transfers	29,433	26,980		26,980	0	100.0%
Total Operating Revenues	<u>1,626,933</u>	<u>1,589,335</u>		<u>1,413,058</u>	<u>(176,277)</u>	88.9%
Operating Expenses						
Central Charges	122,030	111,779		104,407	(7,372)	93.4%
Recreation Facilities	1,504,903	1,477,815		1,245,536	(232,279)	84.3%
Total Operating Expenses	<u>1,626,933</u>	<u>1,589,594</u>		<u>1,349,943</u>	<u>(239,651)</u>	84.9%
Increase (Decrease) in Net Assets	<u>0</u>	<u>(259)</u>		<u>63,115</u>	<u>63,374</u>	

**City of Westminster
Financial Report
For Eleven Months Ending November 30, 2010**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Heritage at Westmoor Fund						
Operating Revenues						
Charges for Services	1,373,219	1,348,501		1,225,290	(123,211)	90.9%
Interfund Transfers	785,555	720,092		772,706	52,614	107.3%
Total Revenues and Carryover	<u>2,158,774</u>	<u>2,068,593</u>		<u>1,997,996</u>	<u>(70,597)</u>	96.6%
Operating Expenses						
Central Charges	108,055	100,707		93,231	(7,476)	92.6%
Recreation Facilities	1,542,232	1,514,472		1,322,416	(192,056)	87.3%
Total Operating Expenses	<u>1,650,287</u>	<u>1,615,179</u>		<u>1,415,647</u>	<u>(199,532)</u>	87.6%
Operating Income	<u>508,487</u>	<u>453,414</u>		<u>582,349</u>	<u>128,935</u>	128.4%
Other Revenues and Expenses						
Other Financing Sources	4,820,000	4,820,000		4,820,000	0	100.0%
Debt Service	(5,328,487)	(5,272,788)		(5,272,788)	0	100.0%
	<u>(508,487)</u>	<u>(452,788)</u>		<u>(452,788)</u>	<u>0</u>	100.0%
Increase (Decrease) in Net Assets	<u>0</u>	<u>626</u>		<u>129,561</u>	<u>128,935</u>	

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 MONTH OF NOVEMBER 2010

Center Location Major Tenant	/----- Current Month -----/			/----- Last Year -----/			/--- %Change ---/			
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total	
WESTMINSTER MALL 88TH & SHERIDAN 3 DEPARTMENT STORES	359,278	14,172	373,449	142,543	1,038	143,582	152	1265	160	
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	295,374	70,967	366,341	268,426	7,272	275,698	10	876	33	
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	296,910	881	297,791	325,447	1,521	326,969	-9	-42	-9	
SHOPS AT WALNUT CREEK 104TH & REED TARGET	196,115	1,686	197,801	188,948	1,031	189,978	4	64	4	
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	189,458	493	189,951	191,356	1,531	192,887	-1	-68	-2	
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	185,701	470	186,171	178,931	538	179,469	4	-13	4	
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	177,242	1,462	178,704	168,421	756	169,177	5	93	6	
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	160,408	432	160,840	224,736	644	225,380	-29	-33	-29	
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	145,615	887	146,502	141,566	1,188	142,753	3	-25	3	
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	122,856	456	123,312	131,538	942	132,481	-7	-52	-7	
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	94,623	21,684	116,308	105,547	16,560	122,108	-10	31	-5	
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	93,044	776	93,821	95,072	341	95,413	-2	128	-2	
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	71,705	783	72,488	69,216	118	69,334	4	563	5	
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	69,840	2,255	72,095	69,469	619	70,088	1	264	3	
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	68,345	1,087	69,432	120,907	377	121,284	-43	189	-43	

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
MONTH OF NOVEMBER 2010

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	64,655	144	64,799	56,959	884	57,844	14	-84	12
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	56,939	213	57,152	59,513	484	59,997	-4	-56	-5
WILLOW RUN 128TH & ZUNI SAFEWAY	51,645	749	52,394	57,431	519	57,949	-10	44	-10
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	51,838	56	51,894	105,502	82	105,583	-51	-31	-51
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	3,562	38,725	42,287	12,992	69,076	82,068	-73	-44	-48
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	36,364	218	36,581	41,130	605	41,735	-12	-64	-12
CHURCH RANCH CORPORATE CENTER CHURCH RANCH BOULEVARD LA QUINTA	16,291	19,903	36,194	6,768	8,224	14,992	141	142	141
SUMMIT SQUARE NE CORNER 84TH & FED SAFEWAY	29,572	161	29,733	30,023	295	30,317	-2	-45	-2
RANCHO PLAZA SE CORNER 72ND & FEDERAL RANCHO LIBORIO	28,972	0	28,972	33,189	0	33,189	-13	*****	-13
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	28,075	158	28,232	26,776	65	26,841	5	143	5
	2,894,426	178,819	3,073,245	2,852,409	114,708	2,967,117	1	56	4

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
NOVEMBER 2010 YEAR-TO-DATE

Center Location Major Tenant	YTD 2010			YTD 2009			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	3,729,747	53,596	3,783,343	3,847,951	54,139	3,902,090	-3	-1	-3
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	3,575,058	288,869	3,863,927	3,195,811	157,099	3,352,909	12	84	15
SHOPS AT WALNUT CREEK 104TH & REED TARGET	2,437,280	66,904	2,504,184	2,311,303	47,455	2,358,758	5	41	6
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	2,251,517	8,327	2,259,845	2,228,554	11,974	2,240,527	1	-30	1
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	2,238,392	5,012	2,243,404	2,542,800	19,157	2,561,957	-12	-74	-12
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	2,063,612	4,929	2,068,540	1,969,579	7,679	1,977,258	5	-36	5
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	1,976,560	97,514	2,074,074	1,868,649	18,576	1,887,226	6	425	10
WESTMINSTER MALL 88TH & SHERIDAN 3 DEPARTMENT STORES	1,741,209	26,015	1,767,224	2,218,605	14,605	2,233,210	-22	78	-21
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	1,724,442	7,949	1,732,391	1,684,275	20,749	1,705,023	2	-62	2
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	1,277,939	8,276	1,286,215	1,769,173	14,666	1,783,838	-28	-44	-28
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	1,242,157	344,481	1,586,638	1,256,647	164,152	1,420,799	-1	110	12
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	1,148,074	5,305	1,153,378	1,163,115	7,078	1,170,193	-1	-25	-1
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	913,489	3,622	917,111	921,408	4,284	925,692	-1	-15	-1
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	821,334	5,305	826,639	787,281	3,127	790,409	4	70	5
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	730,302	974	731,275	713,365	6,093	719,458	2	-84	2

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 NOVEMBER 2010 YEAR-TO-DATE

Center Location Major Tenant	YTD 2010 General Sales	YTD 2010 General Use	Total	YTD 2009 General Sales	YTD 2009 General Use	Total Sales	%Change	Use	Total
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	729,445	5,049	734,494	641,800	3,539	645,339	14	43	14
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	526,696	16,072	542,767	543,509	5,260	548,769	-3	206	-1
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	468,483	2,423	470,906	510,394	9,203	519,597	-8	-74	-9
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	441,397	4,104	445,501	447,471	2,698	450,169	-1	52	-1
WILLOW RUN 128TH & ZUNI SAFEWAY	395,530	4,786	400,317	467,218	3,102	470,320	-15	54	-15
RANCHO PLAZA SE CORNER 72ND & FEDERAL RANCHO LIBORIO	344,089	1,111	345,200	314,790	24,750	339,540	9	-96	2
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	273,892	2,059	275,951	262,788	48,622	311,410	4	-96	-11
MISSION COMMONS W SIDE WADSWORTH 88-90TH BIG 5 SPORTS	270,860	1,146	272,006	262,560	1,390	263,950	3	-18	3
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	250,583	4,807	255,391	276,418	5,792	282,210	-9	-17	-10
BOULEVARD SHOPS 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE	246,920	2,194	249,114	246,117	2,331	248,447	0	-6	0
	31,819,006	970,829	32,789,835	32,451,581	657,518	33,109,099	-2	48	-1



Agenda Item 8 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 20, 2010



SUBJECT: Marked Patrol Car Purchase

Prepared By: Jeffery H. Bowman, Fleet Manager

Recommended City Council Action

Award the bid for eleven Police Department patrol vehicles to the low bidder Sil-Ter Har Motors, in the amount of \$246,246.

Summary Statement

- City Council action is requested to award the bid for 11 Police patrol cars, based on the City of Westminster's solicitation to eight Denver area dealerships for patrol vehicles.
- Of the four dealerships that responded to the request for bids, Sil-Ter Har Motors submitted the lowest price. Their bid meets all of the specifications in the City's bid request.
- City Council previously approved \$282,000 in the 2011 General Capital Outlay Replacement Fund (GCORF) budget to purchase these vehicles.

Expenditure Required: \$246,246

Source of Funds: General Capital Outlay Replacement Fund

Policy Issue

Should the City proceed with the purchase of 11 Police Department patrol vehicles?

Alternatives

1. Reject the City's recent solicitation to eight area dealerships and instruct City Staff to re-bid vehicles to additional dealerships. This is not recommended because the recent City bid reflects a competitive bid process that provided eight dealerships the opportunity to compete fairly to provide the eleven patrol cars.
2. Purchase the Ford Crown Victoria off of the Colorado State Bid. This is not recommended, because the State Bid was written to meet general specifications for multiple jurisdictions and does not meet the vehicle standard that Westminster currently uses. There are five options included as a minimum specification on the State Bid that Westminster does not require. These differences prompted the City to conduct a separate bid.
3. Do not purchase some or all of the proposed replacement vehicles in 2011. This is not recommended because all of these vehicles will have a maintenance history that makes it impractical to keep them in regular service, based on Fleet Maintenance recommendations.

Background Information

As part of the 2011 Budget, City Council funded the purchase of 11 patrol vehicles. The patrol units will be replaced on a "to be determined" basis, based on the condition and maintenance history of each of the vehicles currently in operation. Replaced units are sent to auction; none are kept in the fleet in other capacities. There are currently fifty-two marked patrol units in the fleet.

The State of Colorado sends out a request for bids for vehicles every year to car dealers in Colorado. This bid request was sent out in October of 2010 and received responses from Colorado vendors. After carefully reviewing the bid specifications, it was determined that the bid was too broad in scope in that it included items that were not necessary, yet excluded some items that City Staff have determined should be standard. Some items included on the State Bid that the Westminster Police Department does not require are engine block heaters, carpeting, cruise control, individual key sets, trunk packs and large diameter wheel covers. After this was considered, it was determined that a bid that was specific to Westminster's needs should be solicited.

Westminster Police Department and Fleet Division recommend buying Ford Crown Victoria Interceptor patrol cars, even though the City of Westminster's light duty fleet is primarily General Motors. Ford is the only manufacturer who builds a body-on-frame, rear wheel drive, V8 car, specifically designed for heavy duty applications. Currently, General Motors only builds a front wheel drive, V-6 in a patrol car platform.

Staff recommends purchasing 11 Ford Crown Victoria marked units on the Westminster bid at the price of \$22,386 each. The State bid price is \$23,618 per car. The City's bid results in \$1,232 savings per Police patrol car over the Colorado State Bid award. A summary of the bid results is as follows:

Vendor Name	Spradley Barr Ford	Sill-Terrhar Ford	Lakewood Fordland	Phil Long Ford	Go Courtesy Ford	Burt Ford	O'Meara Ford	Brighton Ford
11ea.) Patrol Price:	No Bid	\$22,386.00	\$22,606.54	\$22,619.00	No Bid	No Bid	\$22,960.00	No Bid
Discount	No Bid	Incl.	Incl.	Incl.	No Bid	No Bid	Incl.	No Bid
Total Price (11 cars)	No Bid	\$246,246.00	\$248,671.94	\$248,809.00	No Bid	No Bid	\$252,560.00	No Bid
Warranty	No Bid	3/36 & 5/60	3/36& 5/60	3/36 & 5/60	No Bid	No Bid	3/36 & 5/60	No Bid
Delivery Time	No Bid	April 1	May 1	April 15	No Bid	No Bid	March 15	No Bid
Extras	No Bid			No manuals	No Bid	No Bid		No Bid

The present condition and maintenance history of the vehicles to be replaced would make it impractical to continue to operate them in regular service based on Fleet Maintenance replacement criteria, which are based on a combination of vehicle age, maintenance costs, utilization, cost per mile to operate, and depreciation.

This recommended purchase meets Council’s Strategic Plan goals of Financially Sustainable City Government and Safe and Secure Community by keeping a highly dependable fleet of Police vehicles on the street and obtaining the best possible price for these vehicles.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 20, 2010



SUBJECT: Colorado Municipal League 2011 Annual Dues Authorization

Prepared By: Barbara Opie, Budget & Special Projects Manager

Recommended City Council Action

Authorize payment of \$57,527 for the City's 2011 Colorado Municipal League dues.

Summary Statement

- The City of Westminster's Colorado Municipal League (CML) 2011 dues, which are based on a formula that factors population, assessed valuation, and sales tax collections, total \$57,527, which is the same as the 2010 dues.
- Adequate funds have been included in the Central Charges budget of the Adopted 2011 Budget that was approved and adopted by City Council in October 2010. Since these annual membership dues exceed \$50,000, City Council authorization is required, per Section 15-1-2 of the Municipal Code.
- CML provides services to 264 cities and towns throughout the state. The annual membership dues to CML include subscriptions to the bimonthly magazine, *Colorado Municipalities*, and the biweekly CML Newsletter for community officials. Other League services include municipal information services, municipal conferences and workshops, legislative and legal services, administrative agency services, sample ordinances, research and publications. CML is the main voice of municipalities at the State Legislature and has played a critical role for cities and towns in advocating and protecting municipal interests for many years.

