



CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings (February 9, 2015)
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Recognition of 2015 Adams County Mayors and Commissioners Youth Award Recipients
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 January 2015
 - B. 2015 Council Liaison Assignments
 - C. NBC Metro District Exclusion Agreement for Axis Development Parcel
 - D. Change the Date of the First Council Meeting in March from March 9 to March 16
 - E. Purchase of Hybrid Vehicles
 - F. Purchase of Wheeled Excavator and Loader
 - G. Second Reading of Councillor's Bill No. 12 Amending Title XI to Include Annual Code Updates
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Resolution No. 15 Establishing 2015 Recovery Contract and Interest Rate
 - B. Resolution No. 16 Authorizing Spring 2015 Great Outdoors Colorado Paths to Parks Grant Application
11. Old Business and Passage of Ordinances on Second Reading
 - A. Special Legal Counsel Services for Drafting of Collective Bargaining Ordinance (Tabled 10-27-14)
12. Miscellaneous Business and Executive Session
 - A. City Council
 - B. Executive Session
 1. Discuss strategy and progress on negotiations related to economic development matters for the Westminster Urban Center Redevelopment, disclosure of which would seriously jeopardize the City's ability to secure the development; discuss strategy and progress on the possible sale, acquisition, trade or exchange of property rights, including future leases; and provide instruction to the City's negotiators on the same as authorized by Sections 1-11-3(C)(2), (4), and (7), W.M.C., and Sections 24-6-402 (4)(a) and (e), C.R.S. (*verbal*)
 2. Conference with and receive legal advice from the City Attorney regarding selection of special counsel for the drafting of a collective bargaining ordinance pursuant to Section 1-11-3(C)(8), W.M.C., and Section 24-6-402(4)(b), C.R.S.

13. Adjournment

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

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, FEBRUARY 9, 2015, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Herb Atchison, Mayor Pro Tem Bob Briggs and Councillors Bruce Baker, Maria De Cambra, Alberto Garcia, Emma Pinter, and Anita Seitz were present at roll call. Also present were City Manager Donald Tripp, City Attorney David Frankel, and Deputy City Clerk Carla Koeltzow.

CONSIDERATION OF MINUTES

Mayor Pro Tem Briggs moved, seconded by Councillor Baker, to approve the minutes of the regular meeting of January 26, 2015, as presented. The motion carried unanimously.

CITY MANAGER'S REPORT

This was the first official meeting as the new City Manager for Donald Tripp. Mr. Tripp thanked the Council for their confidence and trust in putting him in this position. He is proud to be the City Manager of Westminster and is looking forward to working with two great teams, City employees and Council. He also welcomed new Councillor Maria De Cambra to her first meeting and congratulated Bob Briggs as the new Mayor Pro Tem.

Mr. Tripp invited everyone to attend the South Westminster Revitalization Construction Open House on Wednesday, February 11th, from 6-7:30 p.m. at the MAC. There will be a presentation on the construction progress of the Westminster Station. Next Monday is the President's Day holiday, City administrative offices will be closed and there will not be a Council Study Session.

Right after this meeting Council will have a post briefing upstairs to update City Council assignments and meet in Executive Session for two items: Discussions with the City Attorney for the purpose of receiving legal advice on pending litigation in the Brandt v City of Westminster case as authorized by Section 24-6-402(4)(b), C.R.S., and Section 1-11-3(C)(3), W.M.C. and discuss strategy and progress on negotiations related to economic development matters for the Westminster Urban Center Redevelopment, disclosure of which would seriously jeopardize the City's ability to secure the development; to discuss strategy and progress on the possible sale, acquisition, trade, or exchange of property rights, including future leases; and to provide instruction to the City negotiators on the same as authorized by Sections 1-11-3(C)(2), (4) and (7), W.M.C., and Sections 24-6-402(4)(a) and (e), C.R.S.

COUNCIL REPORTS

Councillor Seitz highlighted a few upcoming events. The Orchard Town Center Rock Bottom Brewery will be having the annual Fire Chief Ale Tapping at 6 p.m. on Tuesday, February 10th and then the next evening there will be a tapping at the Promenade Rock Bottom. On Wednesday night, she welcomed everyone to attend the Open House at the MAC where there will be a presentation on the exciting progress of transit-oriented development in south Westminster. On Saturday, she invited citizens to take their Valentines to the 2nd Saturday Arts Walk to support south Westminster art galleries and businesses.

Mayor Pro Tem Briggs advised that on Thursday at 7:30 p.m. in the multi-purpose room here at City Hall, there would be a public meeting to meet the new Colorado Department of Transportation Director. This will be a good opportunity to inform the Director about the needs here in Westminster.

Councillor Garcia reported that due to concerns about the transition of St. Anthony North Hospital on 84th Avenue to a Neighborhood Health Center in March, Council attended an informational meeting explaining the services that would be provided there. They learned that a Mental Health Crisis Center, through a partnership with Community Reach Center, has already opened at the 84th Avenue campus. It is one of only six centers in the Front Range area. It is a great service now available here in Westminster.

Councillor Baker thanked the City Clerk for the outstanding work she does on making the minutes accurate to reflect each Council meeting. He wanted to acknowledge the great job Westminster employees do every day. Their hard work helps to build trust in the community and is noticed by Council.

Mayor Atchison reported that last year the City of Westminster was the only municipality that was a finalist for the Healthiest Employers Award. In 2014, the City was awarded third place. This year Westminster is again in the top five for the State. Awards will be presented on February the 18th at the Hyatt Regency Convention Center.

PRESENTATIONS

Councillors Garcia, Pinter and Seitz presented the Digital Cities Survey 2014 Award to the Information Technology Department in recognition of the success that the City of Westminster has achieved in the use of information technology. The IT Department has won the award 12 of the last 13 years. The only year the Department did not win was because it was too busy to apply. Information Technology Director David Punttenney, Software Engineer Manager Art Rea, and Senior Telecommunication Administrator Dan Hord were in attendance at the meeting to accept the award.

CITIZEN COMMUNICATION

Tom Pringle, from Lafayette, spoke to Council in regards to the Holtzclaw property at 101st and Sheridan. The property has been for sale for two years and been under contract three times but each time the contract did not result in a sale. Due to the low building density set for the property most developers are not interested. There is currently a national builder interested in the property and they have presented a plan to the City. Mr. Pringle would appreciate the City's consideration for this proposal so that the Holtzclaw family can get this property sold.

Paul Zakovich, representing Orchard Lakes LLC, spoke to Council to request reconsideration of the denial of fourteen service commitments for a memory care facility close to the new St. Anthony North Hospital on 144th Avenue. The LLC has owned property in this area since 2005 and believes this facility would be an added benefit to the hospital and the City at this location.

Keith James, representing Affinity, spoke to Council to request reconsideration of the denial of service commitments for an active senior living community with lots of amenities on the southeast corner of 128th Avenue and Zuni Street. Affinity fills the affordable gap between fixed and traditional housing for seniors 55 and over.

Dan Cohen, a Planning Consultant from Boulder, also spoke to Council about the denial of service commitments for Affinity. Prior to assisting them with their application he spoke to the City's Economic Development and Planning Divisions to make sure this senior community would be a good fit for Westminster. He still believes is a compatible site for Affinity with the Safeway and parks nearby and it would give seniors the ability to stay in their community. He asked Council to reconsider the award.

Mayor Atchison directed the City Manager and Staff to look again at the service commitment applications for Orchard Lakes LLC and Affinity.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: find that the Western States Contracting Alliance pricing meets City Charter bidding requirements and authorize Staff to proceed with 2015 calendar year purchases of laptop and desktop PCs, storage hardware, computer servers, printers and software from Dell, HP, Lenovo and SHI Corporations in an amount not to exceed \$457,375; find that the Western States Contracting Alliance pricing meets City Charter bidding requirements and authorize Staff to proceed with 2015 calendar year purchases of 100 ruggedized mobile computers in an amount not to exceed \$428,000; authorize Staff to enter into a contract with Godfrey's Associates, Inc. for the purpose of creating a Westminster Public Libraries Master Plan in the amount of \$83,995, plus a contingency of \$8,399 (10%), for a total authorized expenditure amount not to exceed \$92,394; authorize payment of \$87,058.73 to Jefferson County for the City's 2015 assessment for Foothills Animal Shelter construction debt repayment; authorize payment of \$148,500 to Airbus DS Communications for the 2015 annual service/maintenance contract payment on the Citywide Radio System equipment;. authorize the City Manager to execute Phase I for a design/build contract with The Garney Water Partnership in the amount of \$270,612 for the 2015 Pump Stations Improvements Project, plus a contingency of \$27,061, for a total authorized expenditure of \$297,673; authorize combining the Wandering View Pump Station, Pump Station Major Repair/Replace North Park, Pump Stations Piping/Yard Structures, and the Gravel Lakes Major Repair/Replace capital project accounts into a new 2015 Pump Station Improvements capital project account to provide a total amount of \$3,367,520 to complete the project; authorize the City Manager to execute a contract with JVA Consulting Engineers, Inc. in the amount of \$200,000 for the design of the 2015 Pressure Reducing Valve Rehabilitation and Replacement project, plus a 10% project contingency of \$20,000, for a total authorized expenditure of \$220,000; authorize the purchase of asphalt and crackseal materials from the low price Multiple Assembly of Procurement Officials bidder each quarter during 2015 in an amount not to exceed \$827,000 for asphalt and \$80,000 for crackseal materials; authorize the City Manager to sign an Intergovernmental Agreement with the City of Federal Heights that provides for the City of Westminster to contract for all of the 2015 street improvements on West 104th Avenue from Zuni Street to Federal Boulevard, and requires the City of Federal Heights to reimburse the City for the portions of the project completed in the City of Federal Heights; authorize the City Manager to execute a sixth amendment to the Contract to Buy and Sell Real Estate, with Urban Pacific Multi-Housing, LLC and Pacific West Communities, Inc in a form satisfactory to the City Attorney and to take all actions necessary to close the sale of approximately 15.8 acres between The Promenade and Circle Point; authorize the Mayor to sign the Annexation Agreement for the Moorings at Hidden Lake property; final passage on second reading of Councillor's Bill No. 3 annexing the Moorings at Hidden Lake property into the City; final passage on second reading of Councillor's Bill No. 4 approving a Comprehensive Plan amendment for the Moorings at Hidden Lake property changing the designation from Adams County Water Body to City of Westminster R-2.5, to Private Parks/Open Space, and to City Owned Open Space, and; change the designation of a .377 acre City owned open space parcel within the City (Lot 1 of the East Bay Senior Housing Preliminary Development Plan and Official Development Plan) from City Owned Open Space to R-2.5 based on finding that the proposed amendment will be in the public good and the proposed amendment is in compliance with the overall purpose and intent of the Comprehensive Plan; final passage on second reading of Councillor's Bill No. 5 approving the zoning of the Moorings at Hidden Lake property City of Westminster Planned Unit Development, changing the zoning of the parcel being annexed from Adams County R-1-C and CO to City of Westminster Planned Unit Development to allow single-family detached residential uses, private parks and private open space use, and City Owned Open Space use where the designation of Lot 1 of the East Bay Senior Housing Preliminary Development Plan and Official Development Plan is presently Planned Unit Development and that is not proposed to change; final passage on second reading of Councillor's Bill No. 6 authorizing the execution of a lease agreement for property located at 7287 Lowell Boulevard, Westminster, CO 80021, to the South Westminster Arts Group; final passage on second reading of Councillor's Bill No. 7 authorizing the City Manager to execute and implement an Economic Development Agreement with Tenere, Inc.; and final passage on second reading of Councillor's Bill No. 8 authorizing the City Manager to execute and implement an Economic Development Agreement with Trimble Navigation.

No items were removed for individual consideration and Councillor Baker moved, seconded by Councillor Garcia, to approve the consent agenda as presented. The motion carried by unanimous vote.

RESOLUTION NO. 4 APPOINTMENT OF MEMBERS TO BOARDS AND COMMISSIONS

Upon a motion by Mayor Pro Tem Briggs, seconded by Councillor Baker, the Council voted unanimously at roll call to adopt Resolution No. 4 reappointing members whose terms of office expired on December 31, 2014, to an additional two-year term and appointing alternate members to regular membership, where applicable, on the Environmental Advisory Board, the Historic Landmark Board, the Human Services Board, the Personnel Board, the Planning Commission, and the Special Permit and License Board.

COUNCILLOR'S BILL NO. 11A FINANCING FOR LITTLE DRY CREEK DRAINAGE IMPROVEMENTS

With some discussion, Council proceeded with Councillor's Bill 11A as an emergency ordinance rather than go with Councillor's Bill No. 11 that would require a first and second reading. It was moved by Mayor Pro Tem Briggs and seconded by Councillor Pinter to pass Councillor's Bill No. 11A as an emergency ordinance, approving the issuance of private placement bonds in a principal amount not to exceed \$4,650,000 with UMB Bank, n.a. for purposes of financing a portion of the drainage improvements in the Transit Oriented Development in South Westminster along Little Dry Creek, and direct the Mayor, City Manager, Finance Director and City Clerk to sign necessary documents on behalf of the City. On roll call vote, the motion passed unanimously.

COUNCILLOR'S BILL NO. 12 AMENDING TITLE XI W.M.C. WITH ANNUAL CODE UPDATES

Councillor Garcia moved, seconded by Councillor Seitz, to pass on first reading Councillor's Bill No. 12 amending sections 11-2-1, 11-3-2, 11-3-4, 11-3-5, 11-4-4, 11-4-5, 11-4-6, 11-4-8, 11-4-16, 11-5-3, 11-5-4, 11-5-5, 11-5-7, 11-5-8, 11-5-9, 11-5-10, 11-5-13, 11-5-14, 11-5-15, 11-6-8 of the Westminster Municipal Code concerning annual land use regulation code updates. The motion passed unanimously on roll call vote.

RESOLUTION NO. 5 AWARDING CATEGORY B-1 SERVICE COMMITMENTS

By motion of Councillor Seitz, seconded by Councillor Pinter, the Council voted unanimously at roll call to adopt Resolution No. 5 awarding Category B-1 Service Commitments to the Connections at Westminster Single Family Detached Residential project

RESOLUTION NO. 6 AWARDING CATEGORY B-1 SERVICE COMMITMENTS

By motion of Councillor Seitz, seconded by Councillor Pinter, the Council voted unanimously at roll call to adopt Resolution No. 6 awarding Category B-1 Service Commitments to the Huron Plaza Single Family Detached Residential project.

RESOLUTION NO. 7 AWARDING CATEGORY B-1 SERVICE COMMITMENTS

By motion of Councillor Seitz, seconded by Councillor Pinter, the Council voted unanimously at roll call to adopt Resolution No. 7 awarding Category B-1 Service Commitments to the Ryland Homes at City Park Single Family Detached Residential project.

RESOLUTION NO. 8 AWARDING CATEGORY B-1 SERVICE COMMITMENTS

By motion of Councillor Seitz, seconded by Councillor Pinter, the Council voted unanimously at roll call to adopt Resolution No. 8 awarding Category B-1 Service Commitments to the Winters Subdivision Single Family Detached Residential project.

RESOLUTION NO. 9 AWARDING CATEGORY B-3 SERVICE COMMITMENTS

By motion of Councillor Seitz, seconded by Councillor Pinter, the Council voted unanimously at roll call to adopt Resolution No. 9 awarding Category B-3 Service Commitments to the Alpine Vista Multi-Family Residential project.

RESOLUTION NO. 10 AWARDDING CATEGORY B-4 SERVICE COMMITMENTS

By motion of Councillor Seitz, seconded by Councillor Pinter, the Council voted unanimously at roll call to adopt Resolution No. 10 awarding Category B-4 Service Commitments to the Legacy at Westminster Promenade East Traditional Mixed Use Neighborhood Development project.

RESOLUTION NO. 11 AWARDDING CATEGORY B-4 SERVICE COMMITMENTS

By motion of Councillor Seitz, seconded by Councillor Pinter, the Council voted unanimously at roll call to adopt Resolution No. 11 awarding Category B-4 Service Commitments to The Plaza at Country Club Village Traditional Mixed Use Neighborhood Development project.

RESOLUTIONS NO. 12, 13, 14 APPROVING IGA'S WITH CDOT FOR FEDERAL BRIDGE REPLACEMENT

It was moved by Mayor Pro Tem Briggs, seconded by Councillor Garcia, to adopt Resolution No. 12, Resolution No. 13, and Resolution No. 14 authorizing the City Manager to execute three Intergovernmental Agreements between the City of Westminster and the Colorado Department of Transportation pertaining to the receipt of \$665,261 from the State for grading, storm water detention and culvert extension work performed by the City (Resolution No. 12); the payment of \$514, 011 to the State for requested roadway and traffic signal improvements at the intersection of Federal Boulevard and future Westminster Station Drive (Resolution No. 13); and the payment of \$661,666 to the State for requested architectural enhancements, all related to the CDOT replacement of the Federal Boulevard Bridge over the Burlington Northern/Santa Fe and Regional Transportation District rail tracks (Resolution No. 14). At roll call, the vote was unanimous.

AUTHORIZE PAYMENT TO CDOT PURSUANT TO IGA'S

Mayor Pro Tem Briggs moved, seconded by Councillor Garcia, to authorize a payment of \$510,416 to the Colorado Department of Transportation pursuant to the three Intergovernmental Agreements, plus authorize a contingency of \$117,568, for a total authorized expenditure of \$627,984. The motion carried with all Council members voting affirmatively.

ADJOURNMENT

There was no further business to come before the City Council, and, hearing no objections, Mayor Atchison adjourned the meeting at 7:46 p.m.

ATTEST:

Deputy City Clerk

Mayor



Agenda Item 6 A

Agenda Memorandum

City Council Meeting
February 23, 2015



SUBJECT: 2015 Adams County Mayors' and Commissioners' Youth Award

Prepared By: Aric Otzelberger, Assistant to the City Manager
Valerie Medina, Administrative Secretary

Recommended City Council Action

Mayor Herb Atchison will recognize the youths selected for local recognition of the Adams County Mayors' and Commissioners' Youth Award and present certificates of achievement to: Lauren Buckley, Malia Calcagno, Jessilyn Dike, Laurel Neal, Sydne James, Delaney Kerstetter, Ivon Hernandez, Dustyn Thomas, Mario Gonzalez, Rebecca Ramirez, Mercedes Arrieta, Danya Chavez, Julian Vigil, Lilibeth Castro, and Frank Bojorquez.

Summary Statement

- 15 Westminster youths have been nominated through the Adams County Mayors' and Commissioners' Youth Award (ACMCYA) program for municipal-level recognition.
- City Council is requested to recognize these youth privately at a reception preceding the February 23, 2015, City Council meeting and publicly during the meeting.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

The Adams County Mayors' and Commissioners' Youth Award (ACMCYA), formerly the Metropolitan Mayors' and Commissioner's Youth Award (MMCYA), was established in 1986. This program recognizes young people in our community whose contributions and achievements might otherwise be overlooked. The award honors young people who have overcome personal adversity, created positive change in a difficult environment or have made strides beyond their limitations.

This winter, nominations were sought for youth ages 13 through 19 who have shown outstanding achievement and resilience despite facing significant challenges and adversity. All of the nominees will be honored by their respective municipalities. Additionally, if a nominee is selected to continue in the awards process, he or she will be honored at the Adams County banquet on April 30. This program used to include a metro-level recognition event, but program coordinators made the decision to discontinue this event in 2011. Following the dissolution of the metro-level program, the Adams County selection committee changed the name for the award to Adams County Mayors' and Commissioners' Youth Award (ACMCYA). Based on communication with Jefferson County Staff, Jefferson County is no longer participating in what was formerly the MMCYA program. All Westminster students, regardless of county of residence or school, are eligible for recognition through the ACMCYA program.

The individuals being recognized by City Council have faced trauma with courage, emotional and physical health ailments with determination, financial hardship with resourcefulness, and challenges in school with perseverance. Due to the sensitive and confidential nature of many of the nominees' backgrounds, the ACMCYA Selection Committee recommends conducting a more general recognition ceremony where descriptions of the adversity each nominee has overcome are not disclosed.

Instead, a description of the award and its criteria will be conveyed, and each nominee's name, age, school and nominator's name will be read as they receive their certificate. Additionally, City Council will host a brief reception for the nominees, nominators and their families prior to the Council meeting. Fifteen Westminster youths will be recognized.

Participation in the ACMCYA program supports the City Council Strategic Plan goal of "Comprehensive Community Engagement."