Expenditure Required: \$57,527

Source of Funds: General Fund - Central Charges 2011 Budget

Policy Issue

Does City Council wish to continue the City's membership in the Colorado Municipal League?

Alternative

Discontinue City membership with the CML, reallocate the funds budgeted for the City membership with CML and utilize the funds for other City priorities. This is not recommended by Staff as CML provides important services, as outlined in this memorandum, that assist the City in many ways.

Background Information

The City of Westminster actively participates in CML meetings and workshops, and extensively utilizes the various services offered by the League. CML advocates on behalf of municipalities throughout the State, distributes numerous publications that provide information on timely topics and trends, hosts workshops and meetings on important municipal issues, and performs research as requested by member jurisdictions.

CML was founded in 1923 and currently represents more than 99 percent of the municipal population in the state. 264 cities and towns are members of CML (out of 271 total cities and towns in the state) and pay dues on an annual basis. CML's formula for arriving at a municipality's dues payment is based on a per capita charge using Department of Local Affairs population estimates, a fraction of the assessed valuation figures from the State Division of Property Taxation, and a fraction of state sales tax collections for the previous calendar year.

In recognition of the economic pressures facing Colorado cities and towns, CML is freezing the 2011 membership dues at the 2010 rate. In addition, for the second consecutive year, the CML Executive Board approved an additional 4% rebate on municipal dues if paid on or before January 31, 2011, which is why Staff is bringing this request for authorization to pay annual dues now in December. If City Council authorizes these annual dues now, Staff will get the dues paid immediately in January to ensure the additional 4% rebate (which will equal about \$2,300).

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 D

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 20, 2010



SUBJECT: Fleet Maintenance Cumulative Purchases Over \$50,000 in 2010

Prepared By: Jeffery Bowman, Fleet Manager

Recommended City Council Action

Determine that the public interest will be best served by ratifying Fleet Maintenance cumulative purchases in 2010 with Miles Auto Service and Tire Centers Inc. for purchases not to exceed \$70,000 and \$115,000 for each of the two vendors respectively.

Summary Statement

- The Westminster Municipal Code requires that all purchases over \$50,000 be brought to City Council for approval. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$50,000.
- The Fleet Maintenance Division uses a number of vendors to provide parts and/or services required to maintain City of Westminster vehicles.
- On September 27 City Council approved the expenditures for aggregate purchases from TCI Tire Centers for up to \$85,000. Since that time expenditures to that firm have exceeded the previously approved amount.
- Miles Auto Service is most often awarded body work performed on City vehicles that have been involved in accidents. A recent review found Miles Auto Service has exceeded the \$50,000 limit.
- Staff is asking for approval of purchases not to exceed \$70,000 and \$115,000 for each of the two vendors through 2010.
- Adequate funds were previously appropriated in the 2010 Fleet Maintenance Commodities Fund and are available for the needed purchases.

Expenditure Required: \$185,000.00

Source of Funds: 2010 Property and Liability and Fleet Maintenance Funds

Policy Issue

Should Council approve the cumulative purchase of vehicle parts and services from various vendors that total over \$50,000 per vendor, but not to exceed \$70,000 and \$115,000 in 2010?

Alternative

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

Background Information

The Westminster Municipal Code requires that all purchases over \$50,000 be brought to City Council for approval. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$50,000. Fleet Maintenance has identified two vendors where the total cumulative purchases or expenses have exceeded \$50,000 for the year 2010 and thus require Council authorization. Staff is seeking approval for these expenditures for the calendar year 2010. Funds are available in the Fleet Maintenance Commodities and Property and Liability claims accounts to cover these expenditures.

Fleet Maintenance uses a variety of part and service vendors to provide maintenance and repair on City vehicles by Fleet personnel. The 2010 Fleet Maintenance Commodities budget contains \$1,045,525 in line items for vehicle fuel, parts, tires and repair services. These on-going purchases include routine, competitively bid parts and services. Some are sole-source purchases since the needed item(s) are only stocked by either sole vendors or a limited number of vendors in our area.

To date, Fleet Maintenance has identified two vendors that are used on a regular basis that have accumulated over \$50,000 in orders during 2010. These vendors are; Miles Auto Service and TCI Tire Centers. Miles Auto Service provides quality body work on damaged vehicles. Their services during 2010 have been predominately related to repairs on Police patrol vehicles and some other light duty vehicles. TCI Tire Centers (TCI) has the State Bid on the Michelin tires used for the City's Fire apparatus and is the vendor used for recap tires on heavy duty trucks and trailers.

Staff has purchased additional materials and services from both TCI and Miles Auto Service that have surpassed the current spending authority of \$85,000 and \$50,000 respectively. Staff is now requesting a spending authority not to exceed \$115,000 and \$70,000 respectively.

This approach helps achieve the City Council's Strategic Plan Goals of "Safe and Secure Community" and "Financially Sustainable City Government Providing Exceptional Services" by meeting the following objectives: maintaining a well equipped Fire Department and spending tax dollars in a responsible manner.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 20, 2010



SUBJECT: Police Department Cumulative Purchases Over \$50,000 in 2010

Prepared By: Lee Birk, Chief of Police

Recommended City Council Action

Determine that the public interest will be best served by ratifying past purchases and approving any additional 2010 police department expenses with Neve's Uniforms and Equipment up to a maximum of \$80,000.

Summary Statement

- The Westminster Municipal Code requires that all purchases over \$50,000 be brought to City Council. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$50,000.
- During the routine year end audit of purchases cumulatively greater than \$50,000 for the calendar year, Staff identified Neve's Uniforms and Equipment as one vendor that had total cumulative expenditures exceeding \$50,000 for the year 2010 and thereby requires Council authorization.
- Funds were previously appropriated in the 2010 Budget and are available in the General Fund for the purchases.

Expenditure Required: \$80,000

Source of Funds: 2010 General Fund - Police Department Operating Budget

Policy Issue

Should Council retroactively approve the purchase of commodities that total over \$50,000 in 2010?

Alternative

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

Background Information

The Westminster Municipal Code requires that all purchases over \$50,000 be brought to City Council. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$50,000. In November, the City's Purchasing Officer and Police Department Staff conducted an audit of purchases by the department to determine if the aggregate amounts paid to one vendor exceeded \$50,000. The police department identified Neve's Uniforms and Equipment as one vendor where the total cumulative purchases or expenses will exceed \$50,000 for the year 2010 and requires Council authorization. Staff is seeking approval for the following expenditures for the calendar year 2010. Funds are available in the Police Department's 2010 General Fund budget to cover this expense.

The police department has estimated that a total not to exceed \$80,000 will be expended to Neve's Uniforms and Equipment for the calendar year 2010. Neve's Uniforms and Equipment is one of the vendors utilized by the department for uniforms, equipment, ballistic vests, and uniform supplies for all police department sworn personnel. The purchases also include specialized uniforms and supplies for the SWAT Team, Bike Unit, K9 Unit, and Criminalists, as well as uniforms for the Accident Investigators and Animal Management Officers. In addition to Neve's Uniform and Equipment, the police department also purchases uniforms and equipment from Precinct Police Products.

The City's approach to these types of collective purchases from a single vendor is to assure that purchases in excess of \$50,000 are identified in advance and brought to City Council for approval. Staff will work to assure that cumulative expenditures exceeding \$50,000 in a calendar year are identified in advance and brought to City Council for approval in the future.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
December 20, 2010



SUBJECT: Open Space Purchase of Lower Church Lake, Loon Lake and 35 Church Ditch Inches with Associated Storage Rights, Easements and Rights of way

Prepared By: Heather Cronenberg, Open Space Coordinator

Recommended City Council Action

Authorize the purchase of the approximately 47-acre Lower Church Lake, 9.2-acre Loon Lake, 35 Church Ditch Inches, associated storage rights, and easements and rights of way pertaining to the system from the Mandalay Irrigation Company and Parkwood East for open space for a total of \$1,573,750 plus closing costs not to exceed \$10,000, and authorize the City Manager to execute all documents required to close on the purchase of these property interests.

Summary Statement

- Lower Church Lake and Loon Lake have been recommended by the City's Open Space Advisory Board as top priority acquisitions.
- Acquiring Lower Church Lake, located east of Wadsworth Boulevard and south of 108th Avenue, will preserve this unique and highly visible wildlife habitat.
- Acquiring Loon Lake, located on the south side of 100th Avenue and west of Independence Street, will protect this unique lake and provide additional wildlife habitat to Standley Lake Regional Park.
- Staff has negotiated the purchase of Lower Church Lake (47 acres), Loon Lake (9.2 acres) and 35 Church Ditch inches for a total cost of \$1,573,750.
- This transaction will also include the transfer of 5 City shares of the Mandalay Irrigation Company.
- Adequate funds are available from Open Space Bonds and POST funds to pay for this purchase.

Expenditure Required: \$1,573,750 plus closing costs not to exceed \$10,000

Source of Funds: Open Space Bond Funds and POST Funds

Policy Issues

Does City Council approve the use of open space funds for the purchase of Lower Church Lake, Loon Lake, and water shares?

Does City Council wish to expend open space funds to increase dedicated open space acreage?

Alternative

City Council could choose not to authorize the acquisition or the expenditure at this time. Staff does not recommend this option because the seller is currently motivated to work with the City and has agreed to lower the cost of the acquisition. These lakes have been on the City's wish list for many years and negotiations have been ongoing for many years as well. Plus, both lakes provide very valuable wildlife habitat.

Background Information

City staff has been pursuing the acquisition of Lower Church Lake and Loon Lake for open space for many years. The City purchased 35 acres to the north and south of Lower Church Lake in 2004 and 2005. Preserving the actual lake and surrounding shoreline will consolidate the City's open space holdings along this highly visible area abutting US 36 and will preserve the views of the mountains for those traveling through the City. This lake also provides habitat for migratory birds, which many citizens enjoy viewing throughout the year. Acquiring Loon Lake for open space will preserve this unique, hidden gem and expand the land around Standley Lake. The City currently owns most of the shoreline surrounding Loon Lake. Acquisition of these lakes has been a high priority goal for the Open Space Advisory Board for many years.

Both lakes are owned by the Mandalay Irrigation Company. The City of Westminster obtained 5 shares in this company in 2005 through the purchase of the 30-acre property to the north of Lower Church Lake for open space. Until recently, the City of Thornton was the majority shareholder in the Mandalay Irrigation Company controlling 98% of the shares. As both Lower Church Lake and Loon Lake provide no direct benefit to Thornton's water supply system, Thornton staff has been looking for ways to dispose of these assets and the company itself.

Open Space and Water Resources staff began meeting with Thornton staff in 2008 to discuss the possibility of purchasing Lower Church Lake and Loon Lake for open space. The City purchased Ketner Lake from the Mandalay Irrigation Company in 1987 in a similar fashion. During this past year, the Carlson family entered into an agreement with Thornton to purchase the entire Mandalay Irrigation Company in exchange for various other water interests. Subsequently, the Carlsons have been successful in purchasing all of the remaining shares from the shareholders except for those owned by Westminster. The Carlsons have contacted Westminster staff to discuss the idea of selling Lower Church Lake and Loon Lake to the City for open space in exchange for cash, and the City's 5 shares in the Mandalay Irrigation Company, thereby giving the Carlsons 100% ownership in the Mandalay Irrigation Company and with it, the ability to finalize its water exchange agreement with Thornton. Westminster staff has been negotiating to purchase these assets from the Carlsons.

The Carlsons and City staff have come to the following tentative deal contingent upon Council approval:

Upon acquisition of the lakes and related easements and water rights from the Mandalay Irrigation Company, the Carlsons would sell the following to the City for \$1,573,750:

- Lower Church Lake (approximately 47 acres)
- Loon Lake (approximately 9.2 acres)
- 35 Church Ditch inches (water interests)
- Dry Creek Valley shares (provides the right to run water through this ditch)
- Lower Church Lake storage right
- Loon Lake storage rights, if any.
- Easements and rights of way pertaining to the system

Westminster would deliver to the Carlsons the following:

- 5 shares in the Mandalay Irrigation Company.
- \$1.0 million dollars at closing representing payment in full for the real property interests (land assets) and 14.5 Church Ditch inches.
- A \$425,000 promissory note from the City's Water and Wastewater Enterprise for purchase of the remaining 20.5 Church Ditch inches. The terms of purchase of these 20.5 Church Ditch inches would be interest only annual payments of \$21,250 (5% interest for a total interest payment over the 7 year term of \$148,750) and a balloon payment of \$425,000 due in 2017. The promissory note would be secured by the 20.5 Church Ditch inches pursuant to a deed of trust issued by the City's Water and Wastewater Enterprise.

The City has spent the majority of the open space bond funds and only has approximately \$1.2 million in cash to spend at this time on this deal. The Carlsons offered to finance the remainder of the purchase price at 5% interest. Unlike the City, the City's Water and Wastewater Enterprise can enter into multi-year agreements. Under this agreement, the City's open space fund would transfer funds to cover the annual interest payments to the Enterprise along with the final balloon payment of \$425,000 in 2017. Funds will be available in the City's Parks, Open Space, and Trails fund in 2017 due to full repayment of the Certificates of Participation that were sold to fund the purchase of the Metzger Farm along with partial payoff of the debt service from the sale of bonds in 2008.

The original offer price was \$1,625,000; however, City staff has been able to negotiate a \$200,000 price reduction with the Carlsons. Staff hired consultants to assess the infrastructure at both lakes and the associated pipes and ditches. The consultants determined that some amount of work associated with improvements to the lakes and abandonment of a portion of the water conveyance system downstream of Loon Lake will be needed in the near term. The City will use the \$200,000 savings it will have available in the open space bond funds towards these improvements. Regarding annual maintenance costs, the City will be charged approximately \$3,500 in assessment fees related to the Dry Creek Valley Ditch and the Church Ditch based on the water shares it will be purchasing. In addition, annual maintenance and cleaning fees could cost up to \$30,000 depending on the level of maintenance that is necessary.

Staff believes the negotiated purchase price is appropriate for the land and water assets. The portion of the purchase price for the land is \$625,000 for a total of approximately 57 acres which comes to \$10,965 per acre. This is an extremely low cost per acre. By contrast, the City bought 30 acres of land directly to the north of Lower Church Lake in 2005 for \$3 million or \$100,000 per acre. It is conceivable that in the right market, Lower Church Lake could be purchased by a private party, drained and developed if the City does not buy and preserve it. Loon Lake on the other hand lacks access for a developer to drain and develop it. Per the City's Water Resources staff, 35 Church Ditch inches are worth about \$1,000,000.

The 35 Church Ditch inches correspond to approximately 38 acre feet of firm yield water at Standley Lake. This is an estimate of the amount of water that can be delivered from the diversion point on the Church Ditch to Standley Lake during a 1 to 2 year drought condition. The 35 Church Ditch inches will be managed by the City's Water Resources staff. In wetter years, the City's Water Resources Staff will coordinate with Open Space to deliver additional water to Loon Lake and Lower Church Lake (beyond the 38 acre feet). In drier years, however, the yield from the 35 Church Ditch Inches will not be sufficient to keep both lakes full. Even in average years, the yield from the 35 Church Ditch inches may only be enough to fill Loon Lake. In such years, Lower Church Lake will have to rely on undecreed stormwater inflows as staff believes it has been doing for years, and the carrying over of excess deliveries provided in wetter years. This means that in dry years, it is possible that the lake will dry up completely.

SUBJECT: Open Space Purchase of Lower Church Lake and Loon Lake

Page 4

These acquisitions fit with Council's goal of Beautiful and Environmentally Sensitive City by preserving two visually appealing and significant bodies of water and for providing wildlife habitat.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Vicinity Map

Mandalay Irrigation Company

Dry Creek Valley Ditch

Church Ditch

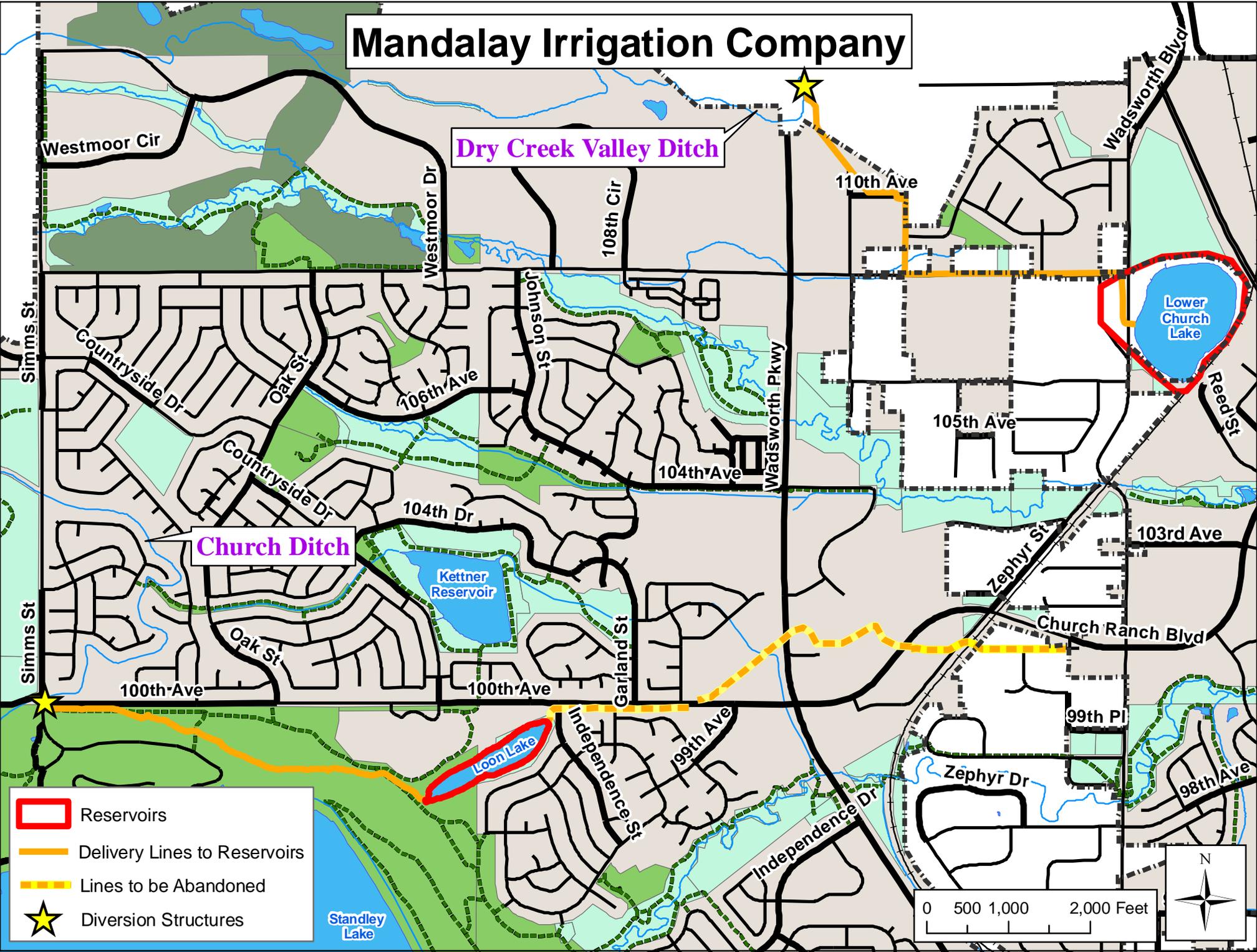
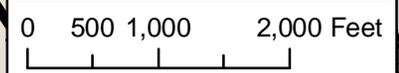
Lower Church Lake

Kettner Reservoir

Loon Lake

Standley Lake

-  Reservoirs
-  Delivery Lines to Reservoirs
-  Lines to be Abandoned
-  Diversion Structures





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 20, 2010



SUBJECT: Fifth Amendment to the Second Intergovernmental Agreement Concerning the Ice Centre at the Promenade

Prepared By: Bill Walenczak, Director of Parks, Recreation and Libraries

Recommended City Council Action

Approve the attached Fifth Amendment to the Second Intergovernmental Agreement between the City of Westminster and the Hyland Hills Park and Recreation District that reduces the Ice Centre at the Promenade’s Operations and Combined Obligations Reserve Fund (OCOR) and eliminates Section 8.3, the Equipment and Capital Reserve Fund, by combining it with the OCOR.

Summary Statement

- City of Westminster Staff and Hyland Hills Park and Recreation District Staff recommend revising Section 8.2 of the Second Intergovernmental Agreement concerning the OCOR by reducing the required amount kept in reserve from \$300,000 to \$200,000.
- City Staff and Hyland Hills Staff also recommend eliminating Section 8.3 of the intergovernmental agreement regarding the establishment of an Equipment and Capital Reserve Fund and combining it with the OCOR.
- In addition, it is also recommended that Section 8.2, entitled “Operations and Combined Obligations Reserve Fund” be retitled to “Operations and Combined Obligations Reserve Fund/Capital Equipment Reserve.”
- Staff recommends that the following wording be added to the end of Section 8.2: “The OCOR shall be combined with a capital equipment reserve that can be funded equally by both entities. At the end of each Ice Centre budget year, the City and Hyland Hills may, at their discretion, equally contribute to the capital equipment reserve with end-of-year surplus revenues from the Hyland Hills Ice Centre Enterprise. The City Manager and the Hyland Hills Executive Director, together, may authorize use of the capital equipment reserve money for needed equipment replacements and improvements to the facility. They also may reduce the OCOR down from the required minimum of \$200,000 in emergency situations providing that it be replenished at the end of any given budget year.”
- If approved by City Council, the extra money from the OCOR will be used to upgrade the lighting in all three arenas as well as adding new energy-efficient insulation (E ceilings) in two of the arenas.

Expenditure Required: \$100,000

Source of Funds: The OCOR Reserve Fund and Future Surplus Revenues from the Hyland Hills Ice Centre Enterprise

Policy Issue

Should City Council agree to the amendment changes in the intergovernmental agreement between the City of Westminster and the Hyland Hills Park and Recreation District?

Alternatives

1. Do not approve the recommended amendment changes to the intergovernmental agreement between the City of Westminster and the Hyland Hills Park and Recreation District and leave things as they are.
2. Approve only a portion of the amendments to the intergovernmental agreement.
3. Make modifications to the amendments to better reflect City Council concerns.

Background Information

In 1998, an intergovernmental agreement (IGA) between the City of Westminster and the Hyland Hills Park and Recreation District was adopted to form a joint partnership to build a new indoor ice arena at the Westminster Promenade. Over the years, other amendments to the IGA were made and in 2003, the third amendment was approved by City council, which reduced the OCOR to \$300,000. The OCOR was previously established as a savings account to cover one year's debt service for the Ice Centre in case of a revenue shortfall. At the time, one year's debt service payment amounted to \$1.035 million. However, since its opening in 1999, the Ice Centre has successfully covered all its operating expenses including the debt payment and always has turned back a net profit that the City and Hyland Hills divided equally.

In the fall of 2010, the City's Finance Department refinanced the certificates of participation (COPs) for the Ice Centre further reducing the annual debt payment by approximately \$90,000 (\$45,000 per entity) per year. Hyland Hills Park and Recreation District staff has projected once again a revenue surplus in 2010 of approximately \$80,000. Considering the fact that 2010 has been one of the most difficult recession years in recent history, Staff is very comfortable recommending a further reduction in the OCOR. The C.O.P.s will still hold a debt service reserve of \$995,000.

In addition, the 2003 amendment to the IGA included establishing an equipment and capital reserve fund for repair and replacement of major equipment as well as improvements to the operating systems at the Ice Centre. It has been determined that this fund is not required as a separate source of funding. Therefore Staff recommends doing away with Section 8.3 of the IGA and combining it with the OCOR. This would allow the City Manager to authorize use of the OCOR for emergencies like a compressor breaking down and needing to be replaced. This would also allow both entities to build up the OCOR beyond the \$200,000 minimum for future repairs and equipment replacements at the Ice Centre as well as the flexibility of using that fund for any future revenue shortfalls.

Staff is confident that these changes in the IGA will ensure the future operational viability of the Ice Centre. This proposal meets the City Council Strategic Plan goal of "Financially Sustainable City Government Providing Exceptional Services."

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

**FIFTH AMENDMENT
TO THE SECOND INTERGOVERNMENTAL
AGREEMENT
BETWEEN THE CITY OF WESTMINSTER AND
HYLAND HILLS PARK AND RECREATION DISTRICT
CONCERNING
THE WESTMINSTER PROMENADE ICE ARENA**

THIS FIFTH AMENDMENT TO THE SECOND INTERGOVERNMENTAL AGREEMENT (the "Agreement") is made and entered into this ___ day of _____, 2010, by and between the **CITY OF WESTMINSTER**, a Colorado home-rule municipality, the **HYLAND HILLS PARK AND RECREATION DISTRICT**, and the **HYLAND HILLS PARK AND RECREATION DISTRICT ENTERPRISE**.

WHEREAS, the parties did enter into a Second Intergovernmental Agreement dated January 29, 1998, setting forth the basic terms under which they agreed to construct and finance the Sun Microsystems Ice Centre, and

WHEREAS, the parties wish to amend some of the terms set forth in the Second Intergovernmental Agreement, and

WHEREAS, Section 11.4 of the Second Intergovernmental Agreement provides for amendments and modifications in writing and duly executed by all parties.

NOW, THEREFORE, in consideration of the above premises, the mutual covenants set forth below, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree that the Second Intergovernmental Agreement is amended as follows:

8.2 ~~Operations and Combined Obligations Reserve Fund.~~ Operations and Combined Obligations Reserve Fund/Capital Equipment Reserve. An Operations and Combined Obligations Reserve Fund/Capital Equipment Reserve shall be established outside of and separate from the Hyland Hills Enterprise. The Operations and Combined Obligations Reserve Fund/Capital Equipment Reserve shall be funded by equal yearly contributions from both the City and the Hyland Hills Enterprise, each in an amount equal to fifty percent (50%) of the yearly Ice Arena Net Revenues, until the amounts deposited in the Operations and Combined Obligations Reserve portion of the Fund equal ~~Three Hundred Thousand Dollars (\$300,000).~~ Two Hundred Thousand Dollars (\$200,000). Such yearly contributions, if any, shall be due and payable no later than June 30 of each succeeding year. The purpose of the Operations and Combined Obligations Reserve Fund/Capital Equipment Reserve shall be (a) ~~to cover Cost of Construction, and (b)~~ to cover any Shortfalls in Ice Arena Gross Revenues to cover Operation and Maintenance Expenses or the annual Combined Obligations of the parties, and (b) to provide an ongoing source of funds for capital replacement and major building system maintenance and replacement. This reserve is not intended to fund shortfalls resulting from Diversions. Hyland Hills Enterprise or Hyland Hills District will fund Diversions from the Diversion Reserve or other legally available funds unrelated to the Ice Arena. Any time the amount in the Operations and Combined Obligations Reserve portion of the Fund drops below ~~Three Hundred Thousand Dollars (\$300,000).~~ Two Hundred Thousand Dollars (\$200,000), the parties shall contribute additional monies equivalent to their respective share of Ice Arena Net Revenues into the Operations and Combined Obligations Reserve portion of the Fund until said Fund is replenished to ~~Three Hundred Thousand Dollars (\$300,000).~~ Two Hundred Thousand Dollars (\$200,000). The parties anticipate that revenue from sponsorships will accelerate the replenishment of the Operations and Combined Obligations Reserve Fund/Capital Equipment Reserve. Monies in the Operations and Combined Obligations Reserve Fund/Capital Equipment Reserve shall not be invested to violate paragraph 8.5. In addition, the OCOR shall be combined with a capital equipment reserve component that can be funded equally by both entities. At the end of each Ice Centre budget year, the City and Hyland Hills may, at their discretion, equally contribute to the capital equipment reserve portion of the fund with end-of-year surplus revenues from the Hyland Hills Ice Centre Enterprise. The City Manager and the Hyland Hills Executive Director, together, may authorize use of the capital equipment reserve money for needed equipment replacements and improvements to the facility. They also may

reduce the OCOR portion down from the required minimum of \$200,000 in emergency situations providing that it be replenished at the end of any given budget year.