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment – Recipient List

**City of Westminster
2015 ACMCYA Recipients**

Nominee	Age	School	Nominator
Lauren Buckley	13	Mandalay Middle	Marisa Marinac
Malia Calcagno	13	Mandalay Middle	Marisa Marinac
Jessilyn Dike	14	Mandalay Middle	Marisa Marinac
Laurel Neal	14	Mandalay Middle	Marisa Marinac
Sydne James	13	Moore Middle	Heidi Cancellieri
Delaney Kerstetter	14	Moore Middle	Heidi Cancellieri
Ivon Hernandez	17	Hidden Lake HS	Mark Belnay
Dustyn Thomas	18	Hidden Lake HS	Mark Belnay
Mario Gonzalez	15	Hidden Lake HS	Kelly Garcia
Rebecca Ramirez	14	Hidden Lake HS	Jackie Pearson
Mercedes Arrieta	17	Hidden Lake HS	Jackie Pearson
Danya Chavez	19	Hidden Lake HS	Jackie Pearson
Julian Vigil	16	Hidden Lake HS	Jackie Pearson
Lilibeth Castro	18	Hidden Lake HS	Jackie Pearson
Frank Bojorquez	18	Hidden Lake HS	Jackie Pearson



Agenda Memorandum

City Council Meeting
February 23, 2015



SUBJECT: Financial Report for January 2015

Prepared By: Tammy Hitchens, Finance Director

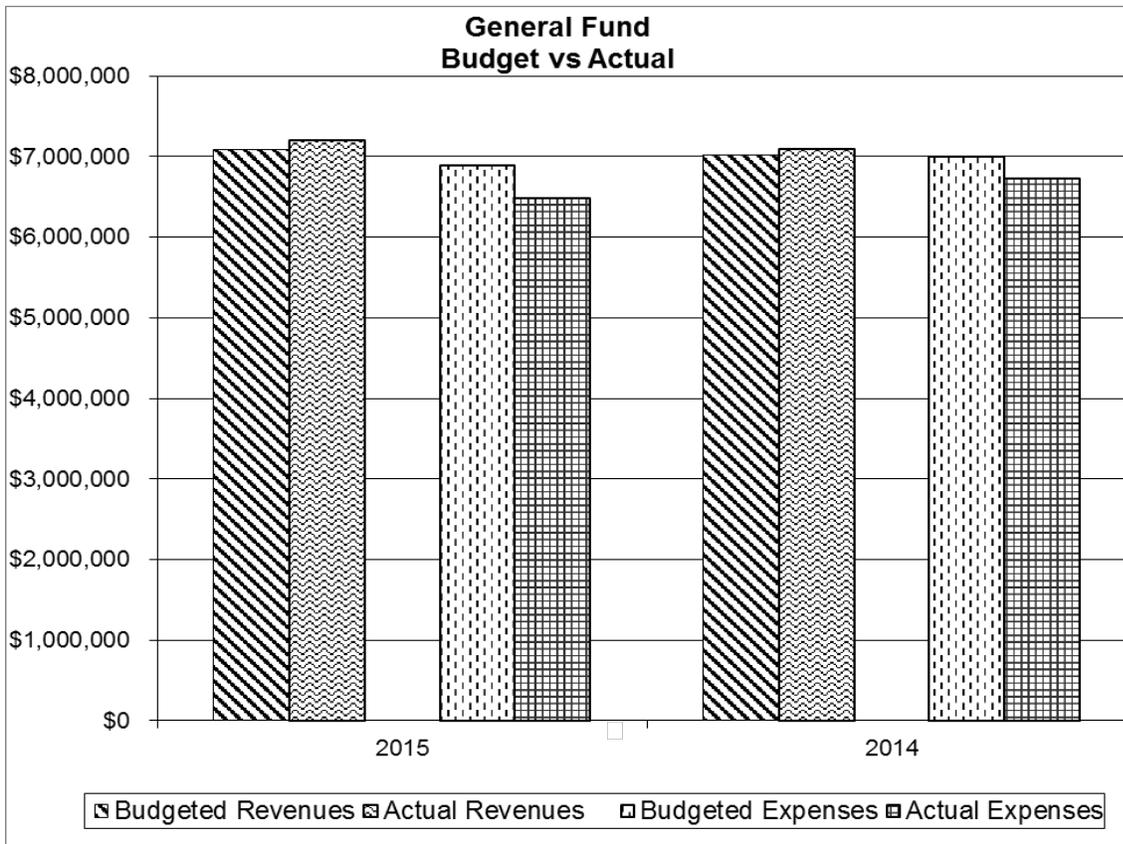
Recommended City Council Action

Accept the Financial Report for January as presented.

Summary Statement

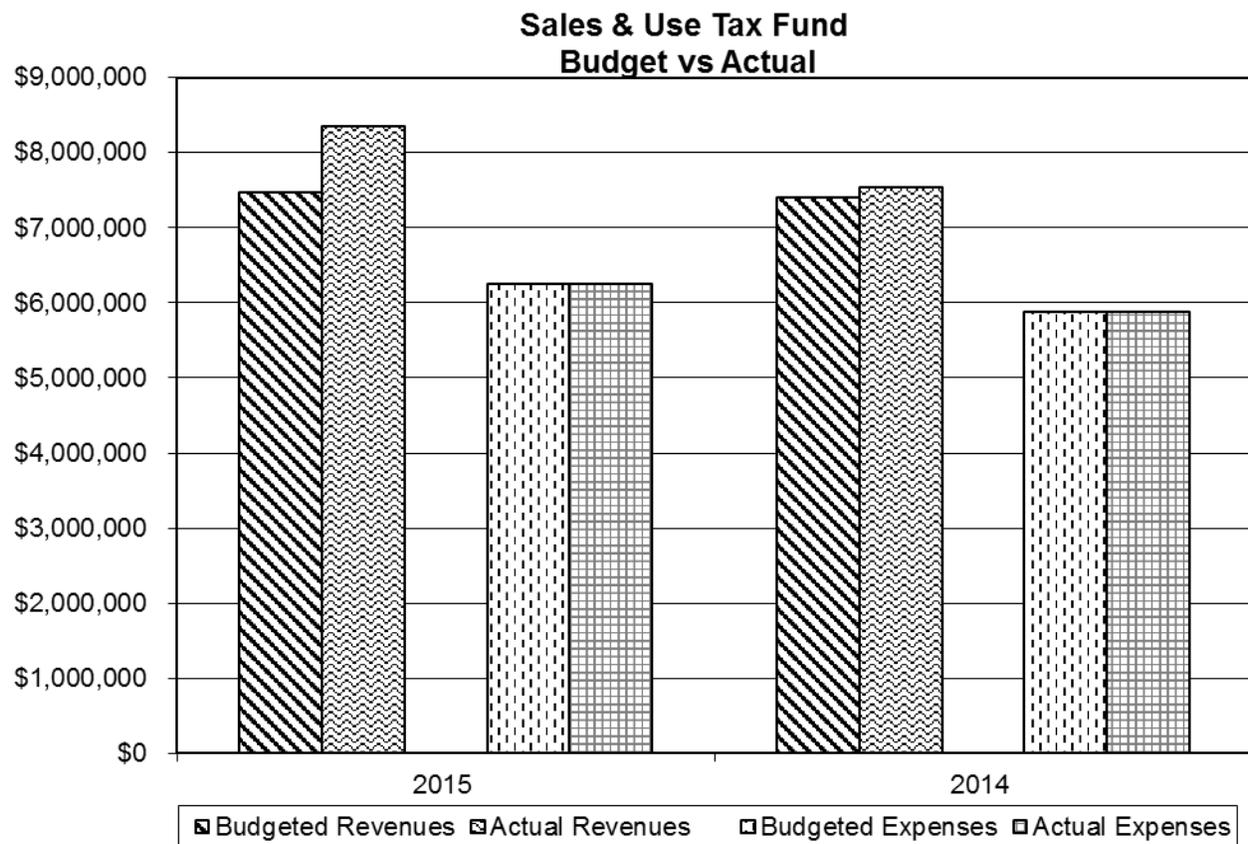
City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, “budget” refers to the pro-rated budget. The budget numbers that are presented reflect the City’s amended adopted budget. Both revenues and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

Current projections show General Fund revenues exceeding expenditures by \$520,024. The following graph represents Budget vs. Actual for 2014-2015.

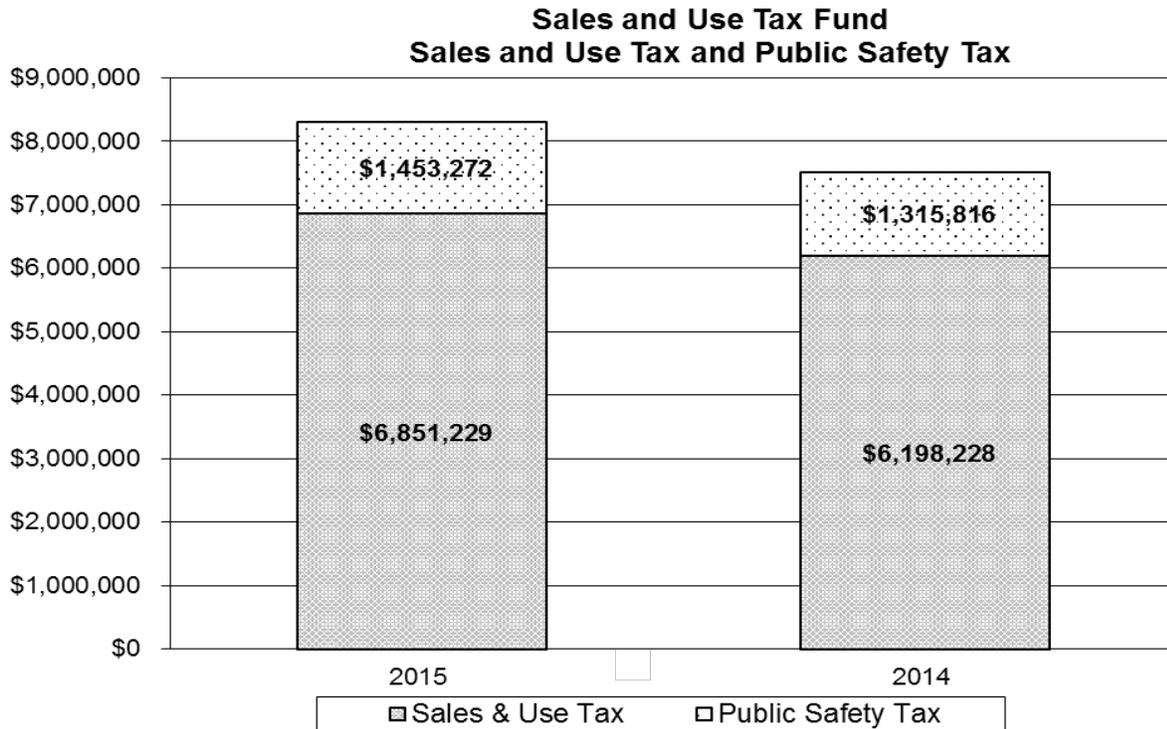


Current projections show the Sales and Use Tax Fund revenues exceeding expenditures by \$880,364. On a year-to-date cash basis, total sales and use tax is up 10.5% from 2014. Key components are listed below:

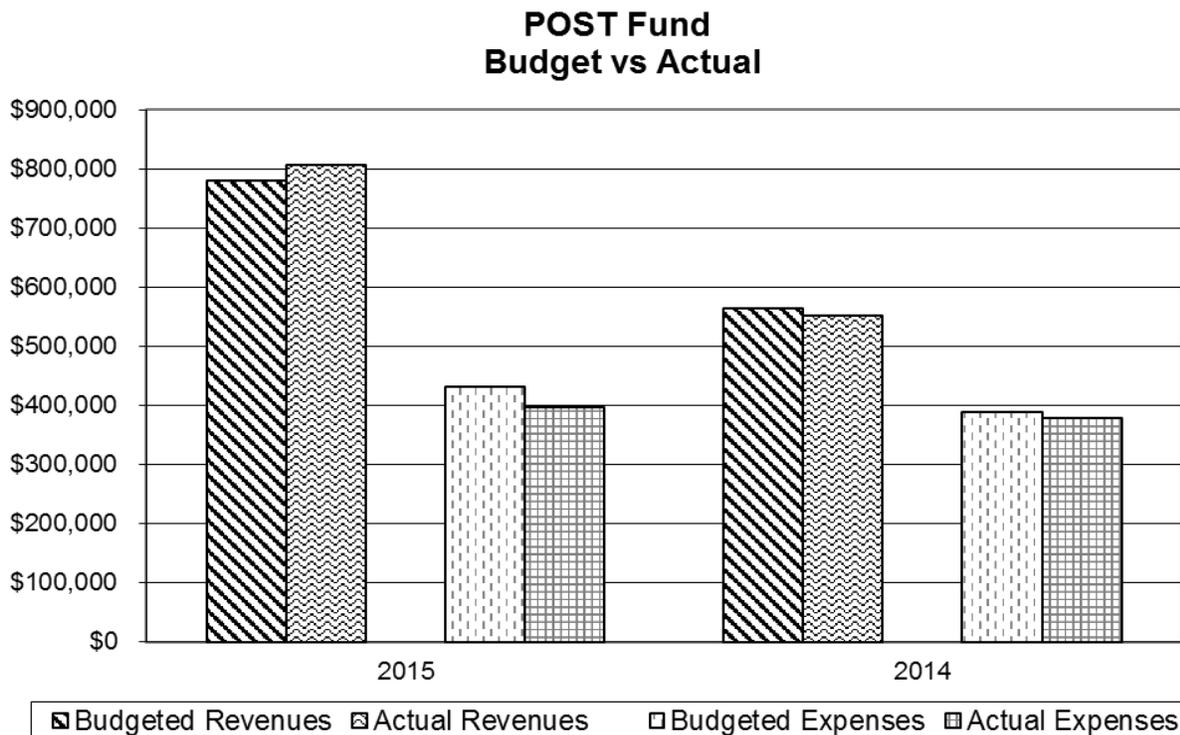
- On a year-to-date basis, across the top 25 shopping centers, total sales and use tax receipts are up 8.0% from the prior year.
- Sales tax receipts from the top 50 Sales Taxpayers, representing about 59.0% of all collections, are up 8.9% for the month when compared to 2014.
- Urban renewal areas make up 36.9% of gross sales tax collections. After urban renewal area and economic development assistance adjustments, 85.0% of this money is being retained for General Fund use in operating the City.



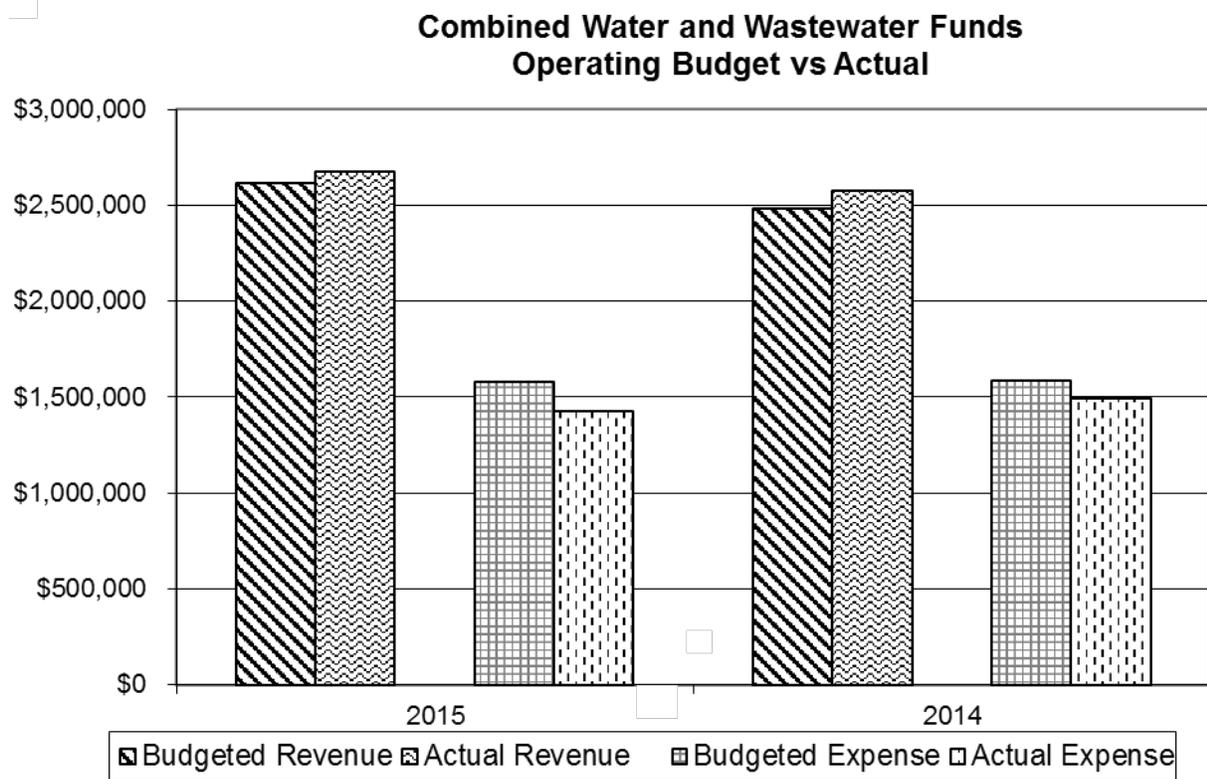
The graph below reflects the contribution of the Public Safety Tax to the overall Sales and Use Tax revenue.



Current projections show Parks, Open Space and Trails (POST) Fund revenues and carryover exceeding expenditures by \$61,784.

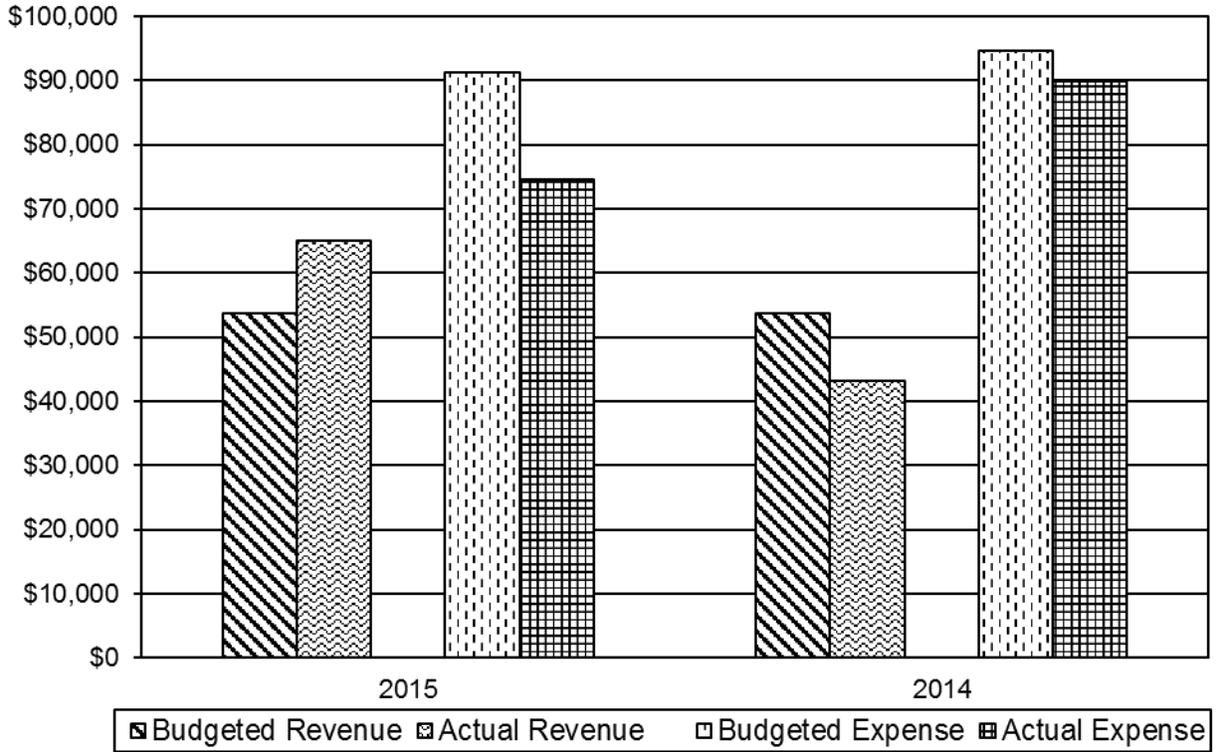


Overall, current projections show combined Water & Wastewater Fund expenditures exceeding revenues by \$313,514, mostly due to tap fees. Operating projections show combined Water & Wastewater Fund revenues exceeding expenditures by \$210,935.



Current projections show combined Golf Course Fund revenues and carryover exceeding expenditures by \$28,985. Operating projections show combined Golf Course Fund revenues exceeding expenditures by \$27,975.

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

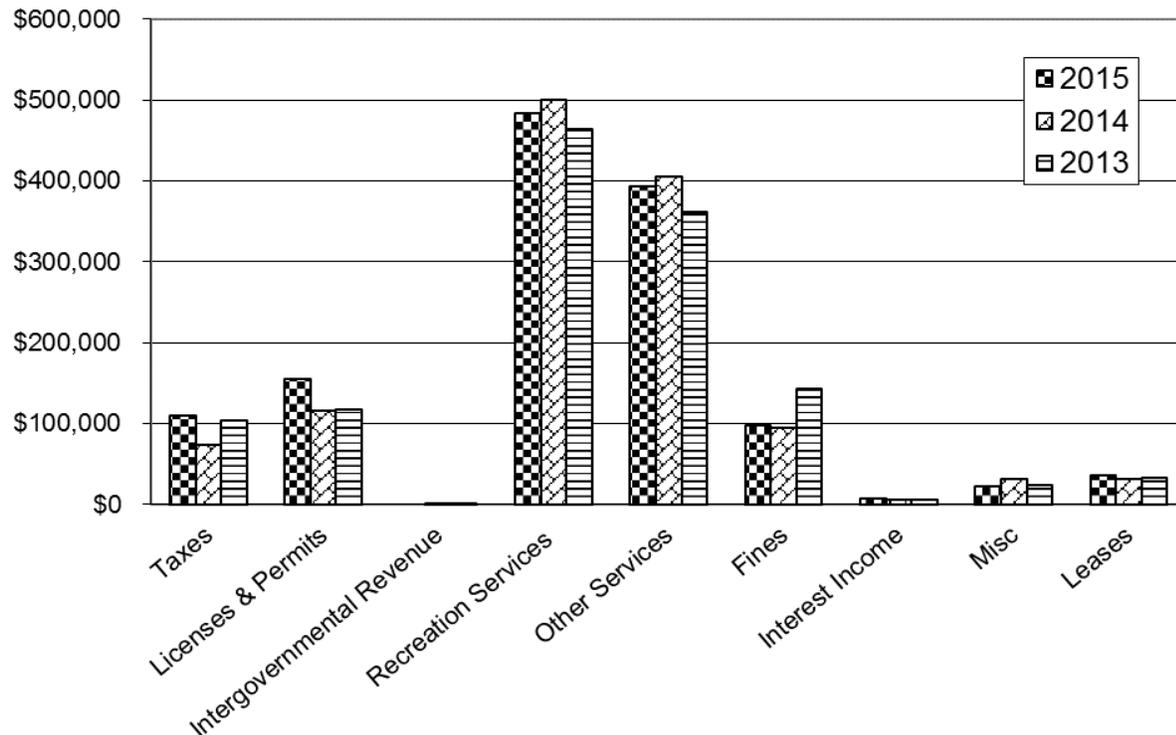
This section includes a discussion of highlights of each fund presented.