8.3 Equipment and Capital Reserve Fund. Section 8.3 is hereby deleted in its entirety.

All other terms and conditions of the Agreement shall remain in effect.

IN WITNESS WHEREOF, the parties hereto have caused this Fifth Amendment to be executed on the day and year first above written.

CITY OF WESTMINSTER

HYLAND HILLS PARK AND RECREATION DISTRICT

By _____
J. Brent McFall
City Manager

By _____
Sarah Heil
President

ATTEST:

ATTEST:

Linda Yeager
City Clerk

Don Ciancio
Secretary

Approved as to form:

Approved as to form:

City Attorney

HYLAND HILLS ENTERPRISE

By _____
Sarah Heil
President

ATTEST:

Don Ciancio
Secretary

Approved as to form:



Agenda Item 8 H

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 20, 2010



SUBJECT: Governor's Energy Office Contract Amendment to Manage and Administer the EECBG Small Business Program on behalf of the City of Westminster

Prepared By: Tom Ochterski, Energy & Facilities Project Coordinator
Barbara Opie, Budget & Special Projects Manager

Recommended City Council Action

Authorize the City Manager to sign an amendment, in substantially the same form as attached, to the Contract with the Governor's Energy Office to manage and administer the Energy Efficiency and Conservation Block Grant (EECBG) funded Small Business Efficiency Program on behalf of the City of Westminster.

Summary Statement

- Per the City's Energy Efficiency Conservation Strategy (EECS) adopted by Council in June 2009, a partnership with the State of Colorado's Governor's Energy Office (GEO) was formed to administer the residential energy efficiency program. This amendment adds the Small Business Efficiency program to that contract.
- This program uses funds awarded through the EECBG grant to offer financial incentives to Westminster small businesses for making auditing, lighting, and equipment improvements to their businesses.
- City Staff is proposing that the City amend the agreement with the GEO for the administration and distribution of funds associated with the Small Business portion of City-awarded EECBG funds. Staff requests approval of the amendment in substantially the same form as attached in order to enable the Governor's Energy office to rebate small businesses in Westminster who have entered the program.

Expenditure Required: \$50,000

Source of Funds: General Capital Improvement Fund – EECBG Project

Policy Issue

Does City Council concur with the proposed amendment to the contract with the Governor's Energy Office in substantially the same form as attached?

Alternative

Do not amend the contract with GEO to administer the Small Business Efficiency Program on behalf of the City of Westminster. This is not recommended as administering the Small Business Efficiency Program internally would consume a significant amount of City Staff time and likely result in reduced rebates to businesses. In addition, the Memorandum of Understanding signed in June formally established a partnership between the GEO and the City of Westminster, and defined the scope and responsibilities of each organization. By streamlining the processing of rebates, the City affords more opportunity for the funds to be allocated directly to participating Westminster businesses as well as allows more businesses the opportunity to receive rebates due to the GEO matching funds and increasing the number of rebates available to Westminster businesses.

Background Information

On September 30, 2009, the City was officially awarded funds by the US Department of Energy (DOE) under the Energy Efficiency and Conservation Block Grants program funded by the American Recovery and Reinvestment Act of 2009. DOE awarded the grant funds based on the City's proposed Energy Efficiency and Conservation Strategy (EECS) approved by Council on June 8, 2009. Within the proposed EECS approved by DOE, a portion of funds were designated for a Small Business Efficiency Program in partnership with the Governor's Energy Office and Xcel Energy Corporation.

Originally, the Energy Efficiency Community Block Grant awarded to the City of Westminster included \$40,000 for the commercial rebate program and \$10,000 for administrative fees to pay to GEO for a 3rd party administrator. After EECBG grants had been awarded, GEO related that they would not be charging partnering municipalities any administrative fees as originally anticipated with our EECS. On January 13, 2010, the City filed a request to amend the Grant to include the administrative fees into the commercial rebate program itself. That amendment to the EECBG program was approved by the Department of Energy on April 21, 2010. Subsequent to the discussions between the partnering municipalities, GEO, and the third party administrator, the commercial rebate program was renamed the Small Business Efficiency Program.

On June 15, the City of Westminster launched the Small Business Efficiency Program. The grant program allows eligible small and medium sized businesses (25,000 square feet or less) to receive up to \$5,200 in energy efficiency rebates for the following upgrades:

- facility energy audits
- lighting retrofits
- re-commissioning services
- thermostat setbacks

By participating in this program, Westminster businesses will be able to reduce energy and operating costs, help stimulate local clean energy jobs, and reduce overall carbon emissions for the community. The Small Business Efficiency Program is part of the Statewide Main Street Efficiency Initiative and is funded by the American Recovery and Reinvestment Act (ARRA) and administered by the Governor's Energy Office and the City of Westminster. Both parties will provide hands-on support to all participating businesses throughout the program.

The attached proposed amendment provides for the administration by the Governor's Energy Office of the Small Business Efficiency Program, including the processing of applications, issuance of payment, and measurement and verification through a third party administrator contracted by the GEO. A coordinated effort through the GEO is important to minimize confusion in the public about what rebates are available and maximize these resources encouraging energy efficiency within the business sector. In addition, by having a third party administrator through the GEO manage the program, it reduces the amount of City Staff time required in administering this program. The City will assist by providing further informational promotions within Westminster and provide verification that applying businesses are licensed to operate in the City of Westminster. The GEO is utilizing a portion of their EECSBG allocation to cover the costs of a third party administrator, so all of the City's funds proposed for this rebate program will be utilized for actual rebates to businesses.

Staff believes that the achievements made possible by the Small Business Efficiency Program reduce energy consumption and demand, creating sustainable, ongoing energy savings. In addition, Staff believes that contracting with GEO for the administration of the Small Business Efficiency Program will reduce redundancy of administrative tasks on the City and State levels and provide a one stop resource for businesses to maximize their rebates. The duration of the amendment under consideration is until December 31, 2011 or until all EECSBG funds appropriated program have been exhausted, whichever comes first. The amount appropriated to the Small Business Efficiency Program through the City's EECS totals \$50,000 of EECSBG funds. No additional City funds are required or proposed.

The administration of the Small Business Efficiency Program with the use of EECSBG funds directly relates to the City Council's Strategic goal of a "Financially Sustainable City Government Providing Exceptional Services" by providing businesses with help in funding energy efficiency measures within their facilities that will result in significant long-term energy savings. In addition, these efforts coincide with global efforts to reduce dependence on fossil fuels, which is in line with Council's goal of "Beautiful and Environmentally Sensitive City."

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Contract Amendment and Exhibit A-1

STATE OF COLORADO
GOVERNOR'S ENERGY OFFICE
CONTRACT C900696
with
CITY OF WESTMINSTER
AMENDMENT 1

1) PARTIES

This Amendment to the above-referenced Original Contract (hereinafter called the Contract) is entered into by and between the City of Westminster (hereinafter called "Contractor"), and the STATE OF COLORADO, for the use and benefit of the Governor's Energy Office (hereinafter called the "State" or "GEO").

2) EFFECTIVE DATE AND ENFORCEABILITY

This Amendment shall not be effective or enforceable until it is approved and signed by both the State and Contractor (hereinafter called the "Effective Date"), but shall be effective and enforceable thereafter in accordance with its provisions.

3) CONSIDERATION

Consideration for this Amendment consists of the payments to be made hereunder and the obligations, promises, and agreements herein set forth.

4) LIMITS OF EFFECT

This Amendment is incorporated by reference into the Contract, and the Contract and all prior amendments thereto, if any, remain in full force and effect except as specifically modified herein.

5) AMENDMENTS.

The Contract and all prior amendments thereto, if any, are modified as follows:

a. Definitions

Section 4 (C) shall be replaced with the following defined list of Exhibits:

The following exhibits are attached hereto and incorporated by reference herein: **Exhibit A** (Statement of Work) and **Exhibit B** (Rebate Parameters) and **Exhibit C** (Small Business Efficiency Program roadmap).

b. Statement of Work

Exhibit A, Statement of Work shall be replaced with a modified Exhibit A-1, Statement of Work attached hereto and incorporated by reference herein.

c. Term and Early Termination

The contract end date shall be extended through December 31, 2011.

d. Payments to the State

The total maximum amount payable under this Contract as identified in Section 7 (A), Basis and Maximum Amount, shall be increased by \$50,000 for a new maximum payable amount not to exceed of \$150,800.

The increase in funding shall be applied towards rebates for the Small Business Efficiency Program. The additional funding is reflected in Exhibit A-1.

e. Section 7 (A) Basis and Maximum Amount

The first sentence shall be deleted and replaced with the following:

"Contractor shall pay the State for its Services and its costs in accordance with **Exhibit A** and **Exhibit B** and **Exhibit C.**"

f. Order of Precedence

The order of precedence shall be modified to incorporate **Exhibit C** as detailed below.

- i. The provisions of the main body of this Contract;
- ii. Exhibit A (Scope of Work - Governor's Energy Office Rebate Program);
- iii. Exhibit B (Rebate Parameters);
- iv. Exhibit C (Small Business Efficiency Program roadmap).

6) EFFECTIVE DATE OF AMENDMENT

The effective date hereof is upon approval of the GEO and Contractor.

THE PARTIES HERETO HAVE EXECUTED THIS AMENDMENT

*** Persons signing for Contractor hereby swear and affirm that they are authorized to act on Contractor' behalf and acknowledge that the State is relying on their representations to that effect.**

<p>City of Westminster</p> <p>_____</p> <p>By: J. Brent McFall, City Manager</p> <p>Date: _____</p> <p>APPROVED AS TO LEGAL FORM</p> <p>By: _____</p> <p>City Attorney</p>	<p>STATE OF COLORADO Bill Ritter, Jr. GOVERNOR Governor's Energy Office</p> <p>By: _____</p> <p>By: Tom Plant, Director</p>
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16. EXHIBIT A-1 – Scope of Work: Governor’s Energy Office (GEO) Rebate Program

A. GEO Rebate Program

The State will offer energy efficiency rebates to any resident or selected small business located in the City of Westminster. The rebates will be offered at rates described in **Exhibit B** for the residential program and **Exhibit C** for the commercial program, attached hereto in electronic format. *The GEO Rebate Program and the Small Business Efficiency Program components follow current state and federal guidelines for American Recovery and Reinvestment Act.* Energy efficiency rebates will be offered to all home and small business owners that present rebate applications that meet all system requirements and eligibility, and are located in the Contractor territory.

i. Designation of GEO Rebate Funds for Contractor Territory

EECBG Contractors: The State will reserve rebate funds to secure a certain number of rebates for home or small business owners in the Contractor Territory. The total fund amount will include the amount allocated by the Contractor and a \$0.50 for dollar match by the State for the residential program and a \$0.26 for dollar match by the State for the commercial program. Contractor funds and State matching funds will be encumbered under the GEO’s 3rd party rebate processing firm’s contract for distribution to customers in the Contractor’s territory. The GEO is not obligating funding to the Contractor under this Contract. The total contribution by the Contractor must be at least \$25,000. The Contractor may designate the rebate funds to one rebate type or multiple rebate types, but must indicate the selection in this Contract. Contractor funds and State matching funds will be encumbered under the GEO’s 3rd party rebate processing firm’s contract for distribution to customers in the Contractor’s territory. The GEO is not obligating funding to the Contractor under this Contract.

ii. Changing Designation of Rebate Funds

The Contractor may, with 30 day written notice to the State, move Contractor funds from one rebate type to another. The match offered by the State may not be available when the Contractor chooses to move funds and are not guaranteed upon the Effective Date of this Contract.

iii. Timing of EECBG Contractor Rebates – Residential Rebates Only

EECBG residential rebate funds will be applied before the State’s SEP funds. The State will issue EECBG funds to all rebate customers until the funds expire. If State SEP funds remain, the funds will be available to the Contractor customers.

iv. Rebate Application Processing

The State will administer the rebate application processing, verification, and check distribution on behalf of the Contractor. The State has completed a competitive solicitation process and has established a contract with a 3rd party rebate processing firm.

The administrative cost of this service to the Contractor is 4.8% of the State’s portion of the Contractor’s dedicated Small Business Efficiency Program EECBG funds. There are no associated administrative fees for the residential energy efficiency program. All checks issued on behalf of the Contractor will include the Contractor’s approved official logo.

v. Small Business Efficiency Program Rebates

The State will administer and manage the program on behalf of the Contractor for selected small businesses in the Contractor’s territory. Responsibilities of the State include:

- a. Develop outreach materials including: program announcements for Contractor’s newsletters and email correspondences, and a program application. The State will email all outreach documents to the Contractor representative.

- b. Upon receiving program applications from the Contractor, the State will review program applications, select qualifying businesses, and notify businesses of their selection.
- c. The State will prepare and host a training workshop for businesses and Contractor representatives. The State will prepare accompanying documents and presentations. These will be made available to the Contractor and businesses.
- d. The State will review business's facility audits and reserve rebate amounts on each business's behalf.
- e. The State will review contractor bids to verify that the proposed work meets the intent of the program and the business will receive work done in accordance with the program guidelines. After review of the contractor bids, the State will make rebate recommendations to the State's 3rd party rebate contractor.
- f. Upon successful completion of the energy efficiency measures, the State will review contractor's invoices and work with the State's 3rd party rebate contractor to issue rebates. The State will also calculate estimated energy and cost savings as a result of the program.

The State will prepare recognition materials and distribute these to the Contractor. The State will work with the Contractor to recognize of the achievements of program participants.

vi. Education and Outreach

The State's public outreach program will be working to communicate all layers of financial incentives to constituents throughout the state regardless of what offerings exist in each Contractor territory. In short, when a resident visits the Web site or calls the call center, he or she will be asked where he or she is located and told about ALL incentive programs available to him or her, whether it's a State program, utility program, a local government program, a non-profit program or a combination thereof. For the Small Business Efficiency Program, the Contractor will be responsible for executing all outreach efforts and will collect business program applications at their respective City Hall and mail these as hardcopies to the State's designated sub-contractor.

vii. Reporting/Invoicing

The State shall provide the following information on the monthly invoice document (if Contractor selects monthly invoice option) or in monthly reports to the Contractor.

- a) An itemized list of total rebates issued including the system type, size and installation address.
- b) The Contractor portion of rebates amount issued (approximately two-thirds of the rebate total, specified in **Exhibits B and C**).
- c) Customer's name.
- d) Customer's address.

Along with the monthly report, a Program Participation List will include the following customer information by the rebates reserved and rebates issued:

- a) Customer name.
- b) Customer address.
- c) Customer phone number, if available.
- d) System installation address.
- e) System size, if applicable.
- f) Date of installation.
- g) Number of hours worked paid by EECBG funds

viii. Timeline

The State shall perform the work outlined in the GEO Rebate Program through December 31, 2011, renewable annually through July 31, 2012, subject to available funding.

ix. Contractor Scope of Work

In order to ensure that the rebate program is successful, and to allow for optimized collaboration, the Contractor agrees to the following minimum rebate program outreach requirements:

1. The program will be highlighted on the Contractor Web site with the State's provided content.
2. The Contractor will be responsible for all outreach efforts and at the discretion of the Contractor, may also be responsible for recognition efforts.
3. The Contractor will continue to advertise the Small Business Efficiency Program to potential participating businesses until their minimum quota for the program is reached of fourteen.
4. At least one Contractor representative will attend the training workshop on behalf of the Contractor's program.
5. At the discretion of the Contractor, the program may be made available to businesses that operate in a space larger than 25,000 sq. ft.
6. In the event that not all of the Contractor's funds get spent at a maximum of \$5,200 per business, the Contractor may elect to have additional funds provided to participating businesses for additional energy efficiency measures.
7. The attached partner standards will be adhered to with all public mentions of the rebate program, such as utility bill inserts, Web site pages, brochures, etc.
8. The Contractor will submit a marketing plan to the GEO's Public Outreach Manager prior to any rebate program marketing activities taking place.

The State requests that the Contractor be open to partnering with the State on targeted outreach efforts in their territory beyond the rebate program.

x. Items to be submitted to the State

1. Definition of Territory - An Excel file containing the complete zip codes and/or addresses that define the Contractor Territory must be submitted to the State prior to the Effective Date of this Contract.
2. Contractor Logo - An .EPS (if not available, a .JPG), and a letter of permission to use Westminster service mark, must be submitted electronically to the State prior to the Effective Date of this Contract.

xi. Contract Amount.

Rebate Worksheet. All assumed rebate amounts are determined based on the maximum rebate amount as defined in **Exhibit B and Exhibit C**. The total rebates reserved is the minimum amount of rebates that will be issued with the committed funds. The total rebates reserved is the MINIMUM number of rebates reserved. If the rebate amounts are less than the maximum rebate possible per business location, more rebates may be issued.

Please check all that apply:

B. Energy Efficiency Rebates

These Rebates are available for residential applications only.

- Energy Audit Rebate

<u> \$5460 </u> /	<u> Up to \$100 </u>	55 - 218
Funds Committed	Rebate Amount	Systems Reserved

Insulation and Air Sealing Combined Rebate

<u> \$81,450 </u> /	<u> Up to \$ 600 </u>	135- 543
Funds Committed	Rebate Amount	Systems Reserved

Duct Sealing Rebate

<u> 0 </u> /	<u> \$ 75 </u>	=	<u> </u>
Funds Committed	Rebate Amount		Systems Reserved

Energy Monitor Rebate

<u> 0 </u> /	<u> \$ 50 </u>	=	<u> 0 </u>
Funds Committed	Rebate Amount		Systems Reserved

Gas Condensing Furnaces

<u> \$13,890 </u> /	<u> Up to \$ 500 </u>	>19
Funds Committed	Rebate Amount	Systems Reserved

C. Small Business Efficiency Program Rebates

These rebates are available for commercial applications only.

Energy Audit Rebate

Lighting Retrofits

Recommissioning Services

Programmable Thermostats

Innovative Rebate Option

Contractor Fund Commitment Summary

<u> \$100,800 </u>
TOTAL Commitment of EE Funds Residential Program
<u> \$50,000 </u>

Total Systems Reserved for

TOTAL Commitment of Small Business Efficiency Program Funds

\$150,800

TOTAL Contractor Commitment of Funds

Total Systems Reserved >11



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 20, 2010



SUBJECT: Councillor's Bill No. 68 re Extension of the City's Growth Management Program

Prepared By: Mac Cummins, AICP, Planning Manager

Recommended City Council Action

Pass Councillor's Bill No. 68 as an emergency ordinance, amending, Title XI, Chapter 3 of the Westminster Municipal Code to change the effective dates of the City's Growth Management Program from the last ten-year period (ending December 31, 2010) to the next ten-year period, beginning on January 1, 2011 and ending December 31, 2020; and making minor housekeeping revisions to the ordinance.

Summary Statement

- The City's Growth Management Program was established in 1978 to aid the City in balancing growth with the City's service capacities including existing and future water supply and treatment capacities. On an annual basis, City Council allocates Service Commitments (SC's) to the various residential and non-residential categories established within the Program. The current SC supply, future possible water resources, infrastructure capacities, and estimated demand are all evaluated prior to determining allocations for the upcoming year.
- The Growth Management Program was adopted in its current form in December 2000, with an expiration date of December 31, 2010. Staff recommends that City Council re-adopt the program, with the same requirements, for another 10 years, to expire on December 31, 2020. This program has been an important part of the City's strategy to grow at an appropriate rate through the years, and staff is not proposing any substantive changes to the program at this time.
- This ordinance is proposed as an emergency ordinance in order to extend the City's Growth Management Program beyond its current expiration date of December 31, 2010, so that Service Commitments can be allocated starting January 1, 2011. There was not enough time between the December 13, 2010, and December 20, 2010 City Council meetings to accomplish the standard ordinance adoption process. The extension of the program must be approved prior to considering allocations for 2011 Service Commitments, and allocations should be made prior to December 31 for the following year pursuant to the Westminster Municipal Code.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City continue its Growth Management Program for another 10 years? Discontinuation of the program would eliminate the residential competition, which is held annually; and would also remove any code provisions requiring future residential growth to obtain a service commitment prior to obtaining zoning and building approval.

Alternative

Do not adopt the attached Councillor's Bill revising Title XI, Chapter 3 of the Westminster Municipal Code changing the effective dates of the City's Growth Management Program to January 1, 2011 through December 31, 2020. If this alternative were chosen, the Growth Management Program of the Westminster Municipal Code would expire as of January 1, 2011, and the City could no longer enforce the requirements of this Chapter (Chapter 3) of Title XI of the Code. This alternative is not supported by staff, as the Growth Management Program allows the City to closely link residential growth in the City to water capacity on an annual basis and because the residential competition has historically allowed the City to obtain better quality development as a result of multiple developers competing for the same SC's.

Background Information

New residential growth in the City has been managed through the Growth Management Program in one form or another since 1978. The current program requires new residential projects to compete for a limited number of Service Commitments in order to proceed to the City's development review process. City Council determines on an annual basis how many residential service commitments to make available for new residential developments in the upcoming year. As a reminder, competition is not required for new, non-residential development. These projects receive SC's on a first-come, first-served basis from the annual allocation approved by City Council. Also, Service Commitments are set aside separately for South Westminster and other specific projects (for example: Legacy Ridge), which are exempt from competing annually in the residential competition process.

Historically, this program has allowed the city grow at an appropriate rate, when utility infrastructure service and the total water capacity were less certain. Planning Division staff and Department of Public Works and Utilities staff work together very closely each year to determine the total number of Service Commitments that Council should consider awarding the following year to stay within the total capacity of the City provide water service. Additionally, due to the relative scarcity of the water resource, the competition process has allowed the City achieve a higher quality of residential development than might otherwise have been possible without the competition for the same service commitment of water. Examples of this include Stratford Lakes, Ranch Reserve, Bradburn Village, Village at Harmony Park, Home Farm, etc. Generally, the City has viewed this program as being "successful" over the course of the program, as it has achieved its goal of linking the rate of residential growth to water service capacity.

This program furthers the strategic goals of "Vibrant Neighborhoods in One Livable Community" and "Beautiful and Environmentally Sensitive City" through its thoughtful use of, and planning for, water use in residential developments in the City of Westminster.

Respectfully submitted,

J. Brent McFall
City Manager

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **68**

SERIES OF 2010

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN EMERGENCY ORDINANCE AMENDING CHAPTER 3 OF TITLE XI OF THE
WESTMINSTER MUNICIPAL CODE RE GROWTH MANAGEMENT PROGRAM**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The title of Chapter 3, Title XI, W.M.C., is hereby AMENDED to read as follows:

**CHAPTER 3
GROWTH MANAGEMENT PROGRAM FOR THE PERIOD
JANUARY 1~~DECEMBER 11, 2011~~00 THROUGH DECEMBER 31, 2020~~00~~**

Section 2. Section 11-3-1, subsection (F), W.M.C., is hereby AMENDED to read as follows:

11-3-1: FINDINGS: (2534 2848) The City Council of the City finds that there is substantial evidence that the municipal services, which relate to the quality of the environment, fiscal soundness, carrying capacities of the utility and transportation systems and other related elements which affect residents of the City, will be negatively impacted by an excessive rate of growth within the City if prudent growth management practices are not administered by the City which take into account the following elements:

(F) The demand of a given proposed land use on the City's utility system compared to other land uses.

The City Council further finds that, although the City has implemented water conservation techniques and programs within the City, has entered into a water reuse program, and has taken other steps to maximize the efficient use of the resources available to the City, because of the elements set forth in subparagraphs (A) through (F) above, it is essential for ~~to~~ the preservation of the health, safety and welfare of the citizens of Westminster that the City maintain and modify, from time to time, a growth management program which balances growth and the ability of the City to effectively and safely absorb and serve such growth. The City Council further finds that, in order for the City and for developers, landowners and individual residents of the City to plan effectively, the City can and should adopt a growth management program commencing December 11, 2000, and continuing through December 31, 202~~0~~40.

Section 3. Section 11-3-2, subsections (A), (B), and (D), W.M.C., are hereby AMENDED to read as follows:

11-3-2: DEFINITIONS: (2534 2571 2651 2714 2735 2975 3091) For the purpose of this article, certain terms and words are hereby defined as follows:

(A) ACTIVE RESIDENTIAL DEVELOPMENTS:

1. "Active Residential Development" means residential development with an approved Official development plan that has not expired pursuant to ~~er~~ Chapter 5 of this Title~~W.M.C. §11-5-17~~ and has service commitments set aside (provided the service commitments have not expired) for the residential area in the Official Development Plan. Active Residential Developments include residential projects under construction, build-out, infill, and South Westminster residential projects.

2. A residential development will not be deemed to be an Active Residential Development if a building permit for at least one (1) new dwelling unit is not issued during any two (2) successive calendar years following initial building permit issuance, unless an extension is specifically approved by the City Council based on a finding that:

- (a) The need for the extension is the result of some unusual and unforeseeable circumstance beyond the reasonable control of the developer; and
- (b) The extension is needed to avoid undue or inequitable hardship that would otherwise result if the extension were not granted, and
- (c) There is no reason to believe that the developer will not be able to proceed with the development of the project within the extended time period.

(B) SENIOR HOUSING DEVELOPMENT: A Senior Housing Project which meets the following specifications:

1. Government-sponsored senior housing and non-profit senior housing: government-sponsored senior housing projects provided by non-profit "501-C-3" organizations as defined by the Federal government. Said ~~projects~~~~programs~~ must be approved by the City Council. Such projects shall be subject to the provisions contained in section 11-3-8(B). Service requirements for said projects shall be reviewed individually, and service commitments shall be awarded on an individual basis by City Council action at the time of approval of an ~~O~~fficial ~~D~~evelopment ~~P~~lan.

2. Non-government sponsored for-profit senior housing:

(a) Skilled nursing facilities: facilities that integrate shelter for the elderly with medical, nursing, psychological, ~~A~~ and rehabilitation services for persons who require 24-hour nursing supervision and care.

(b) Assisted living: shelter and services for frail elderly who are functionally and/or socially impaired and in need of 24-hour supervision. Services must include, as a minimum, environmental security, transportation, housekeeping, social activities, laundry and meals.