General Fund

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

The following chart represents the trend in actual revenues from 2013-2015 year-to-date.

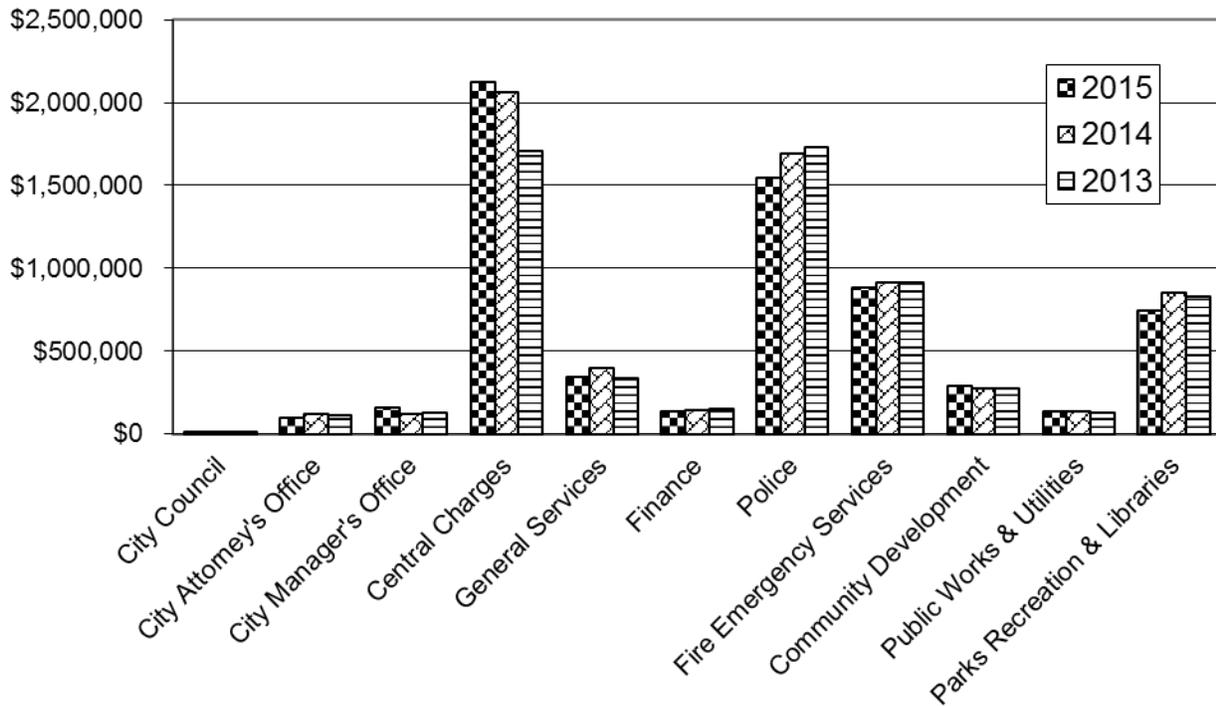
**General Fund Revenues excluding Transfers
2013-2015**



Taxes were lower in 2014 due to a timing difference in the recording of Accommodations Tax. The trend will smooth with the February financials. Licenses and Permits revenue is higher than the prior two years mostly due to commercial permitting activity. 2014 Recreation Services revenue reflects Parks, Recreation and Libraries promotions for passes and youth camp registration. The slight decrease in Other Services is due mostly to EMS revenue, and the difference in Fines between years is reflective of traffic fine activity.

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

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

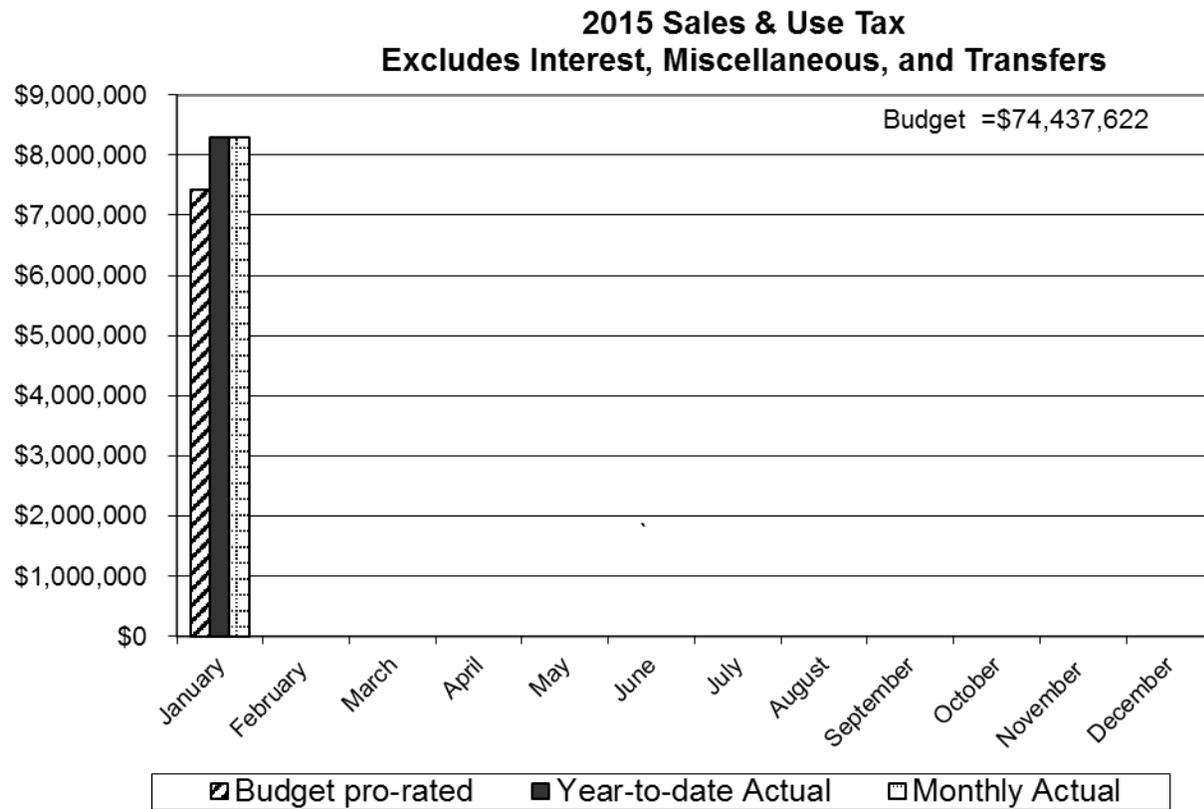


Central Charges expenditures are higher in 2014 and 2015 due to a timing difference in the posting of benefit charges for January payrolls. In 2014 and 2015, benefit contributions for three payrolls are reported, whereas in 2013, there are only two. The decrease in expenditures in General Services, Police, and Parks, Recreation and Libraries is mostly due to contract services.

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

These funds are the repositories for the 3.85% City Sales & Use Tax. The Sales & Use Tax Fund provides monies for the General Fund, the General Capital Improvement Fund, and the Debt Service Fund. The Parks, Open Space and Trails (POST) Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, pay bonds related to the Heritage Golf Course, buy open space land, 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 for funding public safety-related expenditures.

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

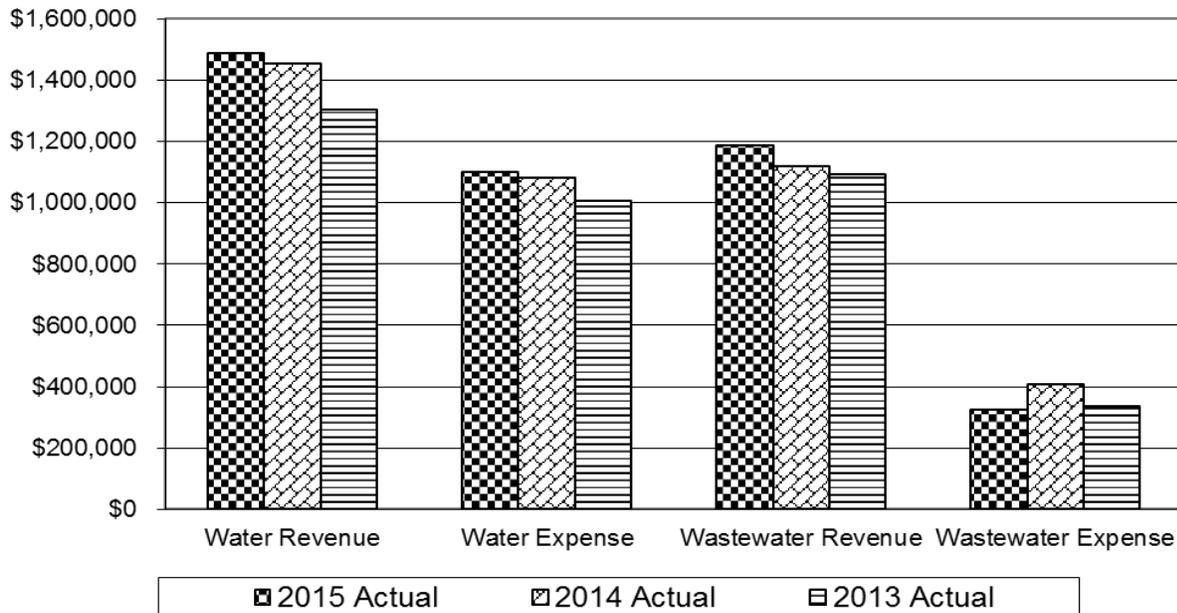


Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

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

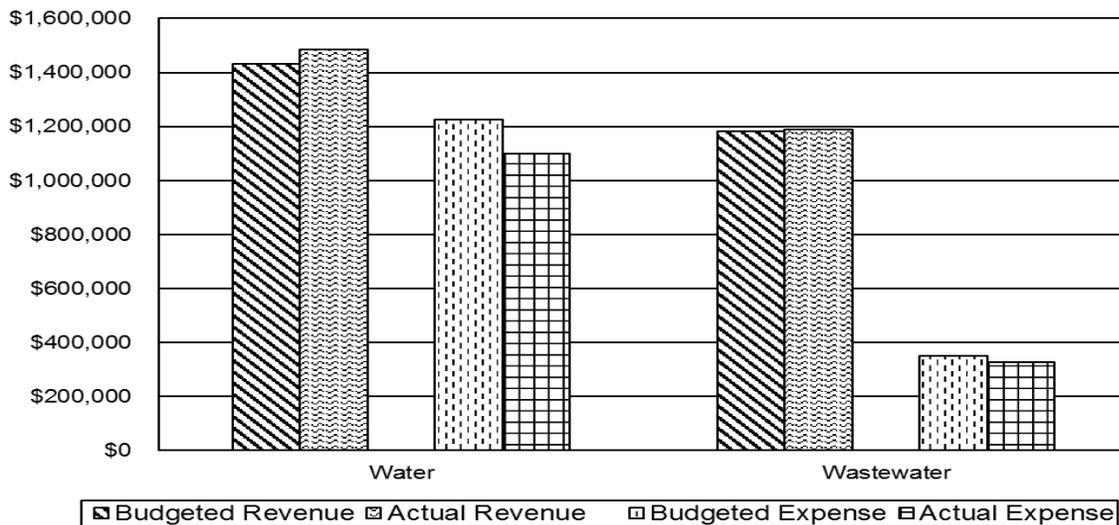
These graphs represent segment information for the Water and Wastewater funds.

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



The increase in revenue is due to the effect of climatic variations on water consumption as well as changes in billing rates. Wastewater expenditures are down from 2014 due mostly to contractual services and commodities.

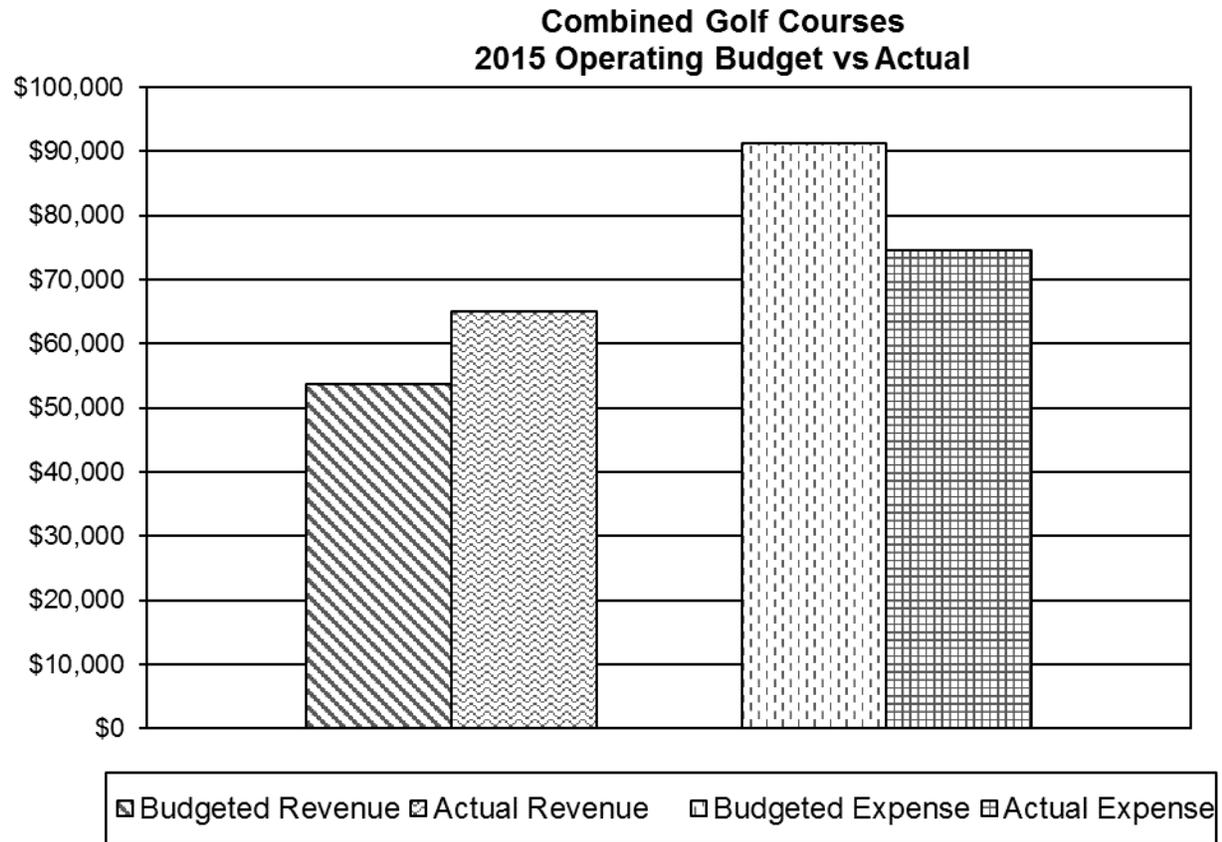
**Water and Wastewater Funds
2015 Operating Budget vs Actual**



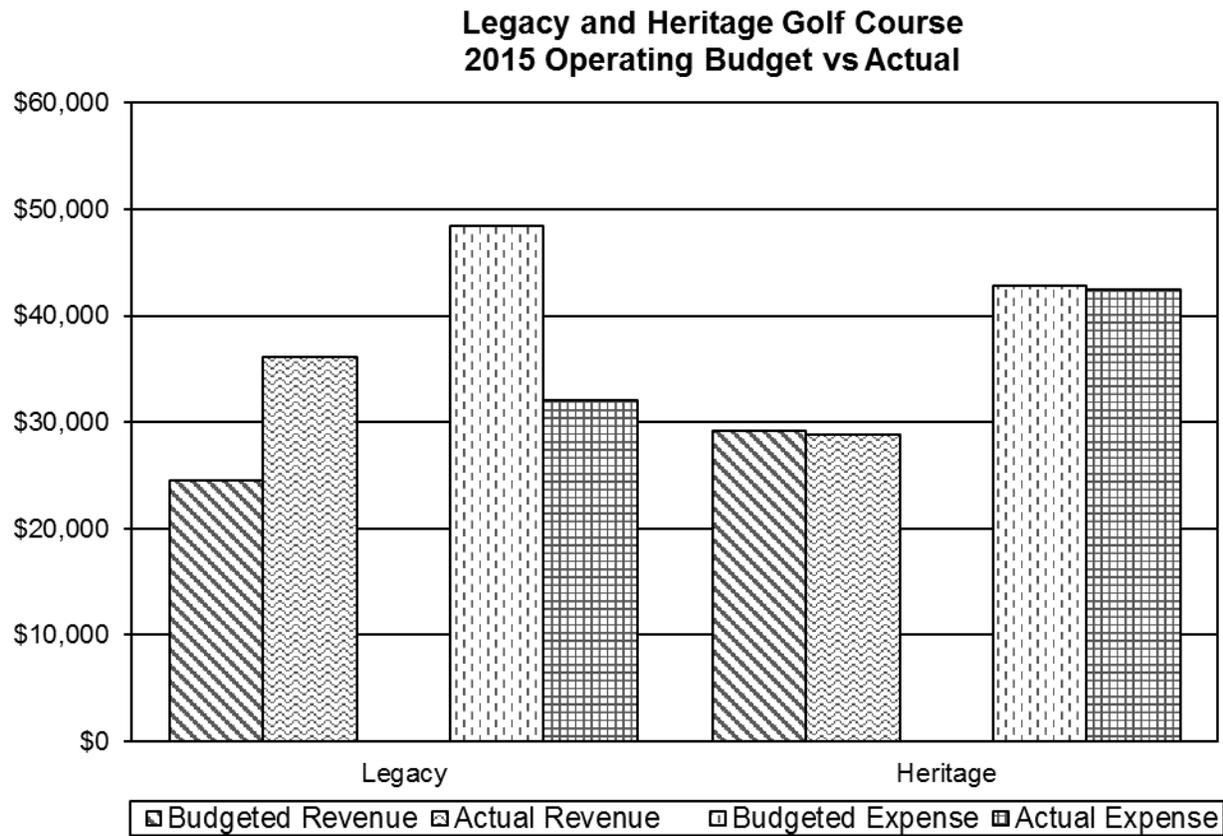
The Storm Water Fund information is provided in the attached financial reports.

Golf Course Enterprise (Legacy and Heritage Golf Courses)

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

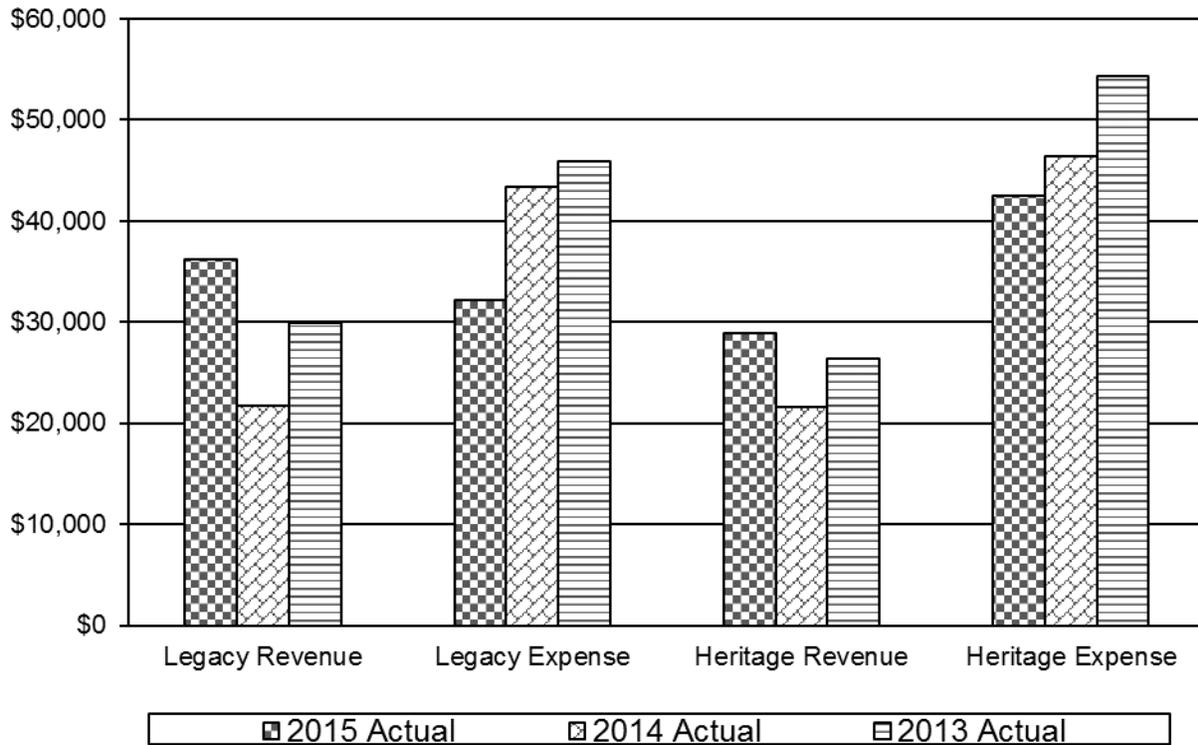


The following graphs represent the information for each of the golf courses.