(c) Congregate care: shelter for elderly who may need limited assistance but do not need 24-hour supervision. Services must include, as a minimum, environmental security, transportation, housekeeping, social activities, laundry and meals.

(d) Independent living: attached or multi-family housing targeted specifically to seniors who are functionally and socially independent. Services must include, as a minimum, environmental security, transportation, housekeeping and social activities.

(D) BUILD-OUT DEVELOPMENT: A proposed residential development which does not meet the active residential definition, but does meet all of the following:

- 1. There is an existing, City-approved Official Development Plan and ~~p~~lat for the site; and
- 2. The proposed land use and density comply with the Comprehensive Land Use Plan; and
- 3. The project is located on land within a ~~P~~lanned ~~U~~nit ~~D~~evelopment which is at least 50% developed; and

~~4.~~ Existing public improvements (water lines, sewer lines, streets, etc.) are adjacent to the site; and

~~4~~~~5.~~ The undeveloped site for the proposed development does not exceed ten (10) acres.

~~5-6.~~ The project will meet or exceed all of the City's minimum design standards and guidelines; and

~~6-7.~~ The project will offer incentive items detailed within the City's competition guidelines and will, at a minimum, meet the lowest score of the project(s) awarded service commitments for the most recent residential competition for that project type. The project may offer different incentive items than those chosen by the comparable project, but the total of incentive points offered must meet or exceed the score of the comparable project.

An ~~O~~fficial ~~D~~evelopment ~~P~~lan (~~ODP~~) amendment (bringing the project into compliance with City ~~D~~esign ~~G~~uidelines) and plat must be submitted for review and are subject to City Manager approval. If the project is unable to meet all of the minimum and incentive design requirements and all other ODP requirements, the project will be subject to Planning Commission review and approval or denial.

Section 4. Section 11-3-3, subsection (B), W.M.C., is hereby AMENDED to read as follows:

11-3-3: CONDITIONS FOR BUILDING PERMIT ISSUANCE: (2534 2848 2975)

(B) Any building permits issued in violation of this Chapter shall be void. Nothing in this Chapter shall alter or affect other requirements of this Code or any other applicable zoning, subdivision ~~and~~ building regulations.

Section 5. Section 11-3-4, subsections (A), (B), (C), and (G), W.M.C., are hereby AMENDED to read as follows:

11-3-4: CATEGORIES OF AWARD: (2534 2651 2717 2975 3124) Service ~~c~~Commitments shall be allocated by the City Council by resolution for the following categories:

(A) Category A: Active Residential Developments:

1. Category A-1: Active single-family detached residential developments
2. Category A-2: Active single-family attached residential developments having a density of eight (8) or ~~fewer~~ dwelling units per acre.
3. Category A-3: Active multi-family residential developments having a density of greater than eight (8) units per acre
4. Category A-4: Active residential developments within traditional mixed-use neighborhood projects

(B) Category B: New Residential Developments:

1. Category B-1: New single-family detached residential developments
2. Category B-2: New single-family attached residential developments having a density of eight (8) or ~~fewer~~ dwelling units per acre
3. Category B-3: New multi family residential developments having a density of greater than eight (8) dwelling units per acre.
4. Category B-4: New residential developments within traditional mixed-use neighborhood projects.

(C) Category C: Non Residential Developments: City service requirements for non-residential users shall be reviewed individually, and ~~s~~Service ~~c~~Commitments shall be awarded on an individual basis at the time of approval of an Official Development Plan (ODP). In order to receive ~~C~~ategory C service commitments, the project shall be required to meet the City's Baseline Design Criteria for Non-Residential Development as determined by resolution of the City Council. The conservation standards in section 11-3-8(B) shall be mandatory for non-residential uses. An award may be made by the City Manager for any plan or development which he has the authority and approved through the administrative approval process ~~for ODPs as outlined in Chapter 5 of this Title of section 11-5-8~~ of the City Code insofar as ~~s~~Service ~~c~~Commitments are available in this category.

(G) Category L: Legacy Ridge: For use by builders of existing and new residential developments within the Westminster Golf Course Community, ~~E~~east and ~~W~~est, Planned Unit Developments.

1. Category L-1: Legacy Ridge single-family detached residential developments
2. Category L-2: Legacy Ridge single-family attached residential developments having a density of eight (8) or ~~fewer~~ dwelling units per acre
3. Category L-3: Legacy Ridge multi-family residential developments having a density greater than eight (8) dwelling units per acre.

Section 6. Section 11-3-5, subsection (E), W.M.C., is hereby AMENDED to read as follows:

11-3-5: ALLOCATION AND ISSUANCE OF SERVICE COMMITMENTS: (2534 2571 2651 2714 2717 2735 2853 3214)

(E) Any projects eligible to compete for service commitments in Categories B-1, B-2, B-3, B-4 and new senior housing must, at a minimum, comply with the City's adopted Design Guidelines and Regulations. Nothing herein shall be construed as limiting the City's right to require a development to exceed such baseline standards as a condition to ~~O~~fficial ~~D~~evelopment ~~P~~lan approval.

Section 7. Chapter 3, Title XI, W.M.C., is hereby amended BY THE ADDITION OF A NEW SECTION to read as follows:

11-3-11: EFFECTIVE DATE: This Chapter shall become effective on January 1, 2011, and shall continue to be in effect through December 31, 2020.

Section 8. Emergency. Because of the need to extend the City's Growth Management Program beyond its current expiration date of December 31, 2010, and allocate Service Commitments accordingly, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on December 20, 2010, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is enacted.

Section 9. The ordinance shall be published in full within ten days after its enactment.

INTRODUCED, READ IN FULL, AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 20th day of December, 2010.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office



WESTMINSTER
COLORADO

Agenda Item 10 B

Agenda Memorandum

City Council Meeting
December 20, 2010



SUBJECT: Resolution No. 44 re Service Commitment Allocations for 2011

Prepared By: Jana Easley, Principal Planner

Recommended City Council Action

Adopt Resolution No. 44 allocating Service Commitments for the year 2011 to the various categories of the Growth Management Program including Service Commitments for residential competitions for new Single-Family Detached, Single-Family Attached, Multi-Family, Senior Housing, and Traditional Mixed Use Neighborhood Developments.

Summary Statement

- Each year, the City Council allocates Service Commitments (hereafter “SC”) to the various Growth Management Program categories to serve the new development for the year. (One SC is the unit of measure for required City services for one single-family detached unit.)
- The SC Allocation table in the Background section details the recommended allocations in each category.
- The total SC allocation for 2011 from the potable water supply is 1,225 SCs. The allocation includes 150 SCs to be awarded on a competitive basis in 2011 to new residential projects. Staff is recommending competitions in all five categories [Single-Family Detached (SFD), Single-Family Attached (SFA), Multi-Family (MF), Senior Housing, and Traditional Mixed Use Neighborhood Developments (TMUND)]. If there are no applications submitted in one or more of the competition categories, or if fewer SCs are needed as a result of the competitions, those remaining SCs are returned to the City’s water supply figures.
- Because the City promotes the use of the reclaimed water system whenever possible to reduce the use of potable water for irrigation purposes, the City’s allocation for the non-potable (reclaimed) water supply each year is equivalent to the total supply figure for the system (3,180 SCs).
- The City currently has approximately 12,777 SCs available for new development purposes in the water supply. City water supplies and treatment capacity are more than adequate to meet the recommended SC allocations for 2011. Any remaining, unused SCs at the end of each year are returned to the water supply figures.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issues

1. Should the City allocate Service Commitments to the various Growth Management Program categories as detailed in this report?
2. Should the City conduct competitions this year in each of the new residential categories as outlined in this report?

Alternatives

1. Do not adopt the attached resolution allocating Service Commitments to the various Growth Management Program categories for use in 2011. These allocations are necessary on an annual basis to serve the needs of new development during the year. Because these allocations must be in place for any new development to proceed in 2011, this option would cause delays for new development.
2. Do not authorize new residential competitions this year. This option is not recommended, as the residential competition process is the mechanism the City uses to allow residential projects to proceed to the City's development review process. Westminster Municipal Code also requires Service Commitments to be allocated on a yearly basis. The Service Commitments set aside for the 2011 competition process constitutes approximately 12% percent of the total allocation for 2011.

Background Information

Annual Allocations

The City's Growth Management Program was established in 1978 to aid the City in balancing growth with the City's ability to provide and expand services including water, water treatment, sewer, police, fire, parks and recreation, etc. At the end of each year, City staff complete projections of new development in the upcoming year and develop recommendations for City Council regarding Service Commitment allocations (the units of measure for required City services) as required by the Growth Management Program. These Service Commitment (SC) allocations are set aside on an annual basis from the overall SC supply figures to serve the demand in the following year for all of the various residential and non-residential categories designated within the Growth Management Program. City Council formally establishes these annual allocations by adoption of a resolution. Service Commitments that are allocated but are not issued to new development during the year are returned to the water supply figures for use in future years.

With the exception of the reclaimed water category (Category R), these SC allocation recommendations have been based on historical allocations by the City and the ability of the City to provide the necessary services. "Active" residential (Categories A and L) refers to projects that are under construction, have previous binding agreements for SCs with the City (such as Legacy Ridge), meet build-out and infill development criteria, are approved projects awarded in previous competitions, or are new South Westminster residential projects (see Background section "Residential Competitions" below for additional information). Category C (Non-Residential) sets aside SCs for new commercial, office and industrial projects. The City has water agreements in place for Federal Heights, the Standley Lake Water and Sanitation District, and Shaw Heights, and a small number of SCs are allocated in Category D (Outside City Contracts) to accommodate contract requirements in those areas. Category F (Public and Contingency) reserves SCs for new city projects and facilities such as park development, libraries, fire stations, etc.

The total allocation from the potable water supply as detailed below is 1,225 SCs and is based on the projected development activity of active projects under construction, those in the City’s development review process, and submittals expected in the near future. This allocation is the same as the 2010 allocation. According to figures provided by the City’s Water Resources staff in the Department of Public Works and Utilities, there are approximately 12,777 SCs available for build-out, which is more than adequate to accommodate the recommended allocations for 2011.

2011 SERVICE COMMITMENT ALLOCATIONS

CATEGORY	DESCRIPTION	PROPOSED ALLOCATIONS
<u>Potable</u>		
A and L	All Active Residential and Legacy Ridge	400
B	New Residential (for competition process)	150
C	Non-Residential	500
D	Outside City Contracts	25
E	Senior Housing (for competition process)	50
F	Public and Contingency	<u>100</u>
	Total – Potable	1,225
 <u>Non-Potable</u>		
R	Reclaimed (the reclaimed allocation each year is equal to the reclaimed SC supply)	3,180
	Total – Potable and Reclaimed	<u>4,405</u>

Residential Competitions

The number of new residential subdivisions is managed through the competition process. “Active” residential projects are awarded on a first-come, first served basis (up to any limits placed on the original competitive awards). New residential projects must compete for available SCs through a competition process. The City’s Growth Management Program does allow some exceptions to the competitive process. These include new residential projects in South Westminster (south of 80th Avenue) in order to promote development and redevelopment in this older area of the City, Legacy Ridge (due to a previous binding agreement with the City), and those projects that meet “build-out” and “infill” definitions in the Westminster Municipal Code. Successful projects in the competition process are then allowed to proceed to the City’s development review process. Service Commitments for single-family detached projects are calculated at one SC per unit, 0.7/unit for single-family attached, 0.5/unit for multi-family, and 0.35/unit for senior housing. This equates to the relative amounts of water used annually by each of these types of dwelling units.

The intent of the SC competitions is for a limited number of new residential projects to proceed to the City’s development review process. Each of the five competitions (Single-Family Detached, Single-Family Attached, Multi-Family, Senior Housing, and Traditional Mixed Use Neighborhood Developments) is based on the City’s adopted residential design guidelines for that category. With the exception of the TMUND competition (judged by a jury), projects receive points by providing “incentive” items the applicants choose. These incentive items are listed and detailed in the residential design guidelines.

The total potable water allocation includes a pool of 150 SCs to be awarded on a competitive basis in 2011 to new residential projects. In past years, a specific number of SCs were set aside for each competition with a limit of one new project in each category. However, beginning in 2008, with the slower housing market and uncertainty of which types of projects will be submitted, staff established a pool of SCs for all of the competitions. This allows the City maximum flexibility to award to more than one project in any category, if so desired, as a result of the competitions.

The competitions typically are held in the first quarter of each year, and SCs are awarded to individual projects by City Council resolution in March or April. The awards to individual projects through the competition process include SCs needed in subsequent years to build out each of the winning projects. As a result, it is not necessary for the winning projects to re-compete in multiple years in order to complete the same project. If there are no applications submitted in any of the competition categories, or fewer SCs are needed as a result of the competitions, those remaining SCs are returned to the City's water supply figures.