Legacy's revenue variance is due primarily to driving range and greens fees, as well as cart rental. Expenditures reflect savings in personnel services, commodities, and contract services.

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



Fluctuations in golf course revenue are largely the effect of climatic variations on play from year to year. The Legacy expenditure variance is mostly due to the effect of Parks, Recreation and Libraries 2014 reorganization and attrition on personnel services. The Heritage expenditure variance is due mostly to the purchase of commodities like irrigation materials, parts and supplies as well as resale merchandise for the pro shop.

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

Respectfully submitted,

Donald M. Tripp
City Manager

Attachments

- Financial Statements
- Shopping Center Report

**City of Westminster
Financial Report
For One Month Ending January 31, 2015**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues						
Taxes	5,887,933	81,344		109,865	28,521	135.1%
Licenses & Permits	1,739,217	117,063		154,542	37,479	132.0%
Intergovernmental Revenue	5,864,508	35,990		0	(35,990)	
Charges for Services						
Recreation Services	7,075,498	424,884		484,036	59,152	113.9%
Other Services	9,871,075	364,385		392,549	28,164	107.7%
Fines	1,511,000	113,139		98,074	(15,065)	86.7%
Interest Income	75,000	5,045		7,240	2,195	143.5%
Miscellaneous	1,658,088	16,165		22,486	6,321	139.1%
Leases	401,779	35,237		35,237	0	100.0%
Interfund Transfers	70,704,714	5,892,060		5,892,060	0	100.0%
Total Revenues	<u>104,788,812</u>	<u>7,085,312</u>		<u>7,196,089</u>	<u>110,777</u>	<u>101.6%</u>
Expenditures						
City Council	266,525	16,895		14,620	(2,275)	86.5%
City Attorney's Office	1,347,732	94,694		100,403	5,709	106.0%
City Manager's Office	2,089,120	153,476		159,225	5,749	103.7%
Central Charges	28,329,421	2,127,234		2,120,476	(6,758)	99.7%
General Services	6,299,645	409,103		347,934	(61,169)	85.0%
Finance	2,274,069	158,983		133,040	(25,943)	83.7%
Police	22,481,949	1,620,003		1,543,041	(76,962)	95.2%
Fire Emergency Services	12,840,305	952,799		885,915	(66,884)	93.0%
Community Development	4,649,312	317,919		288,775	(29,144)	90.8%
Public Works & Utilities	8,634,295	157,070		136,038	(21,032)	86.6%
Parks, Recreation & Libraries	15,576,439	877,587		747,049	(130,538)	85.1%
Total Expenditures	<u>104,788,812</u>	<u>6,885,763</u>		<u>6,476,516</u>	<u>(409,247)</u>	<u>94.1%</u>
Revenues Over(Under) Expenditures	<u>0</u>	<u>199,549</u>		<u>719,573</u>	<u>520,024</u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Sales and Use Tax Fund						
Revenues						
Sales Tax						
Sales Tax Returns	50,545,930	5,460,835		6,212,099	751,264	113.8%
Sales Tx Audit Revenues	729,000	60,507		54,804	(5,703)	90.6%
S-T Rev. STX	<u>51,274,930</u>	<u>5,521,342</u>		<u>6,266,903</u>	<u>745,561</u>	113.5%
Use Tax						
Use Tax Returns	9,020,573	445,537		562,359	116,822	126.2%
Use Tax Audit Revenues	785,000	65,155		21,967	(43,188)	33.7%
S-T Rev. UTX	<u>9,805,573</u>	<u>510,692</u>		<u>584,326</u>	<u>73,634</u>	114.4%
Total STX and UTX	<u><u>61,080,503</u></u>	<u><u>6,032,035</u></u>		<u><u>6,851,229</u></u>	<u><u>819,195</u></u>	113.6%
Public Safety Tax						
PST Tax Returns	13,048,619	1,369,663		1,437,924	68,261	105.0%
PST Audit Revenues	308,500	25,605		15,348	(10,257)	59.9%
Total Rev. PST	<u>13,357,119</u>	<u>1,395,269</u>		<u>1,453,272</u>	<u>58,004</u>	104.2%
Interest Income	51,000	4,246		7,411	3,165	174.5%
Interfund Transfers	434,975	36,248		36,248	0	100.0%
Total Revenues	<u><u>74,923,597</u></u>	<u><u>7,467,798</u></u>		<u><u>8,348,160</u></u>	<u><u>880,364</u></u>	111.8%
Expenditures						
Central Charges	<u>74,923,597</u>	<u>6,243,633</u>		<u>6,243,633</u>	0	100.0%
Revenues Over(Under) Expenditures	<u><u>0</u></u>	<u><u>1,224,165</u></u>		<u><u>2,104,527</u></u>	<u><u>880,364</u></u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2015**

Description POST Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues						
Sales & Use Tax	5,379,727	572,991		605,375	32,384	105.7%
Interest Income	10,000	833		1,040	207	124.8%
Miscellaneous	74,651	6,221		940	(5,281)	15.1%
Interfund Transfers	32,025	2,669		2,669	0	100.0%
Sub-total Revenues	<u>5,496,403</u>	<u>582,714</u>		<u>610,024</u>	<u>27,310</u>	104.7%
Carryover	196,576	196,576		196,576	0	100.0%
Total Revenues	<u>5,692,979</u>	<u>779,290</u>		<u>806,600</u>	<u>27,310</u>	103.5%
Expenditures						
Central Charges	5,023,027	396,484		383,681	(12,803)	96.8%
Park Services	669,952	34,790		13,119	(21,671)	37.7%
Total Expenditures	<u>5,692,979</u>	<u>431,274</u>		<u>396,800</u>	<u>(34,474)</u>	92.0%
Revenues Over(Under) Expenditures	<u>0</u>	<u>348,016</u>		<u>409,800</u>	<u>61,784</u>	

**City of Westminster
Financial Report
For One Month Ending January 31, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water and Wastewater Funds - Combined						
Operating Revenues						
License & Permits	75,000	6,250		7,500	1,250	120.0%
Rates and Charges	49,200,891	2,573,888		2,639,348	65,460	102.5%
Miscellaneous	410,000	34,166		27,441	(6,725)	80.3%
Total Operating Revenues	<u>49,685,891</u>	<u>2,614,304</u>		<u>2,674,289</u>	<u>59,985</u>	102.3%
Operating Expenditures						
Central Charges	6,465,084	538,757		549,641	10,884	102.0%
Finance	662,357	69,547		69,185	(362)	99.5%
Public Works & Utilities	21,818,221	717,033		606,799	(110,234)	84.6%
Parks, Recreation & Libraries	152,467	3,507		3,435	(72)	97.9%
Information Technology	3,173,708	247,549		196,383	(51,166)	79.3%
Total Operating Expenditures	<u>32,271,837</u>	<u>1,576,393</u>		<u>1,425,443</u>	<u>(150,950)</u>	90.4%
Operating Income (Loss)	<u>17,414,054</u>	<u>1,037,911</u>		<u>1,248,846</u>	<u>210,935</u>	
Other Revenue and Expenditures						
Tap Fees	12,685,226	1,057,102		529,158	(527,944)	50.1%
Interest Income	360,500	30,042		33,537	3,495	111.6%
Debt Service	(6,543,780)	0		0	0	
Reserve Transfer In	930,000	930,000		930,000	0	100.0%
Total Other Revenue (Expenditures)	<u>7,431,946</u>	<u>2,017,144</u>		<u>1,492,695</u>	<u>(524,449)</u>	
Revenues Over(Under) Expenditures	<u>24,846,000</u>	<u>3,055,055</u>	(1)	<u>2,741,541</u>	<u>(313,514)</u>	

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

**City of Westminster
Financial Report
For One Month Ending January 31, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water Fund						
Operating Revenues						
License & Permits	75,000	6,250		7,500	1,250	120.0%
Rates and Charges	35,019,138	1,392,075		1,451,546	59,471	104.3%
Miscellaneous	400,000	33,333		27,141	(6,192)	81.4%
Total Operating Revenues	<u>35,494,138</u>	<u>1,431,658</u>		<u>1,486,187</u>	<u>54,529</u>	
Operating Expenditures						
Central Charges	4,503,673	375,306		383,872	8,566	102.3%
Finance	662,357	69,547		69,185	(362)	99.5%
Public Works & Utilities	15,192,115	529,569		446,580	(82,989)	84.3%
PR&L Standley Lake	152,467	3,507		3,435	(72)	97.9%
Information Technology	3,173,708	247,549		196,383	(51,166)	79.3%
Total Operating Expenditures	<u>23,684,320</u>	<u>1,225,478</u>		<u>1,099,455</u>	<u>(126,023)</u>	89.7%
Operating Income (Loss)	<u>11,809,818</u>	<u>206,180</u>		<u>386,732</u>	<u>180,552</u>	
Other Revenue and (Expenditures)						
Tap Fees	10,327,653	860,638		433,958	(426,680)	50.4%
Interest Income	277,500	23,125		25,747	2,622	111.3%
Debt Service	(5,422,971)	0		0	0	
Total Other Revenues (Expenditures)	<u>5,182,182</u>	<u>883,763</u>		<u>459,705</u>	<u>(424,058)</u>	
Revenues Over(Under) Expenditures	<u>16,992,000</u>	<u>1,089,943</u>	(1)	<u>846,437</u>	<u>(243,506)</u>	

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

**City of Westminster
Financial Report
For One Month Ending January 31, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Wastewater Fund						
Operating Revenues						
Rates and Charges	14,181,753	1,181,813		1,187,802	5,989	100.5%
Miscellaneous	10,000	833		300	(533)	36.0%
Total Operating Revenues	<u>14,191,753</u>	<u>1,182,646</u>		<u>1,188,102</u>	<u>5,456</u>	100.5%
Operating Expenditures						
Central Charges	1,961,411	163,451		165,769	2,318	101.4%
Public Works & Utilities	6,626,106	187,464		160,219	(27,245)	85.5%
Total Operating Expenditures	<u>8,587,517</u>	<u>350,915</u>		<u>325,988</u>	<u>(24,927)</u>	92.9%
Operating Income (Loss)	<u>5,604,236</u>	<u>831,731</u>		<u>862,114</u>	<u>30,383</u>	
Other Revenue and Expenditures						
Tap Fees	2,357,573	196,464		95,200	(101,264)	48.5%
Interest Income	83,000	6,917		7,790	873	112.6%
Debt Service	(1,120,809)	0		0	0	
Reserve Transfer In	930,000	930,000		930,000	0	100.0%
Total Other Revenues (Expenditures)	<u>2,249,764</u>	<u>1,133,381</u>		<u>1,032,990</u>	<u>(100,391)</u>	
Revenues Over(Under) Expenditures	<u>7,854,000</u>	<u>1,965,112</u>	(1)	<u>1,895,104</u>	<u>(70,008)</u>	

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

**City of Westminster
Financial Report
For One Month Ending January 31, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Storm Drainage Fund						
Revenues						
Charges for Services	3,382,000	250,268		247,908	(2,360)	99.1%
Interest Income	26,000	2,167		2,690	523	124.1%
Miscellaneous	0	0		2	2	
Total Revenues	<u>3,408,000</u>	<u>252,435</u>		<u>250,600</u>	<u>(1,835)</u>	99.3%
Expenditures						
General Services	86,200	259		0	(259)	
Community Development	181,396	13,061		13,018	(43)	99.7%
PR&L Park Services	200,000	2,600		0	(2,600)	
Public Works & Utilities	338,404	0		0	0	
Total Expenditures	<u>806,000</u>	<u>15,920</u>		<u>13,018</u>	<u>(2,902)</u>	81.8%
Revenues Over(Under) Expenditures	<u>2,602,000</u>	<u>236,515</u>	(1)	<u>237,582</u>	<u>1,067</u>	

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

**City of Westminster
Financial Report
For One Month Ending January 31, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Golf Courses Combined						
Operating Revenues						
Charges for Services	3,283,750	53,657		64,992	11,335	121.1%
Total Revenues	<u>3,283,750</u>	<u>53,657</u>		<u>64,992</u>	<u>11,335</u>	121.1%
Operating Expenditures						
Central Charges	186,184	17,251		17,528	277	101.6%
Recreation Facilities	2,626,576	73,988		57,071	(16,917)	77.1%
Total Expenditures	<u>2,812,760</u>	<u>91,239</u>		<u>74,599</u>	<u>(16,640)</u>	81.8%
Operating Income (Loss)	<u>470,990</u>	<u>(37,582)</u>		<u>(9,607)</u>	<u>27,975</u>	
Other Revenues and Expenditures						
Interest Income	0	0		1,010	1,010	
Other Financing Use	(6,080)	0		0	0	
Debt Service	(819,282)	(224,949)		(224,949)	0	100.0%
Interfund Transfers	519,969	43,331		43,331	0	100.0%
Interfund Transfers Out	(84,598)	(84,598)		(84,598)	0	100.0%
Carryover	134,001	134,001		134,001	0	100.0%
Total Other Revenue (Expenditures)	<u>(255,990)</u>	<u>(132,215)</u>		<u>(131,205)</u>	<u>1,010</u>	
Revenues Over(Under) Expenditures	<u>215,000</u>	<u>(169,797)</u>	(1)	<u>(140,812)</u>	<u>28,985</u>	

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

**City of Westminster
Financial Report
For One Month Ending January 31, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Legacy Ridge Fund						
Operating Revenues						
Charges for Services	1,746,984	24,458		36,150	11,692	147.8%
Total Revenues	<u>1,746,984</u>	<u>24,458</u>		<u>36,150</u>	<u>11,692</u>	147.8%
Operating Expenditures						
Central Charges	98,935	9,399		8,297	(1,102)	88.3%
Recreation Facilities	1,319,132	39,070		23,811	(15,259)	60.9%
Total Expenditures	<u>1,418,067</u>	<u>48,469</u>		<u>32,108</u>	<u>(16,361)</u>	66.2%
Operating Income (Loss)	<u>328,917</u>	<u>(24,011)</u>		<u>4,042</u>	<u>28,053</u>	
Other Revenues and Expenditures						
Interest Income	0	0		640	640	
Other Financing Use	(3,000)	0		0	0	
Debt Service	(160,320)	(110,580)		(110,580)	0	100.0%
Interfund Transfers Out	(84,598)	(84,598)		(84,598)	0	100.0%
Carryover	42,001	42,001		42,001	0	100.0%
Total Other Revenue (Expenditures)	<u>(205,917)</u>	<u>(153,177)</u>		<u>(152,537)</u>	<u>640</u>	
Revenues Over(Under) Expenditures	<u>123,000</u>	<u>(177,188)</u>	(1)	<u>(148,495)</u>	<u>28,693</u>	

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

**City of Westminster
Financial Report
For One Month Ending January 31, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Heritage at Westmoor Fund						
Operating Revenues						
Charges for Services	1,536,766	29,199		28,842	(357)	98.8%
Total Revenues	<u>1,536,766</u>	<u>29,199</u>		<u>28,842</u>	<u>(357)</u>	98.8%
Operating Expenditures						
Central Charges	87,249	7,852		9,231	1,379	117.6%
Recreation Facilities	1,307,444	34,918		33,260	(1,658)	95.3%
Total Expenditures	<u>1,394,693</u>	<u>42,770</u>		<u>42,491</u>	<u>(279)</u>	99.3%
Operating Income (Loss)	<u>142,073</u>	<u>(13,571)</u>		<u>(13,649)</u>	<u>(78)</u>	
Other Revenues and Expenditures						
Interest Income	0	0		370	370	
Other Financing Use	(3,080)	0		0	0	
Debt Service	(658,962)	(114,369)		(114,369)	0	100.0%
Interfund Transfers	519,969	43,331		43,331	0	100.0%
Carryover	92,000	92,000		92,000	0	100.0%
Total Other Revenue (Expenditures)	<u>(50,073)</u>	<u>20,962</u>		<u>21,332</u>	<u>370</u>	
Revenues Over(Under) Expenditures	<u>92,000</u>	<u>7,391</u>	(1)	<u>7,683</u>	<u>292</u>	

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

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
MONTH AND YEAR-TO-DATE JANUARY 2015

Center Location Major Tenant	Current Month			Last Year			Percentage Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	769,946	12,255	782,201	710,432	17,245	727,677	8	(29)	7
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	480,453	1,787	482,240	480,775	1,156	481,931	0	55	0
SHOPS AT WALNUT CREEK 104TH & REED TARGET	357,305	1,897	359,202	349,526	1,371	350,897	2	38	2
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	301,581	972	302,553	300,448	36,825	337,273	0	(97)	(10)
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	259,581	5,189	264,770	251,009	6,524	257,533	3	(20)	3
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	253,462	1,524	254,986	230,103	1,839	231,942	10	(17)	10
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	241,928	1,813	243,741	254,286	2,269	256,555	(5)	(20)	(5)
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	211,312	20,705	232,017	196,999	24,142	221,141	7	(14)	5
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	223,970	7,207	231,177	228,896	535	229,431	(2)	1,247	1
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	225,547	862	226,409	218,227	392	218,619	3	120	4
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	194,004	734	194,738	154,636	526	155,162	25	40	26
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	174,034	299	174,333	152,275	519	152,794	14	(42)	14

CITY OF WESTMINSTER
GENERAL RECEIPTS BY CENTER
MONTH AND YEAR-TO-DATE JANUARY 2015

Center Location Major Tenant	Current Month			Last Year			Percentage Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	126,476	1,676	128,152	120,807	423	121,230	5	296	6
BRADBURN VILLAGE 120TH & BRADBURN TED'S MONTANA GRILL	49,187	52,004	101,191	16,753	116	16,869	194	44,731	500
WESTMINSTER MALL 88TH & SHERIDAN JC PENNEY	75,597	572	76,169	71,873	740	72,613	5	(23)	5
CHURCH RANCH CORPORATE CENTER CHURCH RANCH BOULEVARD LA QUINTA	69,267	4,780	74,047	9,539	23,880	33,419	626	(80)	122
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	69,509	750	70,259	63,644	85	63,729	9	782	10
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	14,696	54,933	69,629	13,940	40,462	54,402	5	36	28
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	68,947	357	69,304	74,673	1,008	75,681	(8)	(65)	(8)
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	67,633	850	68,483	57,949	345	58,294	17	146	17
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	47,312	2,355	49,667	42,453	822	43,275	11	186	15
LAKE ARBOR PLAZA W SIDE HARLAN/INDUS PRK ASPEN AUTO BODY	20,458	24,742	45,200	21,775	9,066	30,841	(6)	173	47
BROOKHILL IV E SIDE WADS 90TH-92ND MURDOCH'S	38,504	3,107	41,611	38,958	614	39,572	(1)	406	5
WESTMOOR NW OF 108TH AND WADSWORTH GE ACCESS	8,230	26,394	34,624	5,895	9,431	15,326	40	180	126
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	30,731	799	31,530	25,037	858	25,895	23	(7)	22
TOTALS	4,379,670	228,563	4,608,233	4,090,908	181,193	4,272,101	7	26	8



Agenda Item 8 B

Agenda Memorandum

City Council Meeting
February 23, 2015



SUBJECT: Revised City Council Assignments

Prepared By: Mary Joy Barajas, Executive Secretary to the City Manager

Recommended City Council Action

Approve the attached Revised Council Assignments list as discussed at the February 9th Post City Council briefing.

Summary Statement

- Council approval is requested pertaining to Council assignments for 2015.
- These assignments pertain to internal board, commissions, and panels of the City organization as well as numerous external organizations in which the City is involved.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

No policy issue identified.

Alternative

No policy issue identified.

Background Information

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

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

City Council is requested to approve the attached City Council assignments list that was discussed by City Council at the February 9th Post City Council briefing and make assignments to the vacancies left by former Mayor Pro Tem Winter's departure and desired changes by the current members of City Council.

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

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment

**CITY COUNCIL ASSIGNMENTS
2015**

Organization	Meeting Time/Date/Place	Council
Adams County Economic Development Board of Directors	4th Thursday of every other month (Jan, Mar, May, Jul, Sept, Nov), 11:00 networking; 11:30 a.m.-1:00 p.m. 12200 Pecos St, Suite 100.	Maria De Cambra/Chris Gray
ADCO Mayors Executive Committee	3rd Friday, 7:30 a.m., location varies per municipality.	Mayor/Don Tripp
Broomfield-Westminster Open Space Foundation	Varies. Scheduled as needed.	Mayor/Bob Briggs/ Heather Cronenberg/Don Tripp
CML Policy Committee	Three times a year at CML office	Emma Pinter/Alberto Garcia/Ben Goldstein/Steve Smithers
DRCOG Board	3rd Wednesday, 6:30-8:30 p.m., 1290 Broadway, 1 st Floor – 1 st Wednesday is MVC from 4pm – 6pm	Mayor/Anita Seitz (Alt)/Aric Otzelberg
Jeffco Mayors/Commissioners/Managers	May 7, August 6, and November 5, 7:15-8:45a.m., 100 Jefferson County Parkway, Lookout Mountain Room	Mayor/Don Tripp
Jeffco Economic Council Board Meeting	3 rd Wednesday, 11:45 – 1:00 p.m., Jeffco Admin. Building	Bob Briggs/Chris Gray
North American Transit Authority Board Meeting	4 th Thursday each month, 7:30-9a, 14583 Orchard Pkwy., Ste. 300	Mayor/Aric O.
Metro Mayors Caucus	1 st Weds of Feb/Apr/Jun/Aug/Oct from 7:30-10:00am @ Denver Metro Chamber of Commerce, 4 th Flr, 1445 Market Street, Denver	Mayor
Rocky Flats Stewardship Council	Feb 6th 8:30 – 11:30 a.m., Rocky Mtn. Metro Airport. Will decide regular meeting schedule at that time.	Bob Briggs/Bruce Baker (Alt)/Mary Fabisiak
Urban Drainage and Flood Control District Board	3 rd Thursday of each month, except for Jan/July @ UDFCD offices. 12:15 lunch; 1:00-3:30pm meeting, Annual Meeting Feb 3	Mayor
U.S. 36 Mayors/Commissioners Coalition	1 st Thursday each month 7:30-9am; location – odd months/Broomfield, even months/Superior	Mayor/Aric Otzelberger/Dave Downing

City Boards/Commission/Panel/Staff	<u>Meeting Time/Date/Place</u>	<u>Council</u>
Election Commission Staff Liaison – Linda Yeager x2161	As needed basis in the GS Conf Rm.	Bruce Baker
Environmental Advisory Board Staff Liaison – Nick Butel x2183	Last Thursday of every month @ 6:30 p.m. Council Board Room (until Oct-Dec)	Anita Seitz
Historic Landmark Board Staff Liaison – Patrick Caldwell x2090/Terrilyn W. x2357	1 ST Tuesday of every month @ 7pm Council Board Room/Council Chambers for Public Hearings Only	Maria De Cambra
Human Services Board Staff Liaison – Ben Goldstein x2007	Two to seven times a year. (Location: TBD) Feb. Planning/Scheduling Meeting	Maria De Cambra
Inclusivity Task Force Community Outreach Position – Joe Reid	1 st and 3 rd Tuesday of each month @ 6:15 p.m. in the Multi-purpose Room	Emma Pinter
Planning Commission Staff Liaison – Mac Cummins/Betty L. x2092	2 nd & 4 th Tuesday of each month @ 7:00 p.m. in Council Chambers	Anita Seitz
Parks, Recreation, Library & Open Space Advisory Bd Staff Liaison - Jason Genck x2177	2nd Thursday of every other month starting in Jan. 6:00 p.m., location varies. (Multi-purpose Room)	Alberto Garcia
Personnel Board Staff Liaison – Dee Martin x2154	Meets 1 time per year for legal updates and training of Board’s choice and as needed for personnel hearings.	Bruce Baker
Special Permit & License Board Staff Liaison – Carla Koeltzow x2162	1 st and 3 rd Wednesdays of each month (dependent upon applications) 7:00 p.m., Council Chambers	Emma Pinter
Youth Advisory Panel Staff Liaison – Cindy McDonald x2219	1 st Wednesday of each month @ 6:30 p.m. PRL Conf Rm	Alberto Garcia



Agenda Item 8 C

Agenda Memorandum

City Council Meeting
February 23, 2015



SUBJECT: NBC Metro District Exclusion Agreement for Axis Development Parcel

Prepared By: Steve Smithers, Deputy City Manager

Recommended City Council Action

Authorize the City Manager to execute an Exclusion Agreement with the NBC Metropolitan District, Catellus Mixed Land, LLC and other parties as set forth in the Agreement in substantially the same form as the attached Agreement.

Summary Statement

- The City has been in negotiations with the NBC Metropolitan District and Catellus Mixed Land, LLC (Catellus) for several years to allow the City's land to be excluded from the District in order to allow the Axis Residential Project to move forward.
- Excluding the land will remove the District mil levy (55 mils) from the Lot 5 parcel, removing a significant barrier to development.
- The City recently sold land to Urban Pacific Multi-Housing, LLC and Pacific West Communities (Urban Pacific) that includes the Lot 5 parcel (see attached vicinity map).
- As part of the Purchase and Sale Agreement the City is required to pursue an Exclusion Agreement for Lot 5, including participating in the cost of the exclusion in amount not to exceed \$550,000. These funds have been escrowed as part of the sale of Lot 5 to Urban Pacific.
- The Exclusion Agreement incorporates requirements from other prior agreements entered into the City, the NBC Metro District and Catellus to assure that these requirements are carried forward and completed as originally set forth.
- The Exclusion is anticipated to be completed in March of this year.

Expenditure Required: \$550,000

Source of Funds: Proceeds from the Sale of City Lot 5 Land

Policy Issue

Should the City enter into an Exclusion Agreement with the NBC Metropolitan District, Catellus and other parties set forth in the Agreement?

Alternative

Don't authorize the City Manager to enter into the Exclusion Agreement. Staff does not recommend this alternative as this agreement is critical to the Axis Residential Development moving forward. Without this agreement, Urban Pacific will be required to pay property taxes to the NBC District amounting to 55 mils applied to the assessed value of the completed project. This is in addition to the current mil levy that applies to the property, which is 80.36 mils. This would add an estimated \$1,000 in ongoing annual costs per unit, or a total estimated amount of \$450,000 in additional annual costs for the total development, making this residential project much more difficult to finance and construct.

Background Information

The NBC Metropolitan District was originally established to provide infrastructure improvements and ongoing maintenance for the Circle Point Office complex. Because of changing market conditions, the City land on Lot 5 is no longer proposed to be part of this office complex.

Approximately 6 years ago, Urban Pacific proposed developing a residential development on the City owned Lot 5. Since that time, the City has been in discussions with the NBC Metropolitan District and Catellus on approaches to excluding the land from the District. The attached agreement reflects the outcome of these discussions. The Agreement contains the following key provisions:

- Urban Pacific and the City agree to pay \$550,000 each to the NBC Metropolitan District to replace revenues necessary for the District to repay debt used to construct existing District infrastructure that benefits the exclusion parcel.
- Various terms and conditions from previous agreements are continued in the Exclusion Agreement including: the requirement for Catellus and/or the NBC District to make 104th avenue Special Improvement District and other recovery payments, and the requirement to construct the northern portion of the spine road that connects Circle Point to the Axis Development and to the Promenade.
- Establishes the process for the exclusion to occur, including a cutoff date of April 2, 2015, by which time if the exclusion has not occurred the City exclusion funds (\$550,000) will be released back to the City.

The NBC District Board has approved moving forward with the Exclusion Agreement and Catellus and the other parties have agreed to move forward with the exclusion. It is anticipated that the various steps necessary to complete the exclusion will take place during March and the exclusion will be finalized and recorded before April 1, 2015.

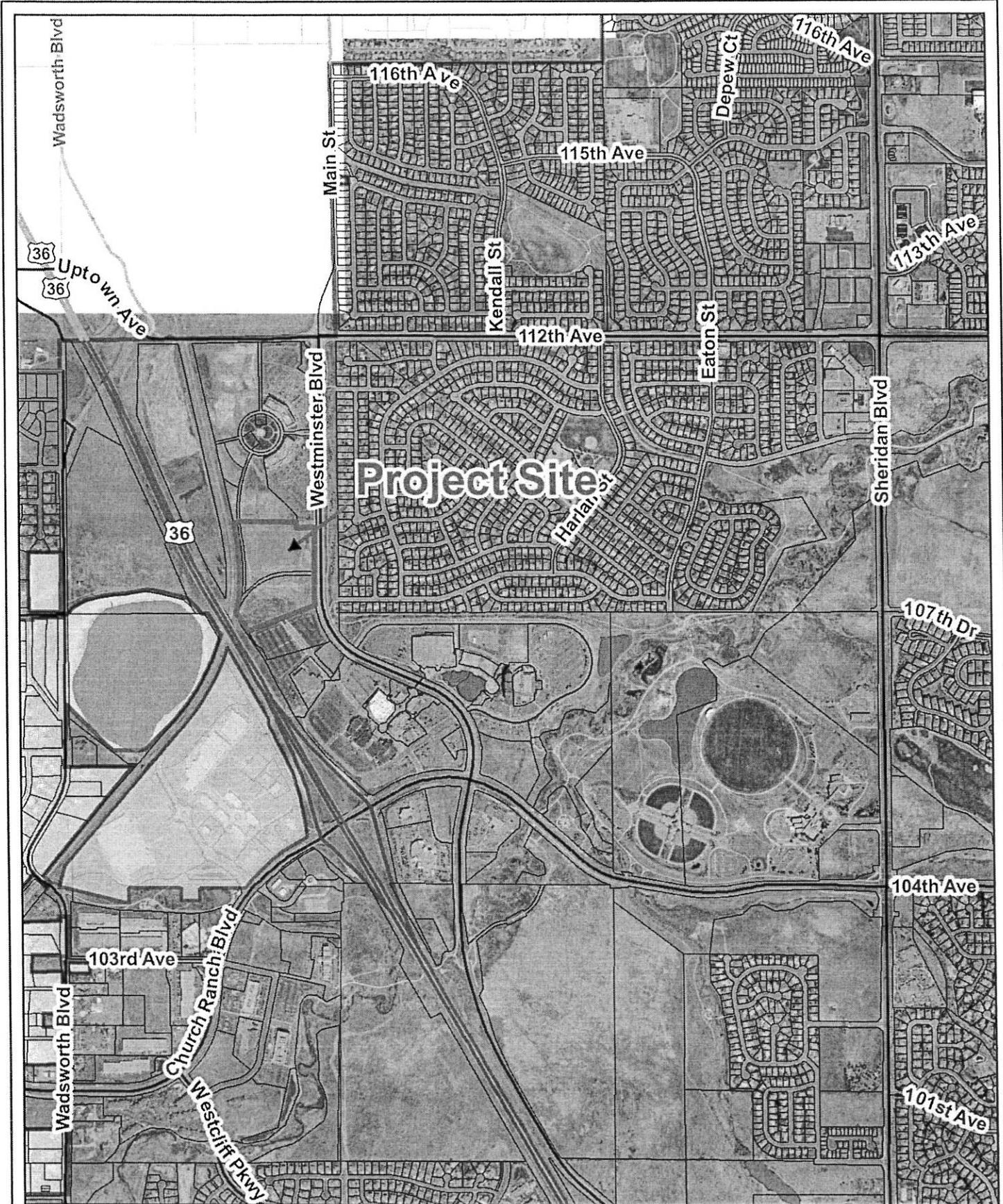
The approval of the Exclusion Agreement is consistent with City Council's Strategic Goal of creating Vibrant and Inclusive Neighborhoods in Westminster.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment: Vicinity Map
Exclusion Agreement

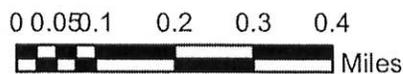
15.8 Acre Parcel Vicinity Map



Date: 3/6/2014

GIS-Apps\West\GIS\ArcGIS93\Templates\Westminster_Basic_03.mxd

City of Westminster



**EXCLUSION AGREEMENT
NBC METROPOLITAN DISTRICT EXCLUSION PARCEL**

This Exclusion Agreement (this “**Agreement**”) is made and entered into this ____ day of _____, 2015 (the “**Effective Date**”) between and among **NBC METROPOLITAN DISTRICT**, a quasi-municipal corporation and political subdivision of the State of Colorado (the “**District**”), **CATELLUS MIXED LAND, LLC**, a Delaware limited liability company (“**Owner**”), and the **CITY OF WESTMINSTER**, a Colorado home-rule municipality (“**City**”) (each a “**Party**” and collectively the “**Parties**”) and for purposes of Sections 2.3B, 2.4D and 2.5 only, PAC Operating Limited Partnership, a Delaware limited partnership, (“**PAC**”) successor in interest to both Catellus Commercial Group, LLC and Catellus Westminster Company, LLC (“**CWC**”), and Prologis Logistics Services Incorporated, a Delaware corporation (“**PLSI**”) successor by merger to Catellus Land and Development Corporation. PAC, PLSI and their affiliates are herein collectively referred to as “**Prologis.**”

RECITALS

- A. The City approved a Service Plan for the District on March 20, 2000, which has been subsequently amended (the “**Service Plan**”); and
- B. The City, the District and CWC previously entered into that certain Amended and Restated Agreement dated May 30, 2003 (the “**2003 Agreement**”) whereby the City purchased certain acreage within the District from CWC, including Lot 5. Owner also currently owns Tracts D3 and E2 and Tract F (collectively, the “**Transferred Tracts**”). Lot 5 and the Transferred Tracts, are described on **Exhibit 1** and are depicted on **Exhibit 2** are herein collectively referred to as the “**Exclusion Parcel**”); and
- C. Pursuant to the 2003 Agreement, CWC or its successors and the District promised to finance, construct and/or acquire certain infrastructure improvements for the benefit of the Exclusion Parcel upon the satisfaction of certain conditions; and
- D. The City and the Owner desire to have the District exclude the Exclusion Parcel from the boundaries of the District; and
- E. Concurrent with the execution of this Agreement, the Owner is entering into that certain Purchase and Sale Agreement with Urban Pacific Multi-Housing, LLC and Pacific West Companies (the “**Purchaser**”) for the purchase and sale of the Transferred Tracts from Owner to Purchaser; and
- F. The City has sold Lot 5 to the Purchaser; and
- G. The City has requested that upon exclusion of the Exclusion Parcel, the District’s debt service mill levy and its operations and maintenance mill levy no longer encumber the Exclusion Parcel; and
- H. The District has evaluated the statutory criteria for exclusion and its contractual obligations under the 2003 Agreement; and

I. The Parties wish to set forth an agreement which enables the District to satisfy the statutory criteria for exclusion, relieves CWC, and its successors and assigns and the District from certain obligations regarding Lot 5, and enables the City to meet its goals with respect to the Exclusion Parcel.

NOW THEREFORE, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

ARTICLE 1 GENERAL PROVISIONS

1.1 Incorporation of Recitals. The Recitals are hereby incorporated into and made substantive provisions of this Agreement.

1.2 Construction of Agreement.

A. For all purposes hereunder, unless the context expressly indicates differently, all definitions, terms and words shall include both the singular and plural.

B. Whenever “shall” or “will” is used herein, it shall be mandatory; “may” denotes that it is preferable or permissible, but not mandatory.

C. A reference herein to an act of “approval” may, if applicable, include a determination of either approval or disapproval.

D. References to Articles and Sections herein are to Articles and Sections of this Agreement, unless otherwise specified.

E. References to Exhibits are to Exhibits attached to this Agreement, unless otherwise specified, which Exhibits are incorporated herein by reference.

ARTICLE 2 EXCLUSION OF PROPERTY

2.1 District Outstanding Bond Issuances: The District currently has issued debt pursuant to an outstanding loan agreement dated as of April 2, 2012 (the “**Loan Agreement**”) and Related Promissory Note, Series 2012 in the aggregate principal amount of \$5,500,000 (the “**2012A Note**”) as well as its Subordinate Limited Tax General Obligation Refunding Bonds Series 2012B in the aggregate principal amount of \$1,495,000 (the “**2012B Bonds**” and collectively with the 2012A Note, the “**Bonds**”). The lender pursuant to the Loan Agreement is U.S. Bank National Association (the “**Lender**”). The holder of the 2012B Bonds is PLSI (the “**Subordinate Bond Holder**”). U.S. Bank National Association is also the custodian under the 2012B Bonds (the “**Custodian**”).

2.2 Statutory Findings for Exclusion by District: The City acknowledges that, in order to permit the exclusion of the Exclusion Parcel, the District is required to make certain

findings pursuant to Section 32-1-501, C.R.S. In order to make the statutory findings, the District has done the following: (a) evaluated whether any of the improvements financed with the Bonds (“**Existing District Infrastructure**”) benefit the Exclusion Parcel; (b) evaluated the District’s outstanding obligations to finance and construct public improvements for the benefit of the Exclusion Parcel; (c) evaluated the costs the District will incur to accomplish the exclusion and related tasks; (d) evaluated the legal requirements to accomplish the exclusion and related tasks; and (e) evaluated potential future costs due to changes in the development of the Exclusion Parcel, to Existing District Infrastructure. The District Board of Directors has determined that upon satisfaction of the conditions set forth in this Agreement it will be in a position to make the findings required by Section 32-1-501, C.R.S.

2.3 Benefit Analysis/Escrow of Funds.

A. The District’s evaluation, which is set forth in **Exhibit 3** attached hereto, indicates that as a result of the proposed exclusion, the District will be deprived of potential revenue required to repay debt used to construct and/or acquire Existing District Infrastructure that benefits the Exclusion Parcel, which amount, combined with other consideration as set forth herein, the City and the District have determined to be \$1,100,000 (the “**Exclusion Parcel Share**”). Pursuant to the purchase and sale agreement by and between the City and Purchaser, the City shall deposit one-half (1/2) of the Exclusion Parcel Share or Five Hundred Fifty Thousand and 00/100ths Dollars (\$550,000) (the “**Initial Payment**”) into an escrow with First American Title Insurance Company (the “**City Escrow**”) on the date of closing of the sale of Lot 5 (the “**City Escrow**”). The District, the City and the Owner shall also cause an escrow to be established with First American Title Insurance Company (the “**Exclusion Escrow**”) into which the Orders (defined below), the Exclusion Parcel Share and the funds necessary to defease the Bonds shall be deposited. Provided all Exclusion Conditions (other than 2.4(A)(5)) have been satisfied, the District shall give notice to the City and the Purchaser (the “**District Notice**”) not less than ten (10) days in advance of the date upon which it intends to close its new loan (the “**New Loan Closing Date**”). The District Notice shall also specify a date, not less than five (5) days prior to the New Loan Closing Date: (i) on which the City and the Purchaser shall cause the funds in the City Escrow to be transferred to the Exclusion Escrow; and (ii) the remaining portion of the Exclusion Parcel Share in the amount of Five Hundred Fifty Thousand and 00/100ths Dollars (\$550,000) shall be deposited by either the City or the Purchaser into the Exclusion Escrow (the “**Final Payment**”). The Initial Payment and Final Payment, when deposited, shall be held in City Escrow and/or Exclusion Escrow. Upon deposit of the funds from the Subordinate Bond Holder, as set forth in Section 2.4C below, on the date that is two (2) days prior to the New Loan Closing Date as set forth in the District Notice and provided that all Exclusion Conditions (other than 2.4(A)(5)) have been satisfied, the Escrow Agent shall utilize the Exclusion Parcel Share together with the funds from the Subordinate Bond Holder as set forth in Section 2.4C below, to defease the Bonds. Following such bond defeasance payment, the escrow instructions will direct the Escrow Agent to record the Orders in the real property records of Jefferson County, Colorado (the “**Recording**”). In the event that the conditions set forth above have not been satisfied on or before April 2, 2015 (the “**Outside Exclusion Completion Date**”), the Initial Payment, and Final Payment, if made, shall be returned in its entirety to the entity which made the relevant payment along with interest accrued thereon, if any, this Agreement shall terminate and each Party shall be relieved of any further liabilities or obligations hereunder.

B. In addition to making the Exclusion Parcel Share payment, the City hereby agrees that at the time of the Recording, the District, Owner, CWC, Prologis, their respective affiliates, successors and assigns, and all current and future owners of property within the District or any other responsible entity shall be released from any obligations to finance, construct and/or acquire certain infrastructure improvements for the benefit of the Exclusion Parcel under the 2003 Agreement, except as may be specifically provided herein. This specifically includes, but is not limited to the obligation to provide improvements on the Exclusion Parcel in an amount valued at one million dollars (\$1,000,000).

C. The Parties hereby agree that in the event the Exclusion is completed, any real property taxes payable in collection year 2015 on the Exclusion Parcel, or thereafter, that arise from the District's imposition of a debt service mill levy or operating mill levy on the Exclusion Parcel shall be remitted to the owner of the Exclusion Parcel within thirty (30) days following receipt by the District to the extent the same were actually paid by the owner of the Exclusion Parcel (the "**2015 Tax Rebate**").

2.4 Conditions Precedent to Exclusion. The Parties acknowledge that in order to meet the goals of the District and the City and meet the statutory requirements, it is necessary to take certain actions prior to the Recording. Accordingly, the Parties will cooperate with each other in an effort to accomplish all of the following which are conditions precedent to the Exclusion and the Parties will proceed with the following:

A. Exclusion Process. Prior to the date hereof, the City and Owner petitioned the District to exclude the Exclusion Parcel from the District. The District's Board of Directors held a public meeting on January 23, 2015 and adopted Resolution 2015-01-02 and Resolution 2015-01-03 approving the Exclusion (as defined below). The District further motioned the District Court for Jefferson County and obtained exclusion orders ("**Orders**") for the Exclusion Parcel. Pursuant to Section 32-1-105, C.R.S., the Orders, however, are not effective until recordation in the real property records of Jefferson County. Prior to recordation of the Orders, the following conditions shall be satisfied (collectively, the "**Exclusion Conditions**"):

- (1) the deposit of the Exclusion Parcel Share into the Exclusion Escrow;
- (2) the closing of the sale of Lot 5 by the City;
- (3) the closing of the sale of the Transferred Tracts from Owner to Purchaser;
- (4) the recordation of the Official Development Plan ("**ODP**") for the Exclusion Parcel;
- (5) defeasance of the Bonds as hereinafter described;
- (6) the District having obtained a firm commitment from an acceptable bank or underwriter that following defeasance of the Bonds, the District will be able to issue debt on tax-exempt basis following application of the Exclusion Parcel Share in a principal amount

sufficient to satisfy the Reimbursement Obligation (hereinafter defined); and

- (7) the rezoning of Lots 4, 7 and 10, Northwest Business Park Subdivision Filing No. 1 to mixed use/residential being approved by the City.