Because SCs are awarded to new residential projects on a competitive basis and many developers do not want their possible competitors to know their plans in advance, Staff has not included a specific list of the potential sites for competition submittals.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Resolution

RESOLUTION

RESOLUTION NO. **44**

INTRODUCED BY COUNCILLORS

SERIES OF 2010

**A RESOLUTION
ALLOCATING SERVICE COMMITMENTS FOR THE YEAR 2011 PURSUANT TO THE
CITY'S GROWTH MANAGEMENT PROGRAM AS SET FORTH IN CHAPTER 3, TITLE XI
OF THE WESTMINSTER MUNICIPAL CODE**

WHEREAS, the City of Westminster has adopted by Ordinance a Growth Management Program through 2020; and

WHEREAS, the City's Growth Management Program as set forth in Chapter 3, Title XI of the Westminster Municipal Code calls for the periodic determination of the availability of Service Commitments and allocation of such Service Commitments among various categories of potential users; and

WHEREAS, the City Council of the City of Westminster has, with the aid of detailed factual reports and expert opinions from its Staff and consultants, examined the raw water supply, the sewage treatment capacity, the water treatment capacity, and other factors affecting the availability of Service Commitments; and

WHEREAS, the City Council of the City of Westminster has previously determined, in connection with its adoption of Chapter 3 of Title XI of the Westminster Municipal Code, that the City's ability to award Service Commitments is restricted; and

WHEREAS, the demand of different land uses on the City's ability to provide utilities and other services vary due to density and intensity of the particular use; and

WHEREAS, City Council has previously determined that the Comprehensive Land Use Plan shall assist the City in making future decisions concerning the desired mix of land uses at build-out of the City; and

WHEREAS, it is the intent of City Council to recognize the many factors influencing demand for new water and sewer service, while remaining cognizant of the large capital investments in land and public improvements made by developers with projects that are already started, and recognizing the efficiencies inherent in encouraging the completion of existing development projects that can use existing public capital facilities before approving new ones.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, in accordance with Sections 11-3-4 and 11-3-5 of the Westminster Municipal Code, that:

1. Based on all of the information available to the City Council on this date, for the period beginning January 1, 2011, through December 31, 2011, the City can make available 400 Service Commitments ("SCs") to Categories A (A-1, A-2, and A-3) and L (L-1, L-2, and L-3), 40 SCs to Category B-1, 35 SCs to Category B-2, 25 SCs to Category B-3, 50 SCs to Category B-4, 500 SCs to Category C, 25 SCs to Category D, 50 SCs to Category E, 100 SCs to Category F, and 3,180 SCs to Category R without adverse effect on existing water users and without in any way endangering the health, safety, and welfare of the citizens of Westminster and of other persons dependent upon the operation of a safe and efficient public water and sanitation system by the City.

2. This Resolution supersedes and replaces all previous allocation resolutions by City Council.

PASSED AND ADOPTED this 20th day of December, 2010.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney



Agenda Item 10 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 20, 2010



SUBJECT: Resolution No. 45 re Amberwood Estates Residential Project Service
Commitment Award Extension

Prepared By: Michele McLoughlin, Planner III

Recommended City Council Action

Adopt Resolution No. 45 extending the existing Category B-1 Service Commitment award for the Amberwood Estates (also known as West 101st Court) single-family detached residential project through December 31, 2011. This is based on the finding that the need for an extension was the result a combination of factors including an ownership change on the property, delays, and the extraordinary conditions in the housing market brought on by the economic downturn.

Summary Statement

- The 4.54-acre site is on the southwest corner of West 101st Avenue alignment and Sheridan Boulevard.
- An extension was granted on December 14, 2009, which extended 16 Service Commitments to December 10, 2010.
- A combined Preliminary and Official Development Plan was approved on May 10, 2010, which rezoned the property from Open District (O-1) to Planned Unit Development (PUD), and allowed for 13 single-family detached dwellings. The attached Resolution would grant an extension of 13 Service Commitments until December 31, 2011.
- Staff concurs that the depressed housing market has created a significant impact on this project that warrants an additional extension of Service Commitments.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City Council adopt the attached Resolution extending the Official Development Plan approval and Service Commitment award through December 31, 2011?

Alternative

Do not adopt the proposed resolution extending the Official Development Plan approval and Service Commitments for this project. This is not recommended as staff believes the extension is needed to avoid undue hardship to the developer that would result if the extension was not granted.

Background Information

Nature of Request

Service Commitments were awarded for this project on March 13, 2006. A total of 16.0 Service Commitments were made available for this single-family detached project in the B-1 category.

Westminster Municipal Code Section 11-3-5 (F) states that, unless an extension is specifically approved by the City Council, a Service Commitment award for any Category B-1, B-2, B-3, or new senior housing project shall expire as specified on the City Council Service Commitment Award Resolution for the project.

Resolution No. 54, Series 2009, extended the 16 Service Commitments awarded to the Amberwood Estates residential project until December 31, 2010.

This additional Service Commitment extension request is the result of extraordinary conditions in the housing market brought on by the economic downturn, which is an unforeseeable circumstance beyond the developer's reasonable control.

A combined Preliminary and Official Development Plan was approved on May 10, 2010, which rezoned the property from Open (O-1) to Planned Unit Development (PUD) and allowed for 13 single-family detached dwelling units. Although the original Service Commitment award was for 16, the developer was not able to fit 16 lots on the 4.54 acre parcel. Therefore, this request is to extend 13 of the 16 Service Commitments.

The extension of these Service Commitments meets Council's Strategic Plan Goals of "Vibrant Neighborhoods and Livable Communities" and "Beautiful and Environmentally Sensitive City."

Location

The 4.54-acre site is located at the southwest corner of West 101st Avenue alignment and Sheridan Boulevard. (Please see attached vicinity map). To the north is the Holtzclaw property, zoned O-1 (Open). To the east, across Sheridan Boulevard, is the Hyland Greens Planned Unit Development (PUD), a single-family detached development. Adjacent to the south is the Hyland Meadows PUD, a townhome development. Adjacent to the west, across Benton Street, is the Waverly Acres single-family PUD.

Project Description

The City's Comprehensive Land Use Plan (CLUP) designation for this parcel is R-3.5 Residential. The required Preliminary and Official Development Plan rezoned the property to allow 13 single-family detached units shown generally in a long cul-de-sac running parallel to 101st Avenue, with an average lot size of 7,800 s.f.

The 4.54-acre sloping site is presently vacant. The main point of access will be from Benton Street, with lots facing each other on a dead end cul-de-sac running east of Benton Street. A secondary access to this development will be via West 101st Avenue, which this developer will construct along the northern boundary. West 101st Avenue will be constructed to a slightly substandard width so that there is no encroachment onto the Holtzclaw's property. This alignment does not interfere with mature trees on the property, but is of adequate width for 3 turning movements onto Sheridan Boulevard. The Holtzclaws would not be responsible for constructing any portion of the street for the Amberwood Estates project. Upon any future development of the Holtzclaw's property, the other portion of the street would be built to the ultimate width. West 101st Avenue will connect Benton Street to the signalized intersection at Sheridan Boulevard.

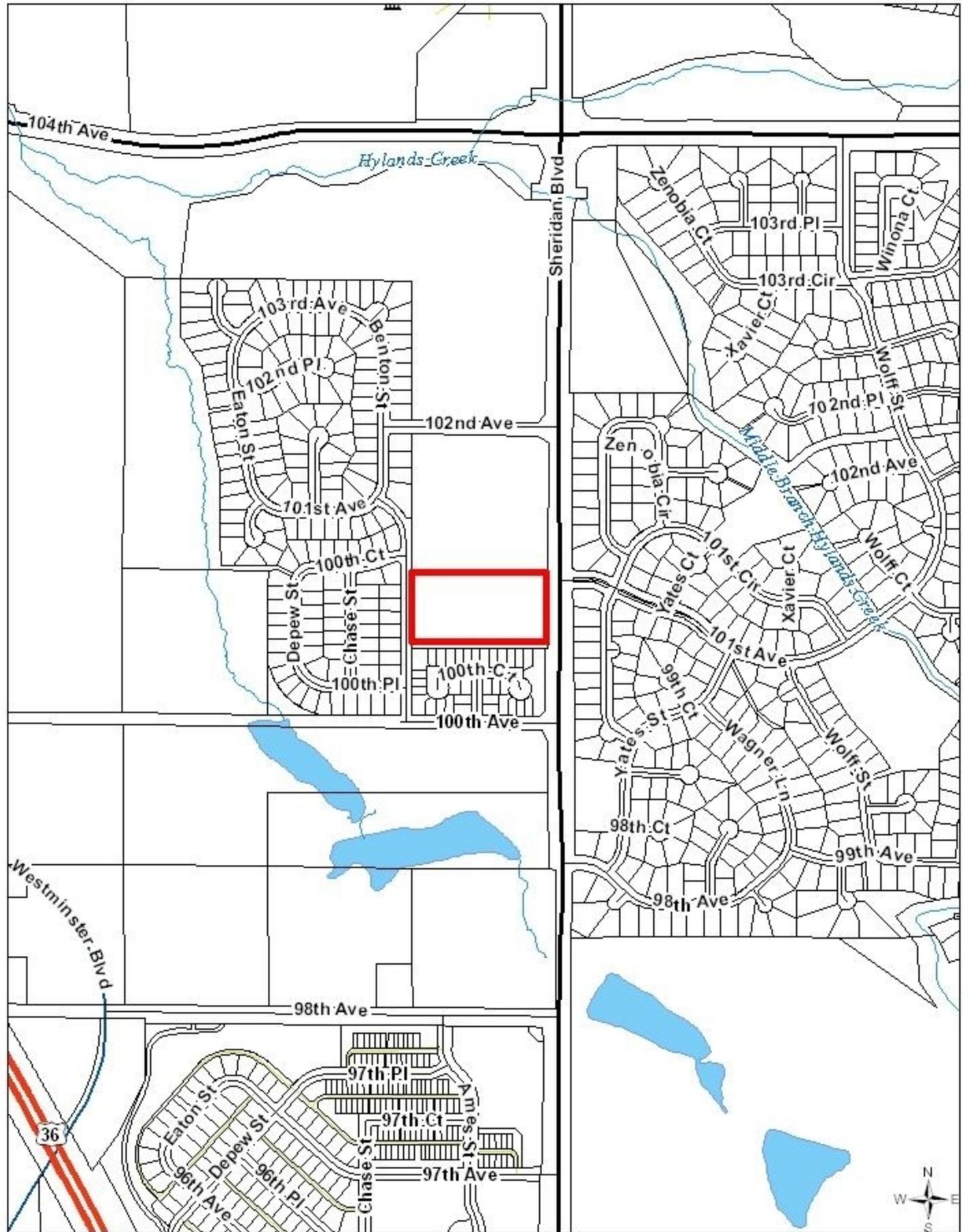
Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Exhibit A -Vicinity Map
- Resolution for Extension of Service Commitments

Vicinity Map for Amberwood Estates



RESOLUTION

RESOLUTION NO. **45**

INTRODUCED BY COUNCILLORS

SERIES OF 2010

A RESOLUTION TO EXTEND THE CATEGORY B-1 SERVICE COMMITMENT AWARD FOR THE AMBERWOOD ESTATES PROJECT

WHEREAS, the City of Westminster has adopted a Growth Management Program; and

WHEREAS, within the Growth Management Program there is a provision that service commitments for residential projects shall be awarded to Category B-1 (New Single-Family Detached); and

WHEREAS, Category B-1 is the category that is appropriate for the Amberwood Estates residential project; and

WHEREAS, Resolution No. 54, Series 2009, established that 16 service commitments awarded to the Amberwood Estates residential project were to be extended to December 31, 2010; and

WHEREAS, the Amberwood Estates residential project obtained approval of a combined Preliminary and Official Development Plan on April 26, 2010, which rezoned the property from O-1 (Open District) to PUD (Planned Unit Development), and allowed for 13 single family detached residential dwellings; and

WHEREAS, Westminster Municipal Code Section 11-3-5 (F) states that, unless an extension is specifically approved by the City Council, a service commitment award for any Category B-1, B-2, B-3, or new senior housing project shall expire as specified on the City Council Service Commitment award resolution for the project; and

WHEREAS, the service commitment award extension for the Amberwood Estates residential project is the result of a combination of factors, including an ownership change on the property, delays, and the extraordinary conditions in the housing market brought on by the economic downturn, and is needed to avoid undue hardship that would otherwise result if the extension were not granted; and

WHEREAS, one single-family detached unit is equal to 1.0 service commitments for a total of 13.0 service commitments, although the original proposal was for 16 single-family detached residential dwellings.

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

1. A Category B-1 Service Commitment award is hereby extended to the Amberwood Estates residential project at the southwest corner of Sheridan Boulevard and West 101st Avenue alignment, as follows:

Table 1

	2006	2007	2008	2009	2010	2011	2012	Total
Original	8.0	8.0						16.0
Proposed						7.0	6.0	13.0

2. The service commitment award to the project listed above is conditional and subject to the following:

- a) For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes. All minimum requirements and all incentive items indicated by the applicant shall be included as part of the proposed development and listed on the Official Development Plan for the project.
- b) Service commitments for the project listed above, if approved by the City, may only be used within the project specified above.
- c) This service commitment award shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.
- d) Each service commitment award is conditional upon City approval of the project listed above and does not guarantee City approval of any project, proposed density, and proposed number of units.
- e) The City of Westminster shall not be required to approve any Comprehensive Land Use Plan amendment, Preliminary Development Plan or amendment, Official Development Plan or amendment, or rezoning action necessary for development of the property involved in this extension of service commitment award, nor shall any other binding effect be interpreted or construed to occur by the City as part of the extension of service commitment award.
- f) Any and all projects that do not receive City approval are not entitled to the service commitment awards, and the service commitments shall be returned to the water supply figures.
- g) The Growth Management Program does not permit City staff to review any new residential development plans until service commitments have been awarded to the project. During the competition process, the City staff does not conduct any formal or technical reviews of any sketch plans submitted by applicants. It should be expected that significant changes to any such plans will be required once the City's development review process begins for any project.
- h) Future year awards are effective as of January 1 of the specified year and cannot be drawn prior to that date. If fewer service commitments are needed for a project in any given year, the unused amount in that year will be carried over to the following year(s), provided the service commitments have not expired.
- i) In order to demonstrate continued progress on a project, the following deadline and expiration provisions apply:
 - a. The project must be issued at least one building permit by December 31, 2011, or the entire service commitment award for the project shall expire.
 - b. Following the issuance of the first building permit for the project, all remaining service commitments for the project shall expire if no building permit is issued for the project during any consecutive 12-month period.
- j) If service commitments are allowed to expire, or if the applicant chooses not to pursue the development, the service commitment award shall be returned to the water supply figures. The award recipient shall lose all entitlement to the service commitment award under those conditions.
- k) This award resolution shall supersede all previous service commitment award resolutions for the specified project location.