If the Exclusion Conditions are not satisfied by the Outside Exclusion Completion Date, the Resolution shall be rescinded by the District, unless the Outside Exclusion Completion Date is extended by the Parties hereto.

Upon mutual execution hereof, the District shall cause the Orders be delivered to the Escrow Agent and held in Exclusion Escrow until such time as the Exclusion Conditions have been satisfied. The Owner, the District and City agree that if the Exclusion Conditions are not satisfied by the Outside Exclusion Completion Date, then: (a) the Exclusion Parcel Share, or so much so as has been deposited into either the City Escrow or the Exclusion Escrow, will be released from Escrow to the entity which paid it within 30 days of such event; and (b) the Orders shall be returned to the District; and in such event this Agreement shall terminate and each Party shall be relieved of any further liability or obligation hereunder.

B. Service Plan Amendment. **[Intentionally deleted]**

C. Defeasance of Bonds and Issuance of New Bonds: The City has requested from the Owner and the District that, upon exclusion of the Exclusion Parcel from the District boundaries, the Exclusion Parcel shall be free of any current or future debt service mill levy (the “**Debt Service Mill Levy**”) and current or future operating mill levy (the “**Operating Mill Levy**”) imposed by the District. In order to relieve the Exclusion Parcel from these mill levy burdens, and to exclude it from the District’s boundaries, the District and the Subordinate Bond Holder agree to enter into a separate agreement (the “**Reimbursement Agreement**”) providing for the Subordinate Bond Holder’s advance of funds necessary to defease the Bonds on or before April 2, 2015, the current maturity date of the 2012A Note. The Reimbursement Agreement shall acknowledge the District’s obligation to reimburse the Subordinate Bond Holder for amounts advanced under the Reimbursement Agreement necessary to fully defease the Bonds (the “**Reimbursement Obligation**”).

D. 2003 Agreement Terminated; West Parcel Agreement Terminated; Additional Covenants. In connection with the Exclusion and as further consideration for the Exclusion and the other covenants set forth in this Agreement, the Parties agree that:

- (i) Upon Recording, the 2003 Agreement is hereby terminated and of no further force and effect. The surviving obligations are as set forth in Section 2.5 of this Agreement.

- (ii) Upon Recording, the Agreement dated as of January 26, 2004, by and among the City, the District and Catellus Commercial Group, LLC, a Delaware limited liability company and Catellus Land and Development Corporation, a Delaware corporation relating to real property known the West

Parcel (the "**West Parcel Agreement**"), is hereby terminated and of no further force and effect. The surviving obligations are as set forth in Section 2.5 of this Agreement.

(iii) The City and the District shall, at the request of City, District and/or Owner, its successors or assigns, enter into amendments to any public improvements agreements, subdivision agreements, plats, development plans, easements or other agreements or documents relating to property within the District, as may be reasonably required to carry out the intent of this Agreement but only to the extent of the City Manager's administrative authority to do so.

2.5 Continued Obligations from 2003 Agreement and West Parcel Agreement. The following obligations are the responsibility of Owner, the City and the District and their respective successors and assigns. Prologis shall not have any responsibilities with respect to this Section and shall be released from any remaining obligations under the 2003 Agreement and the West Parcel Agreement.

A. 104th Avenue SID and Other Recoveries. Owner, its successors and assigns, shall also pay or cause to be paid, at such time a building permit is issued for a third office building in Circle Point Corporate Center, any outstanding amounts owing on the 104th Avenue SID payments (which the parties acknowledge is in the fixed amount of \$194,847), and the Westminster Boulevard recoveries related to the property (which the parties acknowledge is the fixed amount of \$81,380), and the City hereby agrees to defer Owner's foregoing payment obligations until such time as a building permit is issued for a third office building in CirclePoint Corporate Center if such payment obligations would otherwise become due sooner than the issuance of such permit.

B. Spine Road Extension. If and when a building permit is issued for construction of a third office building that is contemplated to be constructed at some point in the future on Lots 3 and/or 4 of Circle Point Corporate Center, Owner or its successors and assigns shall (at that time) extend the spine road, which shall connect from 110th Avenue to Circle Point Drive and shall include the associated curb and gutter, walkway, street lighting, irrigation and landscape improvements in accordance with an approved ODP or plat for Lot 3 (the "**Spine Road Extension Work**"). The City hereby agrees that the Spine Road Extension final location will be fixed and approved on an ODP for either Lot 3 or 4, as applicable. Notwithstanding the foregoing, if Owner, its successors or assigns, elects to build an office building on Lot 3 first (i.e., before constructing a building on Lot 4) and the City and Owner mutually determine (in good faith) that the actual value of all improvements within the boundaries of the District (and, in turn, the District taxes levied against such improvements based upon such actual values) are not sufficient to support the issuance of additional bonds to pay for the Spine Road Extension Work, then Owner shall not be obligated to perform the Spine Road Extension Work until such time that a building permit is issued for the building to be built on Lot 4. The City agrees, that notwithstanding any provision in this Agreement or any obligation that Owner currently has with or to the City to the contrary, Owner shall not be obligated to perform the Spine Road Extension Work until such time that a building permit is issued for construction of a third office building that is contemplated to be constructed at some point in the future on Lots 3 and/or 4 of Circle

Point Corporate Center (or such later date as provided in the last clause in the immediately preceding sentence).

C. Replat of Northwest Business Park. Owner, its successors or assigns, agrees to join in and diligently pursue with the City, at the City's expense a further replat of the First Replat, Northwest Business Park Subdivisions of Filing No. 1, filed in the office of the recorder of Jefferson County, Colorado on November 13, 2000 in Book 157, Page 44 as Document No. F1143820 ("**Existing Plat**"). If requested by the City, any lender holding an encumbrance on the property included in the replat shall also sign the replat. Owner agrees to cooperate with the City and the other property owners within the Existing Plat to achieve a replat that is consistent with the [Amended PDP, the existing ODP for Circle Point Corporate Center, the 6th Amended Development Plan and Comprehensive Plan Amendment for Lots 4, 7, and 10 in the Northwest Business Plan, the ODP for Lot 5 and any other ODP's for the Northwest Business Park PUD that may be approved prior to the replatting of the Existing Plat.

D. Notice and Agreement The Parties agree that the Notice and Agreement Respecting Easement and Restrictions on Accessing District Infrastructure dated March 8, 2004 by and among Catellus Land and Development Corporation, Catellus Commercial Group, LLC, and the City and recorded and filed in the office of the recorder of Jefferson County on March 12, 2004, at Reception No. F1982230 shall run with the land and remain in full force and effect solely concerning the properties therein described, and are not personal obligations of the parties therein named.

2.6 Sewer Line Upgrade Cooperation. Preliminary calculations prepared by engineers indicate that the proposed land use changes on Lots 4, 7 and 10 owned by Owner from office to multi-use/residential would generate additional sanitary sewer flow to the outfall within Westminster Promenade. This additional flow would be more than what was anticipated with the previously approved Northwest Business Park ODP and Master Utility Study which had concessions for sanitary sewer flow for the two proposed office buildings (buildings 4 and 5). The recommended solution to resolve this issue would be to increase the size of a 258 linear foot segment of the current sanitary sewer line from 8" PVC by removing such line and replacing it with 12" PVC main, the cost of which is estimated to be between \$25,000 and \$40,000. This section of sanitary sewer line is located in an easement owned by the City and is shown on **Exhibit 4**. The City agrees to complete the necessary upgrading of the sanitary sewer line as addressed herein, in a timely manner in order to serve the Owner's remaining lots within the Northwest Business Park, as the same are approved for development through a new ODP. Owner will reimburse the City for its pro rata share of costs incurred to replace and upgrade the sanitary sewer line as set forth herein.

2.7 Grant of Easements. The City shall require the dedication of a public access and utility easement over 110th Avenue and through the Exclusion Parcel for access at the location generally set forth on **Exhibit 5** and for the installation of sanitary sewer, water and storm drainage utilities until 110th Avenue is complete and locations generally as set forth on **Exhibit 6**. The Parties acknowledge that the placement of 110th Avenue within the Exclusion Parcel may be changed by the City or its successors or assigns in consultation with the District and Owner, but that the right of the District, Owner and its successors and assigns to access over and to

connect to 110th Avenue as well as the right to install water, sewer and storm drainage utilities shall not be affected by such relocation.

ARTICLE 3
DEFAULT

3.1 Default and Remedies: If any obligation is not performed or waived as herein provided, there shall be the following remedies:

A. If a Party is in default under this Agreement, the other Party or Parties may, in addition to all other remedies available at law or equity, pursue specific performance against the defaulting Party. Except as herein expressly provided, no remedy conferred upon a Party in this Agreement is intended to be exclusive of any other remedy herein or by law or equity provided or permitted, but each shall be cumulative and shall be in addition to every other available remedy

B. If any Party obtains a judgment or arbitration award against another Party for breaching this Agreement, such judgment shall include reasonable attorneys' fees and expenses as fixed by the court or arbitrator.

ARTICLE 4
NOTICES

4.1 Notices: All notices which are required or desired to be given hereunder shall be in writing and shall be deemed effective (i) upon the day of personal delivery or refusal to accept personal delivery; or (ii) one business day after deposit with a nationally recognized overnight courier service marked for overnight delivery, or (iii) two (2) business days after deposit in a United States Postal Service receptacle, certified mail, return receipt requested. Notices shall be sent to the following addresses:

To City:

The City of Westminster
Office of the City Manager
4800 West 92nd Avenue
Westminster, Colorado 80031

With a copy to:

The City of Westminster
Office of the City Attorney
4800 West 92nd Avenue
Westminster, Colorado 80031

To Owner:

Catellus Mixed Land, LLC
66 Franklin Street, Suite 200
Oakland, California 94607
Attn: Theodore Antenucci

To District:

NBC Metropolitan District
Attn: Ann Finn
141 Union Boulevard, Suite 150
Lakewood, Colorado 80228

With a copy to:

McGeady Sisneros, P.C.
450 E. 17th Avenue, Suite 400
Denver, Colorado 80203
Attn: Mary Jo Dougherty

Any Party may change its address by notice as set forth above, and such change shall be effective three (3) business days after written notice of such change is given.

ARTICLE 5 MISCELLANEOUS

5.1 **Binding Effect.** This Agreement shall be binding upon the Parties and their successors and may not be assigned without the prior written consent of the Parties.

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

5.3 **Headings.** This Agreement's section headings and titles are inserted as a matter of convenience and in no way define, limit or describe the scope of the Agreement or the intent of any provision hereof.

5.4 **Additional Documents or Action.** Each Party agrees, at the reasonable request of any other Party, to make such further assurances and to execute such further instruments in order that this Agreement may be fully performed in accordance with its intent and provisions.

5.5 **Mutual Negotiation.** Each Party agrees that the covenants and promises contained herein are good and sufficient consideration for its respective obligations. Each and every provision of this Agreement has been independently, separately and freely negotiated as if this Agreement were drafted by all Parties. The Parties, therefore, waive any statutory or common law presumption which would serve to construe this Agreement in favor of or against any Party.

5.6 **Supersedes.** This Agreement contains the Parties' entire agreement respecting the matters herein set forth and supersedes all prior agreements between the Parties hereto respecting such matters.

5.7 **Amendments and Waivers.** In no event shall an amendment or waiver of any provision of this Agreement, or consent to any departure therefrom, be effective unless the same is in writing and signed by the Parties hereto, and then such waiver or consent shall be effective only in the specific instance and for the specific purpose for which given.

5.8 **Counterparts.** This Agreement may be executed in counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

5.9 Severability. If any covenant, term, condition, or provision of this Agreement shall, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such covenant, term, condition, or provision shall not affect any other provision contained herein so long as each Party continues to receive all the material benefits provided for it under this Agreement, the intention of the Parties being that such provisions are severable to such extent. The Parties also agree to construe and interpret such invalid or unenforceable provision in a manner which best reflects the Parties intentions under this Agreement, and to reform this Agreement to reflect the same.

5.10 Survival. All sections and subsections of this Agreement which by their terms survive the termination of this Agreement and/or the Exclusion are hereby deemed to do so.

5.11 Independent Counsel. The Parties hereto have each engaged independent legal counsel to analyze this matter and advise as to the effect, risks and enforceability of the terms of and actions taken under this Agreement.

5.12 Third Party Beneficiary. Prologis (including, without limitation, PAC, PLSI , CWC and their respective successors and assigns) is a third party beneficiary of this Agreement in so far as it has any obligations under the 2003 Agreement or West Parcel Agreement and such obligations are being amended and terminated herein and Prologis being released therefrom.

5.13 City Annual Appropriation. Notwithstanding any provision hereof to the contrary, any financial obligation of the City pursuant to this Agreement is not required to be paid and shall not be paid unless the City has approved the appropriation of an amount sufficient to pay such financial obligation.

5.14 District Annual Appropriation. Notwithstanding any provision hereof to the contrary, any financial obligation of the District pursuant to this Agreement is not required to be paid and shall not be paid unless the District has approved the appropriation of an amount sufficient to pay such financial obligation.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the day and year first set forth above.

CITY OF WESTMINSTER, a Colorado
Home-Rule Municipality

By: _____
Its: City Manager

Attest:

By: _____
City Clerk

Approved as to form:

By: _____
David Frankel, City Attorney

STATE OF COLORADO)
) ss.
COUNTY OF ADAMS)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by _____, as City Manager of Westminster, Colorado and by _____ as City Clerk of Westminster, Colorado.

Witness my hand and official seal.

My commission expires: _____

Notary Public

CATELLUS MIXED LAND, LLC, a
Delaware limited liability company

By: _____
Name: _____
Title: _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____,
2015, by _____, as _____ of Catellus Mixed Land, LLC.

Witness my hand and official seal.

My commission expires: _____

Notary Public

NBC METROPOLITAN DISTRICT, a quasi-
municipal corporation and political subdivision
of the State of Colorado

By: _____
Janis Emanuel, President

Attest: _____
Printed Name: _____
Title: _____

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Janis Emanuel, as President and Ann Finn as Secretary of NBC Metropolitan District.

Witness my hand and official seal.

My commission expires: _____

Notary Public

With respect to the termination and release in Sections 2.3B, 2.4D and 2.5 only.

PAC OPERATING LIMITED PARTNERSHIP, a
Delaware limited partnership

By: Palmtree Acquisition Corporation,
a Delaware corporation,
its general partner

By: _____
Name: Wayne E. Barrett
Title: Vice President

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this ____ day of _____, 2015, by Wayne E. Barrett, as Vice President of Palmtree Acquisition Corporation, general partner of PAC Operating Limited Partnership

Witness my hand and official seal.

My commission expires: _____

Notary Public

**PROLOGIS LOGISTICS SERVICES
INCORPORATED**, a Delaware corporation

By: _____
Name: Wayne E. Barrett
Title: Vice President

STATE OF COLORADO)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____,
2015, by Wayne E. Barrett, as Vice President of Prologis Logistics Incorporated.

Witness my hand and official seal.

My commission expires: _____

Notary Public

Exhibit 1

Lot 5, Northwest Business Park
(Circlepoint)

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 69 WEST OF THE SIXTH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT 5, SECOND REPLAT, NORTHWEST BUSINESS PARK SUBDIVISION FILING NO. 1, RECORDED AT RECEPTION NO. F1982226.

SAID LOT 5 CONTAINS 8.111 ACRES, MORE OR LESS.

BASIS OF BEARING:

BEARINGS ARE BASED ON A BEARING OF N00°10'36"W ALONG THE EASTERLY LINE OF THE NORTHEAST QUARTER OF SECTION 11 AS MONUMENTED BY A 3 ¼" ALUMINUM CAP PLS # 23899 AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 11 AND A 3 ¼" ALUMINUM CAP PLS # 23904 AT THE NORTHEAST CORNER OF SECTION 11.

PREPARED BY RAYMOND TUTTLE FOR AND ON BEHALF OF

MARTIN/MARTIN, INC
4251 KIPLING STREET
WHEAT RIDGE, COLORADO 80033
OCTOBER 18, 2006

Tracts D3, E2 and F, Northwest Business Park
(Circlepoint)

TRACT F, SECOND REPLAT, NORTHWEST BUSINESS PARK SUBDIVISION FILING NO. 1, RECORDED AT RECEPTION NO. F1982226, JEFFERSON COUNTY, COLORADO.

SAID TRACT F CONTAINS 0.009 ACRES, MORE OR LESS.

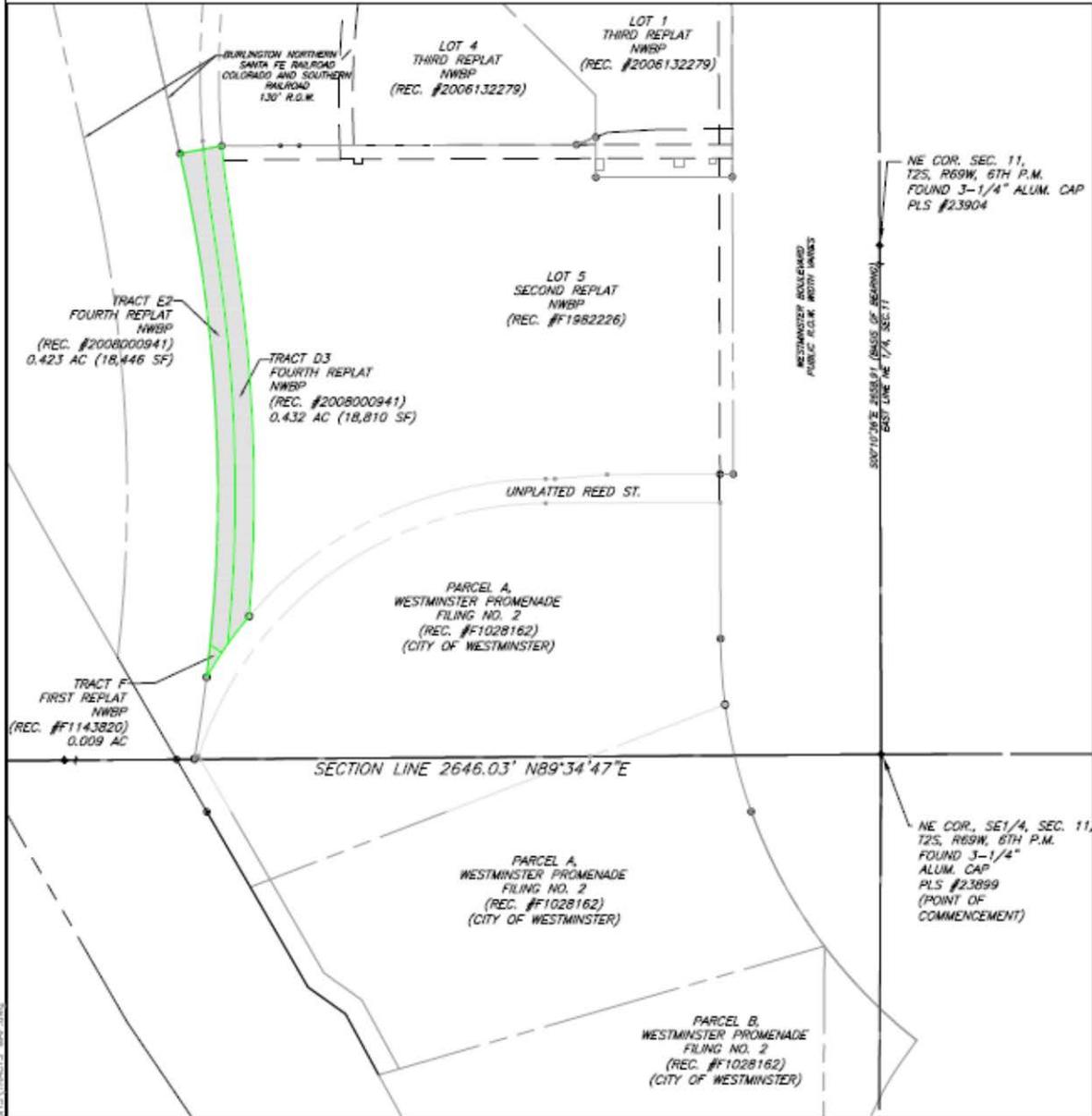
AND

TRACTS D3 AND E2, FOURTH REPLAT, NORTHWEST BUSINESS PARK SUBDIVISION FILING NO. 1, RECORDED AT RECEPTION NO. 2008000941, JEFFERSON COUNTY, COLORADO.

SAID TRACT D3 CONTAINS 0.432 ACRES, MORE OR LESS.

SAID TRACT E2 CONTAINS 0.423 ACRES, MORE OR LESS.

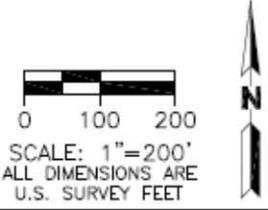
NWBP TRACTS D3, E2, AND F EXHIBIT



DRAWING LOCATION: G:\TERRA\12-0223-AMES\DOCS\BETS\TRACTS MAP.dwg

NOTES:
1. THIS EXHIBIT DOES NOT CONSTITUTE A MONUMENTED SURVEY. IT IS INTENDED ONLY TO DEPICT THE ATTACHED DESCRIPTION.

01-23-15



MARTIN/MARTIN
CONSULTING ENGINEERS

12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
303.431.6100 MARTINMARTIN.COM

Exhibit 3

District Evaluation of Exclusion Parcel Share

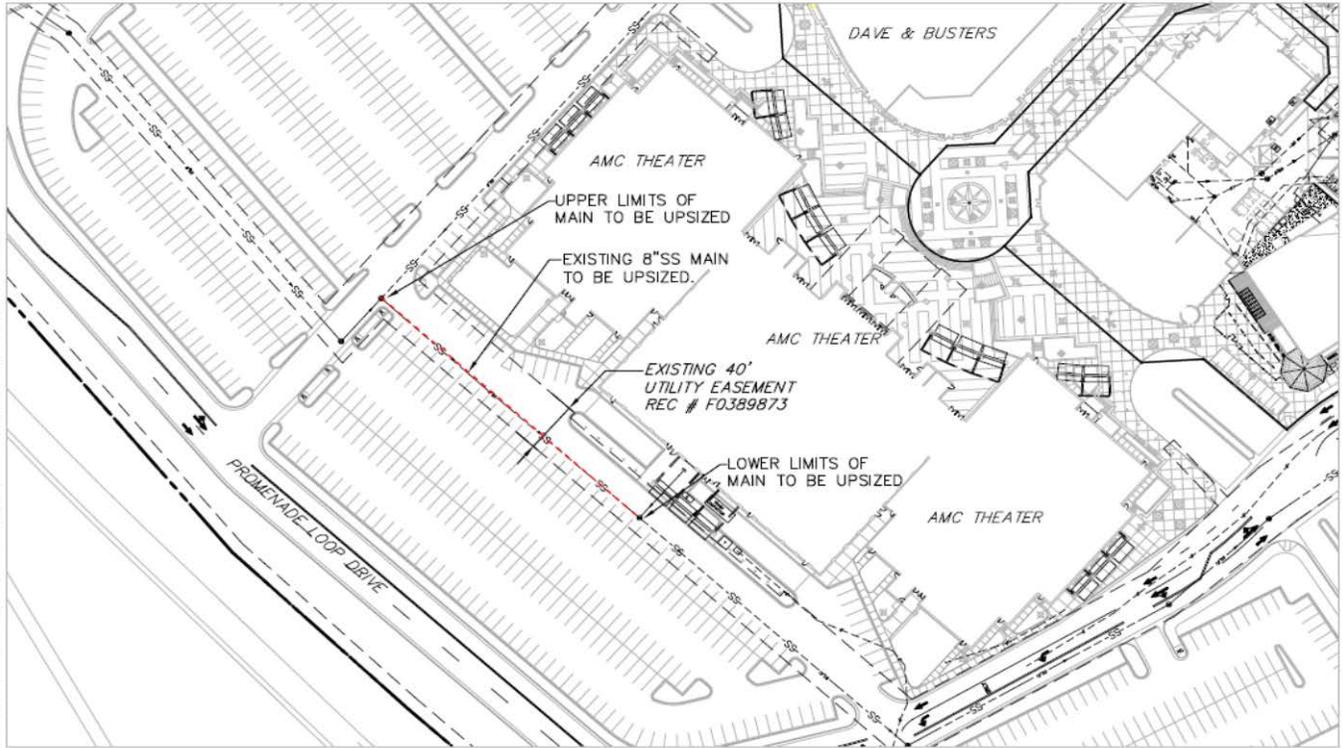
Analysis of Lot 5 Exclusion from NBC		
Proposed development:		District Calculation
	Residential units	320
	Estimated actual value / unit	250,000
	Total actual value	80,000,000
		7.96%
	Total assessed value	6,368,000
	Development is 50/50 District/City land	50%
	Assessed value within District	3,184,000
	Mill levy	55.000
	Annual tax revenue	175,120
Present value of Annual tax revenue:		
	Rate	6.0%
	Years	25
	PV of annual tax revenue	2,238,621
Present value of annual MD costs:		
	Annual costs	10,000
	Rate	6.0%
	Years	25
	Less PV of annual MD costs	(127,834)
	Net PV	2,110,787
Add in District Administrative Costs		
	Legal	55,000
	Management	5,000
	Accounting	1,500
	LOC extension costs	47,113
	Less conditional improvement obligation	(1,000,000)
	Net payment for exclusion from District	1,219,400*

*The actual cash payment being received from the City is \$1,100,000 as a result of additional consideration being provided by the City to the District as set forth in the Exclusion Agreement.

Exhibit 4

Location Sanitary Sewer Line Upgrade Area

WESTMINSTER PROMENADE EASEMENT EXHIBIT



02-17-15



0 50 100
SCALE: 1"=100'
ALL DIMENSIONS ARE
U.S. SURVEY FEET

MARTIN/MARTIN
CONSULTING ENGINEERS
12499 WEST COLFAX AVENUE, LAKEWOOD, COLORADO 80215
303.431.6100 MARTINMARTIN.COM

DRAWING LOCATION: G:\Turbo\12.022-AXIS\EXHIBITS\MRC Metro District\Westminster Promenade Easement Exhibit_02-17-15.dwg

Exhibit 5
Location of 110th Avenue

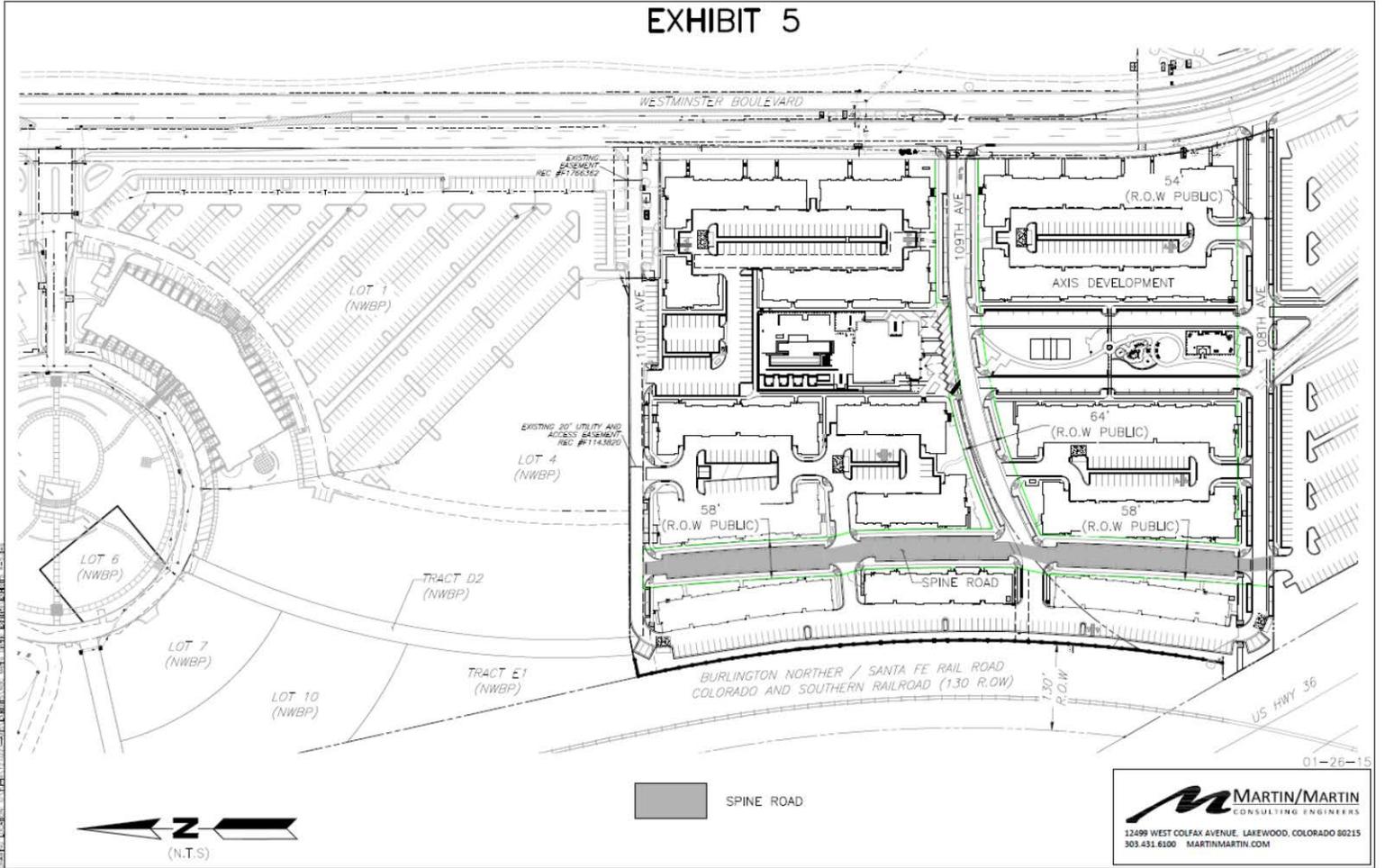
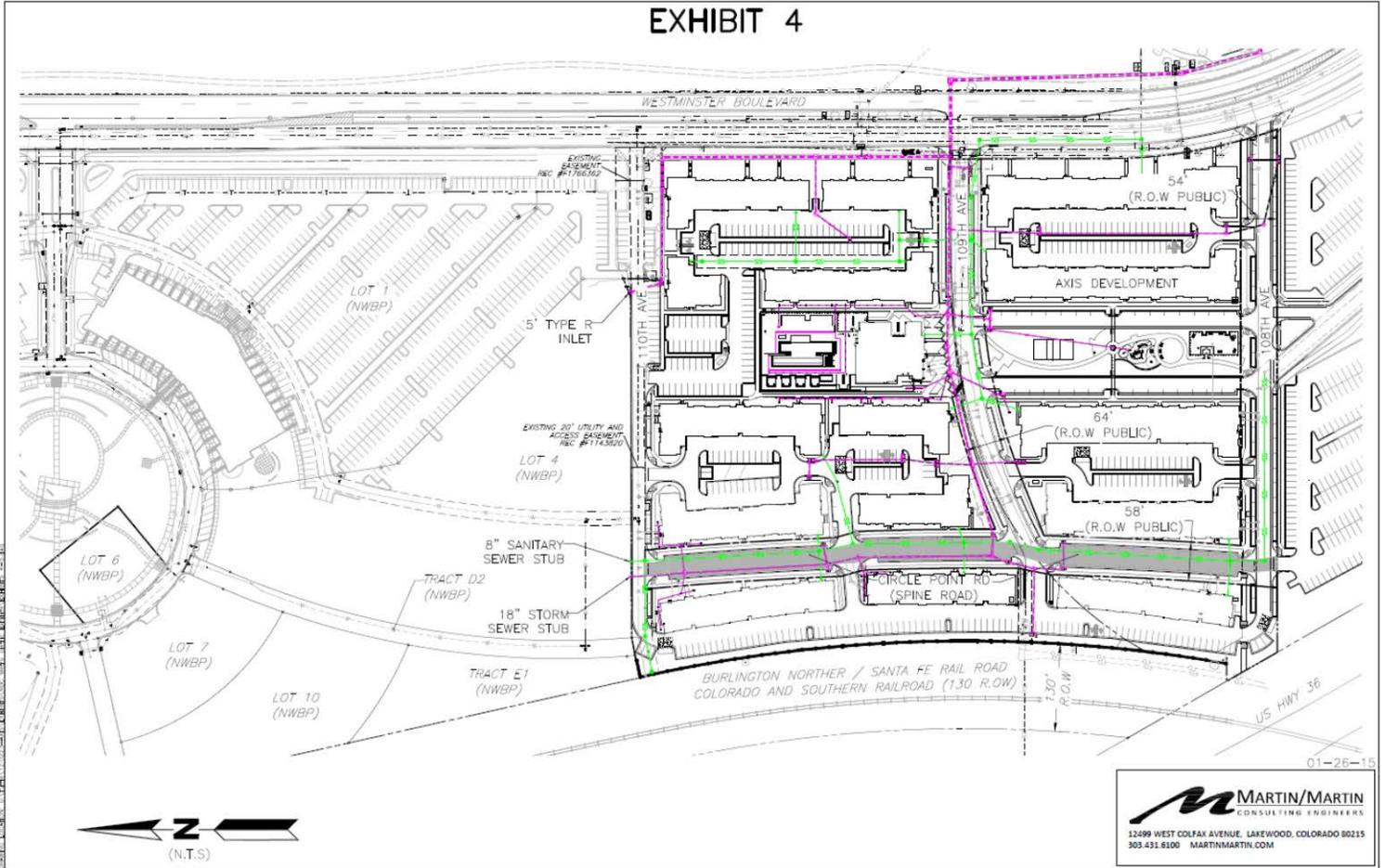


Exhibit 6

Location of Storm Sewer, Water and Sanitary Sewer Connections

EXHIBIT 4





Agenda Item 8 D

Agenda Memorandum

City Council Meeting
February 23, 2015

SUBJECT: Change Date of First City Council Meeting in March

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Change the date of the first regularly scheduled City Council meeting in March from March 9, 2015 to March 16, 2015.

Summary Statement

- This year a majority of City Council plans to attend the National League of Cities Annual Conference during the second week of March. To avoid a potential lack of a quorum on March 9, 2015, Staff recommends the meeting normally held on the second Monday be rescheduled to the third Monday in March which is March 16, 2015.
- If approved, City Council will conduct a study session on March 2, 2015, and regular meetings on March 16 and 23, 2015. Since there are five Mondays in March, a study session could be scheduled on March 30, 2015 if pending business requires City Council to meet.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should City Council change the date of the March 9 Council Meeting to March 16?

Alternative

Council could decide to move the meeting date to an alternate day of the week.

Background Information

Occasionally, conflicts arise with dates of regularly scheduled Council meetings and the dates of holidays, important civic events, and/or conferences that City Council traditionally attends. In the event of a conflict, Council's schedule of meetings is changed to accommodate the occurrence. This year, the National League of Cities Annual Conference falls during the second week of March, and the first regularly scheduled Council meeting in March conflicts. To comply with Section 7.1 of the City Charter, which requires that Council hold at least two regular meetings monthly, and to avoid any potential lack of quorum at the first regularly scheduled meeting in March, Staff suggests that the March 9, 2015 meeting be rescheduled and held on March 16, 2015.

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

Respectfully submitted,

Donald M. Tripp
City Manager



Agenda Memorandum

City Council Meeting
February 23, 2015



SUBJECT: Purchase of Hybrid Vehicles from State Bid

Prepared By: Jeffery H. Bowman, Fleet Manager

Recommended City Council Action

Based on the results of the State of Colorado light duty vehicle bid, award the bid for six Toyota Prius hybrids, totaling \$155,040, to Auto Nation Toyota Scion Arapahoe.

Summary Statement

- City Council action is requested to award the bid for six light duty hybrid vehicles based on the State of Colorado bid. These vehicles are within the amount authorized by City Council in the approved 2015 Replacement Fund budgets as outlined below:
 - General Capital Outlay Replacement Fund
 - One Prius hybrid for the Department of General Services in 2015
 - Public Safety Tax General Capital Outlay Replacement Fund
 - Four Prius hybrids for the Police Department in 2015
 - Utilities Capital Outlay Replacement Fund
 - One Prius hybrid for the Public Works and Utilities Department in 2015

- The City saves considerable dollars by purchasing vehicles through the State of Colorado vehicle bid process when possible.

Expenditure Required: \$155,040

Source of Funds:	\$25,840	General Capital Outlay Replacement Fund
	\$103,360	Public Safety Tax General Capital Outlay Replacement Fund
	\$25,840	Utilities Capital Outlay Replacement Fund

Policy Issue

Should City Council approve the use of the State of Colorado bid, for the purchase of replacement light duty hybrid vehicles outlined in this agenda memorandum?

Alternatives

1. Reject the State of Colorado bid and instruct Staff to re-bid these replacement vehicles. This alternative is not recommended because the State bid reflects a lower price based on the purchasing power of many political subdivisions in Colorado.
2. Do not purchase some or all of the proposed replacement vehicles. This alternative is not recommended because all of the vehicles being replaced have a maintenance history which makes it impractical to keep them in regular service.

Background Information

As part of the 2015 budget process, City Council approved the replacement of six vehicles noted in the table below; all were recommended to become Toyota Prius hybrids. All approved replacement vehicles identified in the table below have reached a point where it is no longer economically reasonable to maintain them. Please note, the life-to-date vehicle maintenance costs in the table do not include accident repairs or fuel cost.

CITY DEPARTMENT	REPLACEMENT VEHICLE	LIFE-TO-DATE VEHICLE MAINTENANCE COST	NEW VEHICLE MAKE/MODEL	NEW VEHICLE PRICE	STATE BIDDER AWARDED
General Capital Outlay Replacement Fund					
General Services Fleet Maintenance	Unit # 1100 Year 1999 Chevrolet S-10 107,279 miles	\$8,990	White Toyota Prius Hybrid V	\$25,840	Auto Nation Toyota Scion Arapahoe
Public Safety Tax Capital Outlay Replacement Fund					
Police Department Specialized Services	Unit # 8310 Year 2001 Chevrolet Malibu 76,763 miles	\$5,706	Black Toyota Prius Hybrid V	\$25,840	Auto Nation Toyota Scion Arapahoe
Police Department Specialized Services	Unit # 8569 Year 2003 Chevrolet Malibu 84,418 miles	\$7,080	Blue Toyota Prius Hybrid V	\$25,840	Auto Nation Toyota Scion Arapahoe
Police Department Specialized Services	Unit # 8621 Year: 2004 Chevrolet Malibu 96,044 miles	\$9,644	Gray Toyota Prius Hybrid V	\$25,840	Auto Nation Toyota Scion Arapahoe
Police Department Specialized Services	Unit # 8011 Year: 2002 Chevrolet Malibu 71,573 miles	\$6,415	Gray Toyota Prius Hybrid V	\$25,840	Auto Nation Toyota Scion Arapahoe
Utilities Capital Outlay Replacement Fund					
Public Works and Utilities Water Resources	Unit # 9007 Year 2003 Chevrolet Malibu 45,964 miles	\$6,471	White Toyota Prius Hybrid V	\$25,840	Auto Nation Toyota Scion Arapahoe

SUBJECT: Purchase of Hybrid Vehicles from State Bid

Page 3

The City's approach to these types of collective purchases from any single vendor, such as Auto Nation Toyota Scion Arapahoe, assures that purchases in excess of \$75,000 are identified in advance and brought to City Council for approval and helps to achieve City Council's Strategic Plan Goals of "Excellence in City Services" and "Beautiful, Desirable, Environmentally Responsible City" by spending tax dollars in a responsible manner and by reducing the City's fuel consumption by purchasing fuel efficient vehicles.

Respectfully submitted,

Donald M. Tripp
City Manager



Agenda Memorandum

City Council Meeting
February 23, 2015



SUBJECT: Purchase of Wheeled Excavator and Loader

Prepared By: Jeffery H. Bowman, Fleet Manager

Recommended City Council Action

Authorize the purchase of a John Deere wheeled excavator from Honnen Equipment, utilizing the National Joint Powers Alliance bid award for the amount of \$225,773 (less trade-in allowance of \$20,000 resulting in a net cost of \$205,773), and authorize the purchase of a John Deere front end loader also from Honnen Equipment, utilizing the Colorado Department of Transportation bid award for the amount of \$181,913 (less trade-in allowance of \$37,000, resulting in a net cost of \$144,913).

Summary Statement

- City Council action is requested to authorize the purchase for one John Deere 220-D W wheeled excavator, based on the National Joint Powers Alliance (NJPA) bid for the amount of \$225,773.
- Authorize trade-in of a 1999 Hyundai 200 W-2 wheeled excavator to Honnen Equipment for the amount of \$20,000, against the purchase of the John Deere 220-D W wheeled excavator, resulting in a net cost of \$205,773.
- City Council action is requested to authorize the purchase for one John Deere 624-K front end loader from Honnen Equipment, utilizing the Colorado Department of Transportation (CDOT) bid award for the amount of \$181,913.
- Authorize trade-in of a 2000 John Deere 624-H front end loader to Honnen Equipment for the amount of \$37,000, against the purchase of the John Deere 624-K wheeled excavator, resulting in a net cost of \$144,913.
- City Council previously approved \$230,000 in the 2015 Water Capital Outlay Replacement Fund (WCORF) budget to purchase the wheeled excavator.
- City Council previously approved \$175,000 in the 2015 General Capital Outlay Replacement Fund (GCORF) budget to purchase the front end loader.

Expenditure Required: \$350,686 (net cost)

Source of Funds:	\$205,773	Water Capital Outlay Replacement Fund
	\$144,913	General Capital Outlay Replacement Fund

Policy Issue

Should the City proceed with the purchase of one John Deere wheeled excavator and one John Deere front end loader from Honnen Equipment?

Alternatives

1. Reject the National Joint Powers Alliance (NJPA) bid award for the wheeled excavator and reject the Colorado Department of Transportation (CDOT) bid award for the front end loader, and instruct City Staff to re-bid the wheeled excavator and the front end loader. This is not recommended because NJPA and CDOT bid awards reflect a competitive bid process that provided heavy equipment dealerships the opportunity to compete fairly to provide the heavy equipment.
2. Do not purchase the proposed replacement wheeled excavator and the proposed replacement front end loader in 2015. This is not recommended because both pieces of heavy equipment have a costly maintenance history that makes it impractical to keep them in regular service based on Fleet Maintenance recommendations.

Background Information

As part of the 2015 budget process, City Council authorized the purchase of one Public Works and Utilities (PW&U) wheeled excavator and one PW&U front end loader. The approved replacement heavy equipment identified in the table below has reached a point where it is no longer economically reasonable to maintain in service. Please note, the life-to-date equipment maintenance costs in the table does not include fuel cost.