3. The Category B-1 Service Commitments award shall be reviewed and updated each year. If it is shown that additional or fewer service commitments are needed in the year specified, the City reserves the right to make the necessary modifications.

4. This Resolution shall have an effective date of January 1, 2011.

PASSED AND ADOPTED this 20th day of December 2010.

Mayor

APPROVED AS TO LEGAL FORM:

ATTEST:

City Clerk

City Attorney



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 20, 2010



SUBJECT: Resolution No. 46 re Walnut Grove Planned Unit Development Planning Area 4A Service Commitment Award Extension

Prepared By: Patrick Caldwell, Planner II

Recommended City Council Action

Adopt Resolution No. 46 extending the existing Category B-2 Service Commitment award for Planning Area 4A of the Walnut Grove single-family attached residential project through December 31, 2011. This is based on the finding that the need for an extension was the result of the downturn in the housing market that is beyond the control of the developer.

Summary Statement

- In June, 2006 the City awarded 67.2 Service Commitments for 96 single-family attached residential units for the 15-acre Planning Area 4 in the Walnut Grove Preliminary Development Plan (PDP) at the southwest corner of 108th Avenue and Wadsworth Parkway. In October 2009 the City extended these Service Commitments through December 31, 2010.
- In December 2009 the City used Open Space funds to purchase 4.39 acres of the 15-acre Planning Area 4. The 6th Amended Walnut Grove PDP designated the 4.39 acres as open space on Planning Area 4B.
- The remaining 10.61-acre developable parcel is shown as Planning Area 4A on the PDP.
- If an Official Development Plan (ODP) is not approved by December 31, 2010, approval of the existing Service Commitments award for the 10.61 acres will expire. An ODP will not be approved by December 31, 2010 and the project owner is requesting an extension of Service Commitments. The letter from the project owner requesting 67.2 Service Commitments is in error. The extension of 59.5 Service Commitments will apply only to the remaining 10.61 acres of developable land for a maximum of 85 attached residential units on Planning Area 4A. The attached Resolution would grant this extension request until December 31, 2011.
- The request from the property owner for an extension of the Service Commitments for this development is attached.
- Staff concurs that the depressed housing market has created a significant impact on this project that warrants the extension of Service Commitments.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City Council adopt the attached Resolution extending the Service Commitment award through December 31, 2011?

Alternative

Do not adopt the proposed resolution extending Service Commitments for this project. This is not recommended as staff believes the extension is needed to avoid undue hardship to the developer that would result if the extension were not granted.

Background Information

Nature of Request

Service Commitments were awarded for this project on June 12, 2006. A total of 67.2 Service Commitments were made available on the 15-acre Planning Area 4 for this single-family attached project in the B-2 category.

In December 2009, the City used Open Space funds to purchase 4.39 acres of the 15-acre Planning Area 4. The 6th Amended Walnut Grove PDP designated the 4.39 acres as open space on Planning Area 4B. The remaining 10.61 acres are shown as Planning Area 4A on the PDP.

Westminster Municipal Code Section 11-3-5 (F) states that, unless an extension is specifically approved by the City Council, a Service Commitment award for any Category B-1, B-2, B-3, or new senior housing project shall expire as specified on the City Council Service Commitment award resolution for the project.

Pursuant to City Council Resolution 46, Series of 2009, "The project must proceed with the development review process and receive Official Development Plan approval by December 31, 2010, or the entire Service Commitment award for the project shall expire."

The land owner, the Elizabeth L. Cooper Family Limited Partnership LLLP, has indicated that the need for a Service Commitment extension is the result of a depressed housing market, which is an unforeseeable circumstance beyond the developer's reasonable control. At the time of the award in 2006, the property was under contract to DR Horton, Trimark, but the sale did not move forward and the ground remains undeveloped.

This Service Commitment extension applies only to the 10.61 acres shown as Planning Area 4A on the 6th Amended Walnut Grove PDP, which is why the amount of Service Commitments to be extended has decreased. This will retain the same density per acre allowed for by the original Service Commitment allocation on the remaining developable piece of land. Therefore, for the 10.61 acres, the maximum number of dwelling units would be 85. For a single-family attached residential dwelling the City uses 0.7 per dwelling to calculate the Service Commitments. At that ratio, an extension of 59.5 Service Commitments is requested for Planning Area 4A.

The extension of these Service Commitments meets Council's Strategic Plan Goals of "Vibrant Neighborhoods and Livable Communities" and "Beautiful and Environmentally Sensitive City."

Location

The 10.61 acre site is located at the southwest corner of 108th Avenue and Wadsworth Parkway. (Please see attached vicinity map). To the north, across 108th Avenue, is the Ball Campus Planned Unit Development (PUD). To the east, across Wadsworth Parkway, is the K-L Plaza PUD, with commercial/office uses that are not yet developed. Adjacent to the south is City-owned open space and Walnut Creek. Adjacent to the west is Walnut Grove Filing 11, an attached residential use.

Project Description

The City's Comprehensive Land Use Plan (CLUP) designation for this parcel is Commercial/Retail, and a Commercial designation is also shown in the Walnut Grove Preliminary Development Plan (PDP). The required CLUP and PDP amendments would be coordinated with the review of the ODP for this site.

The 10.61 acre sloping, grassland site is presently vacant. The potential residential development may have vehicular access to Wadsworth Parkway only at the south end of Planning Area 4A, as noted on the PDP. The main point of access would be at the northwest corner of the site along 108th Avenue, and would align with potential access to the undeveloped part of the Ball Campus site that is on the north side of 108th Avenue. A secondary access to this development would connect to the existing secondary access in the Walnut Grove Filing 11 development adjacent to the west of this site if rezoning and CLUP changes were to be approved in the future. The City-owned open space in Walnut Creek forms the south edge of this site (4B on the attached map).

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Exhibit A - Vicinity Map
- Exhibit B - Letter from Property Owner
- Resolution for Extension of Service Commitments

Vicinity Map for Walnut Grove



**ELIZABETH L. COOPER FAMILY LIMITED
PARTNERSHIP LLLP**

Exhibit B

3515 S. Tamarac Dr., Suite 300
Denver, CO 80237
(303) 771-8210

October 26, 2010

City of Westminster
Attn: Patrick Caldwell
Dept of Community Development
4800 West 92nd Ave.
Westminster, CO 80031



RE: Walnut Grove – 2006 Category B-2 Service Commitment Award
Southwest corner of W. 108th Ave. & Wadsworth Parkway

Dear Mr. Caldwell:

Please find attached Resolution No. 33 for Category B-2 (New Single-Family Attached) Competition and Service Commitment Award for a total of 67.2 awards for the above reference property.

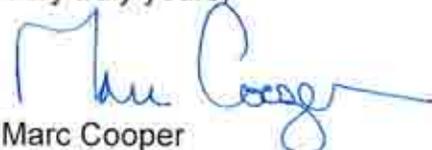
At the time of Award the property was under contract to DR Horton however the sale of the property did not move forward and the ground remains undeveloped.

The Resolution states that the Service Commitments will expire on December 31, 2010. As the owner of the property we would like to request that the City of Westminster grant an extension of the current 67.2 Service Commitments.

Due to the current economic downturn there has been very little interest in the property and it is also unfeasible for the owner at this time to consider developing the property. To maintain the availability of the Service Commitments will help in any effort to sell the property to potential buyers and for future development.

Please contact me if you have any questions.

Very truly yours,

by: 

Marc Cooper
Manager
MC:cm
Enc.

RESOLUTION

RESOLUTION NO. 46

INTRODUCED BY COUNCILLORS

SERIES OF 2010

A RESOLUTION TO EXTEND THE CATEGORY B-2 SERVICE COMMITMENT AWARD FOR THE WALNUT GROVE PLANNED UNIT DEVELOPMENT

WHEREAS, the City of Westminster has adopted a Growth Management Program; and
WHEREAS, within the Growth Management Program there is a provision that Service Commitments for residential projects shall be awarded to Category B-2 (New Single-Family Attached); and

WHEREAS, Category B-2 is the category that is appropriate for the Walnut Grove P.U.D.; and
WHEREAS, in December, 2009, the City of Westminster purchased 4.39 acres of Planning Area 4; and

WHEREAS, in December, 2009, the 6th Amended Walnut Grove PDP amended the 4.39 acres to become Planning Area 4B, designated the land use for the 4.39 acres as open space, and designated the remaining 10.61 acres as Planning Area 4A; and

WHEREAS, the Walnut Grove P.U.D. residential project will be required to amend the Walnut Grove P.U.D. Preliminary Development Plan and the City's Comprehensive Land Use Plan from a Commercial use to allow a residential use on Planning Area 4A; and

WHEREAS, the project owner is requesting a Service Commitment extension for the 10.61 acre Planning Area 4A extending the approval of an Official Development Plan deadline to December 31, 2011; and

WHEREAS, Resolution No. 46, Series 2010, established that 67.2 Service Commitments awarded to the Walnut Grove P.U.D. residential project on the 15 acre Planning Area 4 site shall expire unless it receives Official Development Plan approval by December 31, 2010; and

WHEREAS, Westminster Municipal Code Section 11-3-5 (F) states that unless an extension is specifically approved by the City Council, a Service Commitment award for any Category B-1, B-2, B-3, or new senior housing project shall expire as specified on the City Council Service Commitment award resolution for the project; and

WHEREAS, the Service Commitment award extension for the Walnut Grove Planned Unit Development residential project in Planning Area 4A is the result of an unusual and unforeseeable circumstance beyond the reasonable control of the developer, and is needed to avoid undue hardship that would otherwise result if the extension were not granted; and

WHEREAS, the Walnut Grove Official Development Plan is proposed to contain a maximum of 85 single family attached residential dwellings. One single family attached unit is equal to 0.7 Service Commitments for a total of 59.5 Service Commitments on Planning Area 4A.

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

- 1. A Category B-2 Service Commitment award is hereby extended to the Walnut Grove P.U.D. at the southwest corner of Wadsworth Parkway and 108th Avenue, as follows:

Table 1

	2007	2008	2009	2010	2011	TOTAL
Original	8.4	33.6	25.2	n/a	n/a	67.2
Extended in 2009	-	-	-	67.2	-	67.2
Extension for Planning Area 4A	-	-	-	-	59.5	59.5

2. The Service Commitment award to the project listed above is conditional and subject to the following:

- a) For each project, the applicant must complete and submit proposed development plans to the City for the required development review processes. All minimum requirements and all incentive items indicated by the applicant shall be included as part of the proposed development and listed on the Official Development Plan for the project.
- b) Service Commitments for the project listed above, if approved by the City, may only be used within the project specified above.
- c) This Service Commitment award shall be subject to all of the provisions specified in the Growth Management Program within Chapter 3 of Title XI of the Westminster Municipal Code.
- d) Each Service Commitment award is conditional upon City approval of the project listed above and does not guarantee City approval of any project, proposed density, and proposed number of units.
- e) The City of Westminster shall not be required to approve any Comprehensive Land Use Plan amendment, Preliminary Development Plan or amendment, Official Development Plan or amendment, or rezoning action necessary for development of the property involved in this extension of Service Commitment award, nor shall any other binding effect be interpreted or construed to occur by the City as part of the extension of Service Commitment award.
- f) Any and all projects that do not receive City approval are not entitled to the Service Commitment awards, and the Service Commitments shall be returned to the water supply figures.
- g) The Growth Management Program does not permit City staff to review any new residential development plans until Service Commitments have been awarded to the project. During the competition process the City staff does not conduct any formal or technical reviews of any sketch plans submitted by applicants. It should be expected that significant changes to any such plans will be required once the City's development review process begins for any project.
- h) Future year awards are effective as of January 1 of the specified year and cannot be drawn prior to that date. If fewer Service Commitments are needed for a project in any given year, the unused amount in that year will be carried over to the following year(s) provided the Service Commitments have not expired.
- i) In order to demonstrate continued progress on a project, the following deadline and expiration provision applies:
 - 1) The project must proceed with the development review process and receive Official Development Plan approval by December 31, 2011, or the entire Service Commitment award for the project shall expire.
 - 2) The project must be issued at least one building permit by December 31, 2011, or the entire Service Commitment award for the project shall expire.
 - 3) Following the issuance of the first building permit for the project, all remaining Service Commitments for a project shall expire if no building permit is issued for the project during any consecutive 12-month period.
- j) If Service Commitments are allowed to expire, or if the applicant chooses not to pursue the development, the Service Commitment award shall be returned to the water supply figures. The award recipient shall lose all entitlement to the Service Commitment award under those conditions.
- k) This award resolution shall supersede all previous Service Commitment award resolutions for the specified project location.

3. The Category B-2 Service Commitments award shall be reviewed and updated each year. If it is shown that additional or fewer Service Commitments are needed in the year specified, the City reserves the right to make the necessary modifications.

4. This Resolution shall have an effective date of January 1, 2011.

PASSED AND ADOPTED this 20th day of December 2010.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney

**WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
WESTMINSTER CITY HALL, 4800 W. 92ND AVENUE
MONDAY, December 20, 2010
7:00 P.M.**

- 1. Roll Call**
- 2. Executive Session** – Discuss strategy and progress on potential acquisition of certain real property by the Westminster Economic Development Authority for the Westminster Urban Reinvestment Project pursuant to CRS §42-6-402 (4)(a) and (e).
- 3. Adjournment**