CITY DEPARTMENT / DIVISION	REPLACEMENT VEHICLE	LIFE-TO-DATE VEHICLE MAINTENANCE COST	NEW VEHICLE MAKE/MODEL	NEW VEHICLE PRICE W/Trade-in	NJPA & CDOT BIDDER AWARDED
Utilities Capital Outlay Replacement Fund					
Public Works and Utilities, Water Construction Division	Unit # 9721 Year 1999 Hyundai 200 W-2 6397 Hours	\$32,318	2015 John Deere 220-D W Wheeled Excavator	\$205,773	Honnen Equipment Company
General Capital Outlay Replacement Fund					
Public Works and Utilities, Street Division	Unit # 6154 Year 2000 John Deere 624-H 6524 Hours	\$96,531	2015 John Deere 624-K Front End Loader	\$144,913	Honnen Equipment Company

Unit 9721, the current Hyundai wheeled excavator has been fairly reliable over its 16-year life, but there is no longer a service center in the state of Colorado. The need to repair water line breaks in a timely manner could hinge on the ability to source Hyundai field service or parts. Having no manufacturer’s local presence for such an important, aging asset, increases potential for delayed response time and down time. Maintenance on unit 6154, the current front end loader has increased in recent years and downtime during storm events has become a problem, as unit 6154 is used for loading material in plow trucks.

SUBJECT: Purchase of Wheeled Excavator and Loader

Page 3

These recommended purchases meet Council's Strategic Plan Goal of "Excellence in City Services" by keeping a highly dependable fleet of vehicles and equipment on the job and by obtaining the best possible price for this heavy equipment.

Respectfully submitted,

Donald M. Tripp
City Manager



Agenda Item 8 G

Agenda Memorandum

City Council Meeting
February 23, 2015



SUBJECT: Second Reading of Councillor's Bill No. 12 Amending Title XI, W.M.C., with Annual Code Updates

Prepared By: Walter Patrick, Planner

Recommended City Council Action

Pass Councillor's Bill No. 12 on second reading making revisions to Title XI of the Westminster Municipal Code.

Summary Statement

- Each year staff proposes updates to the Westminster Municipal Code (W.M.C.) to remain current with development trends and 'stay ahead of the curve' with regard to zoning regulations and requirements. Due to staff workload, the 2013 and 2014 code updates did not occur. As a result, the list of proposed updates contains more items than in previous years. Many of the proposed code revisions are "housekeeping" in nature and some are more substantive.
- This Councillor's Bill was approved on first reading on February 9, 2015.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO. **3770**

COUNCILLOR'S BILL NO. **12**

SERIES OF 2015

INTRODUCED BY COUNCILLORS
Garcia - Seitz

A BILL

FOR AN ORDINANCE AMENDING SECTIONS 11-2-1, 11-3-2, 11-3-4, 11-3-5, 11-4-4, 11-4-5, 11-4-6, 11-4-8, 11-4-16, 11-5-3, 11-5-4, 11-5-5, 11-5-7, 11-5-8, 11-5-9, 11-5-10, 11-5-13, 11-5-14, 11-5-15, 11-6-8 OF THE WESTMINSTER MUNICIPAL CODE CONCERNING ANNUAL LAND USE REGULATION CODE UPDATES

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 11-2-1, W.M.C., is hereby AMENDED by the addition of the following definitions:

11-2-1: DEFINITIONS: (3599 3644 3714) The following words, terms and phrases, when used in this Title, shall have the following meaning, unless the context clearly indicates otherwise:

“Animal Day Care, Indoor” shall mean a facility where non-livestock animals may be groomed, trained, exercised, and socialized, but not kept or boarded outside overnight, bred, or sold. Outdoor runs or other outdoor areas are not permitted.

“Animal Day Care, Outdoor” shall mean a facility where non-livestock animals may be groomed, trained, exercised, and socialized, but not kept or boarded overnight, bred, or sold. Outdoor runs and exercise areas are permitted.

“Brewery” shall mean a facility that is primarily for the on-site manufacturing of malt liquors, which may include a tap room that is less than or equal to thirty percent of the facility’s total floor area, including any outdoor seating or accessory sales areas. For the purposes of this definition, “Tap Room” shall mean a use associated with and on the same premises as a brewery, at which guests may consume and purchase, for on or off premise consumption, the manufacturer’s products and other nonalcoholic beverages.

“Brewpub” shall mean a facility that is primarily a restaurant where malt liquor is manufactured on the premises as an accessory use. A brewpub may include some off-site distribution of its malt liquor consistent with state law.

“Distillery” shall mean a facility for the manufacturing of spirituous liquors, as that term is defined in state law.

“Donation Facility” shall mean a non-retail facility or collection point with bins, containers, sheds, or other facilities designed and intended for the depositing of clothing, textiles, or other household goods for pick-up.

“Health/Fitness Facility” shall mean an indoor fitness center, gymnasium, health and athletic club which may include exercise equipment, indoor and outdoor courts, spa, sauna, pool and associated amenities.

“Kennel” shall mean premises where more than five (5) nonlivestock animals, excluding offspring not exceeding four (4) months of age belonging to one (1) of the adult animals, are kept for any purpose, including boarding or training. The term "kennel" does not include pet shop.

“Studio” shall mean a small, single purpose facility containing no more than 4,000 square feet, for activities such as dance, martial arts, visual arts or calisthenics for improving strength and circulation or other similar uses as deemed appropriate by the City.

“Veterinary Office and Clinic, Indoor” shall mean a facility for the care of sick or injured animals. Such facilities may include veterinarians’ offices, administrative offices, space for examination, surgery, and recovery, and for overnight indoor boarding of animals while under treatment.

“Veterinary Office and Clinic, Outdoor” shall mean a facility for the care of sick or injured animals. Such facilities may include veterinarians’ offices, administrative offices, space for examination, surgery, and recovery, and for overnight indoor and outdoor boarding of animals while under treatment.

“Winery” shall mean a facility for the manufacturing of vinous liquors, as that term is defined in state law.

Section 2. Section 11-3-2, W.M.C., is hereby AMENDED to read as follows:

11-3-2: DEFINITIONS: (2534 2571 2651 2714 2735 2975 3091 3561 3634 3664) The following words, terms, and phrases, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

Government-Sponsored Senior Housing and Non-Profit Senior Housing: Government-sponsored senior housing projects provided by non-profit section 501(c)(3) organizations as defined by the federal government. Said projects must be approved by the City Council. Such projects shall be subject to the provisions contained in Section 11-3-8(B), W.M.C. 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 Official Development Plan; or

Non-Government Sponsored For-Profit Senior Housing:

- ~~• Skilled nursing facilities: facilities that integrate shelter for the elderly with medical, nursing, psychological and rehabilitation services for persons who require twenty four (24) hour nursing supervision and care.~~
- Assisted living and long-term care facilities: shelter and services for frail elderly who are functionally and/or socially impaired and in need of twenty-four- (24) hour supervision. Services must include, as a minimum, environmental security, transportation, housekeeping, social activities, laundry and meals. “Long-term” implies residency of longer than one hundred (100) days.
- Congregate care: shelter for elderly who may need limited assistance but do not need twenty-four- (24) hour supervision. Services must include, as a minimum, environmental security, transportation, housekeeping, social activities, laundry and meals.
- Independent living: multi-family housing targeted specifically to seniors who are functionally and socially independent. Services must include, at a minimum, environmental security, transportation, housekeeping and social activities.

Section 3. Section 11-3-4, W.M.C., is hereby AMENDED by the addition of two new subsections as follows:

11-3-4: CATEGORIES OF AWARD:

(H) CATEGORY M: RESIDENTIAL MID-YEAR DEVELOPMENT: For development proposals falling outside the annual growth management competition time frame and that significantly exceed the minimum Residential Design Guideline requirements for the applicable category. An award may be made by the City Manager upon a finding that the minimum Residential Design Guidelines score for the development exceeds the five-year average score of projects awarded service commitments in that category by twenty-five (25) percent.

(IH) CATEGORY R: RECLAIMED WATER: For irrigation use by projects that connect to the City’s reclaimed water system.

(J) CATEGORY W: DOWNTOWN WESTMINSTER: For use by builders of new residential developments within the Westminster Center Urban Reinvestment Project generally bounded by 92nd Avenue, 88th Avenue, Harlan Street, and US Highway 36.

Section 4. Section 11-4-4, subsection (C) and the use chart for OFFICE AND SIMILAR USES and BUSINESS AND COMMERCIAL USES in subsection (E), W.M.C., are hereby AMENDED as follows:

11-4-4: ALLOWED USES: (2534 2896 2975 3295 3497 3664)

(C) Uses are allowed only insofar as they possess a valid state license, if required, and they are not prohibited or in conflict with other provisions of this Title or the City's Comprehensive Plan. In the event of any conflict or inconsistency between this Section and the City's Comprehensive Plan, the Comprehensive Plan shall control.

(E) The categories of allowed uses are as follows:

PERMITTED USES, indicated as "P" in the following table, are allowed as of right.

CONDITIONAL USES, indicated as "C" in the following table, are allowed upon a determination that they meet the conditions specified in Section 11-4-9, W.M.C.:

SPECIAL USES, indicated as "S" in the following table, may be allowed if they receive a Special Use Permit under Section 11-4-8, W.M.C.:

OFFICE AND SIMILAR USES:	RE	R1	RA	R2	R3	R4	R5	T1	B1	C1	C2	M1	O1
<u>Aerobics, Art, Ballet, Dance, Exercise Instruction, and Classes, Studios</u>								P	P	P	P	P	
<u>Medical/Dental/Veterinary Office and Clinic</u>								P	P	P	P	P	
<u>Veterinary Office and Clinic, Indoor</u>									<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Veterinary Office and Clinic, Outdoor</u>									<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	

BUSINESS AND COMMERCIAL USES:	RE	R1	RA	R2	R3	R4	R5	T1	B1	C1	C2	M1	O1
<u>Animal Day Care, Indoor</u>									<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
<u>Animal Day Care, Outdoor</u>										<u>S</u>	<u>S</u>	<u>P</u>	
<u>Artist's Studios/Art Galleries</u>									P	P	P		
<u>Brewery, Distillery, Winery</u>										<u>S</u>	<u>S</u>	<u>S</u>	
<u>Brewpub</u>										<u>P</u>	<u>P</u>	<u>P</u>	
<u>Donation Facility</u>										<u>S</u>	<u>S</u>	<u>S</u>	
<u>Kennel</u>										<u>S</u>	<u>S</u>	<u>S</u>	

Section 5. Section 11-4-5, W.M.C., is hereby AMENDED to read as follows:

11-4-5: DENSITY SCHEDULE: (2534 2841 2975)

(A) ~~In addition~~ Subject to the provisions of Section 11-4-6, W.M.C., the following regulations shall apply to lot area, lot width, lot frontage, lot depth, height, building setbacks, floor area, and coverage of lots and structures in all zoning districts except Planned Unit Development. In the event of any conflict or inconsistency between this Section and the City's Comprehensive Plan, the Comprehensive Plan shall control.

(B) The City Manager or the Manager's designee may grant an increase in the height limit and/or a reduction in the setback requirements of up to 10% if the Manager finds that such reduction does not constitute a significant change in the site plan for the property and does not create a significant negative impact on adjoining properties.

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

11-4-6: SPECIAL REGULATIONS: (2534 2841 2975 3427 3497 3531 3599 3634 3644 3739) The following additional regulations apply as indicated below:

(R) CITY EXEMPTION. All property, uses, structures, and facilities owned or operated by the City or the Westminster Urban Renewal Authority are exempt from complying with all zoning and subdivision regulations and are exempt from all Preliminary Development Plan, Official Development Plan, Specific Plan, and platting procedures contained in this Code. In addition, the purchase and sale of land by the City or the Westminster Urban Renewal Authority for open space, park, rights-of-way, or other public purposes ~~is~~are exempt from complying with all zoning and subdivision regulations and all Preliminary Development Plan, Official Development Plan, Specific Plan, and platting requirements contained in this Code.

Section 7. Section 11-4-8, subsection (B) and sub-subsections (C)(6), (15) and (16), W.M.C., are hereby AMENDED to read as follows:

11-4-8: USES BY SPECIAL PERMIT: (2534 2975 3053 3497)

(B) The following special uses may be granted according to the provisions of this Section:

(1) Ambulance Service.

~~(1)~~(2) Animal Day Care, Outdoor.

~~(2)~~(3) Brewery, Distillery, or Winery.

~~(3)~~(4) Donation Center.

~~(4)~~(5) Group Care Facility.

~~(5)~~(6) Institutional Care Facility.

~~(6)~~(7) Kennel.

~~(7)~~(8) Tattoo or Body Piercing Parlor.

(9) Thrift Stores five thousand (5,000) sq. ft. or greater.

~~(8)~~(10) Veterinary Office and Clinic, Outdoor.

(C) **APPLICATION REQUIREMENTS:** All applications for special use permits must include the following information:

(6) Vicinity map showing immediately adjacent property, structures, existing land use, existing zoning and Comprehensive ~~Land Use~~ Plan classification(s), streets, sidewalks, and curb cuts.

(15) In the case of a Brewery, the floor plan must delineate the perimeter of the tap room and outdoor seating, showing maximum occupancy of each, and must show location of product storage. The applicant must also address the following in writing: products to be brewed and production limit of each; plans for wholesale of the manufactured product; plans for truck traffic; days per week and hours per day of operation for the tap room and the manufacturing facility; plans for safe storage and service of manufactured product, including training of servers or sellers; parking plans. The applicant must also provide state discharge permit, if any, and state liquor license and liquor license application.

(156) In addition, reasonable additional information, including, but not limited to, a traffic study prepared by a professional traffic consultant may be required by the City Manager or designee if required to evaluate the application.

Section 8. Section 11-4-16, subsection (D), W.M.C., is hereby AMENDED as to read as follows:

11-4-16: ADOPTION, IMPLEMENTATION AND COMPLIANCE WITH CITY'S COMPREHENSIVE LAND-USE-PLAN: (2534)

(D) AMENDMENTS:

(1) The City may, from time to time, initiate the amendment of the land use designation of the Comprehensive Land-Use-Plan for any parcel in whole or in part. Any proposed amendment shall be reviewed and adopted, after notice and public hearing, as required in Section 11-4-16(B), W.M.C.

(2) The owner of a parcel may request anthe amendment of the land use designation of the Comprehensive Land-Use-Plan only as to the parcel owned by him/her. Application for such an amendment shall be made to the Planning Manager, who shall arrange for notice and public hearings before the Planning Commission and the City Council, such notice and hearings to be in compliance with Section 11-4-16(B), W.M.C.

(3) The owner, or the City for City-proposed amendments, shall be responsible for:

(a) also-Determining and preparing a list of the owners of record title of all property within three hundred feet (300') of the parcel property for which an amendment is sought. Such list shall contain the name and mailing address of property owners from the County Assessor's records.

(b) Preparing an accurately scaled map using County Assessor's maps identifying the subject site, and the location of the properties to be notified.

(dc) Delivering to the Planning Manager the items listed in paragraphs (a) and (b) above in a City-approved format at least fifteen (15) days prior to the date of hearing.

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

(fe) Paying the cost of the notices to be mailed and of published notice required in Section 11-4-16(B), W.M.C.

~~and shall prepare notice of the proposed amendment to be mailed by first class mail to such owners at the address appearing in the records of the County Treasurer. Such notices, together with addressed, stamped envelopes, a certified list of property owners to be notified, and a map identifying the location and address of the property within three hundred feet (300') shall be delivered to the City Clerk at least ten (10) days prior to the date of hearing. On or prior to the date set for hearing, the City Clerk shall certify to the Department of Community Development that the required notices were sent. The owner shall bear the cost of the notices to be mailed and of published notice.~~

(4) The owner shall have the burden of proving that the requested amendment will be in the public good and in compliance with the overall purpose and intent of the Comprehensive Land-Use-Plan, and the Council shall so find before approving an amendment. An opportunity for a more profitable use shall not, by itself, be grounds for an amendment.

Section 9. Section 11-5-3, subsections (A) and (D), W.M.C., are hereby AMENDED to read as follows:

11-5-3: STANDARDS FOR APPROVAL OF ZONINGS AND REZONINGS: (2534 3739)

(A) The following criteria shall be considered in the approval of any application for zoning or rezoning to a zoning district other than a Planned Unit Development (PUD):

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

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

(D) Any application for zoning or rezoning to ~~PUD~~Planned Unit Development shall satisfy the ~~requirements of standards set forth in~~ Section 11-5-14, W.M.C.

Section 10. Section 11-5-4, subsection (D), W.M.C., is hereby amended to read as follows:

11-5-4: PRELIMINARY DEVELOPMENT PLAN (PDP) REQUIREMENT: (2534 3634)

(D) The requirement set forth above for a separate Preliminary Development Plan ~~for a Planned Unit Development~~ may be waived by the City Manager or his or her designee if it is determined that the information required in this Code for the Preliminary Development Plan can be reasonably combined with the information required for the Official Development Plan. In such cases, an application for approval of a Combined PDP/ODP for the property shall be submitted and processed in accordance with the procedures for the approval of a PDP as set forth in Section 11-5-7, W.M.C. The application for approval of the Combined PDP/ODP shall contain all the information required for PDP's and ODP's as set forth in Sections 11-5-7 and 11-5-8, W.M.C., ~~below.~~

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

11-5-5: OFFICIAL DEVELOPMENT PLAN (ODP) REQUIREMENT: (2534 3739)

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

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

Section 12. The title of Section 11-5-7 and sub-subsections (A)(2), (3) and (4) and subsection (B), W.M.C., are hereby AMENDED to read as follows:

11-5-7: FORMAT AND APPROVAL PROCESS FOR PRELIMINARY DEVELOPMENT PLANS (PDP's): (2534 2598 2975 3599 3664)

(A) APPLICATION PROCEDURES FOR PDP'S:

(2) Following the initial discussion, an applicant may submit a concept plan and shall submit an application for review in a format specified ~~in~~by the Community Development Department's ~~guidelines for~~ submittal, a copy of which is available in the Planning Division office.

(3) Upon a determination by the project planner that the concept plan review, if any, is complete, the applicant shall prepare a detailed submittal for technical review of the proposed plans in the format specified ~~in~~by the Community Development Department's ~~Plan Submittal Guidelines, a copy of which is available in the Planning Division office.~~ Comments shall be prepared and returned to the applicant. Additional submittals may be required at the option of the City. Staff review and feedback concerning a concept plan shall not be construed as a type of approval or pre-approval of any aspect of the submittal.

(4) Following the concept plan review, if any, and prior to commencing any technical review of a proposed PDP, the applicant shall complete ~~the~~a neighborhood notification process ~~as specified by~~described ~~in~~ the Community Development Department's ~~Plan Submittal Guidelines, a copy of which is available in the Planning Division office.~~ The City Manager or the Manager's designee may waive this requirement for neighborhood notification, if the Manager determines, based upon the project's likely and foreseeable impacts on the surrounding neighborhood, that no neighborhood notification is required.

(B) APPROVAL PROCESS FOR PDP'S: ~~All original PDP's shall be subject to review and approval by the Planning Commission and City Council in accordance with the procedures set forth in Section 11-5-13, W.M.C.~~All original PDPs shall be subject to Planning Commission review and recommendation to the City Council, who shall have final approval authority.

Section 13. The titles of Section 11-5-8 and subsections (A) and (B) and sub-subsections (A)(2), (3), and (4), W.M.C., are hereby AMENDED to read as follows:

11-5-8: FORMAT AND APPROVAL PROCESS FOR OFFICIAL DEVELOPMENT PLANS (ODP'S): (2534 2598 3027 3028 3599 3664)

(A) APPLICATION PROCEDURES FOR ODP'S:

(2) Following the initial discussion, an applicant may submit a concept plan and shall submit an application for review in a format specified ~~in~~by the Community Development Department's ~~Plan Submittal Guidelines, a copy of which is available in the Planning Division office.~~

(3) Upon a determination by the project planner that the concept plan review, if any, is complete, the applicant shall prepare a detailed submittal for technical review of the proposed plans in the format specified ~~in~~by the Community Development Department's ~~Plan Submittal Guidelines, a copy of which is available in the Planning Division office.~~ Staff Comments shall be prepared and returned to the applicant.

Additional submittals may be required at the option of the City. Staff review and feedback concerning a concept plan shall not be construed as a type of approval or pre-approval of any aspect of the submittal.

(4) Following the concept plan review, if any, and prior to commencing any technical review of a proposed ODP, the applicant shall complete the neighborhood notification process ~~as specified by~~described ~~in~~ the Community Development Department's ~~Plan Submittal Guidelines, a copy of which is available in the Planning Division office.~~ The City Manager or the Manager's designee may waive this requirement for neighborhood notification, if the Manager determines, based upon the project's likely and foreseeable impacts on the surrounding neighborhood, that no neighborhood notification is required.

(B) APPROVAL PROCESS FOR ODP'S:

Section 14. The title of Section 11-5-9 and sub-subsections (A)(2) and (B)(1), W.M.C., are hereby AMENDED to read as follows:

11-5-9: FORMAT AND APPROVAL PROCESS FOR AMENDMENTS TO PRELIMINARY DEVELOPMENT PLANS (PDP'S): (2534 3599)

(A) APPLICATION PROCEDURES FOR PDP AMENDMENTS:

(2) An amendment to a PDP may be initiated by:

- (a) ~~All owner(s) of the property covered by the plan~~The owner(s) of the property in the area proposed for PDP amendment; or
- (b) By the City, when the City Council determines that:
 - (i) Approved land uses for the Planned Unit Development are no longer appropriate, due to changed conditions in the vicinity, revisions to the City's Comprehensive Plan, any incompatibilities between an existing land use and surrounding zoning or development, or Council finds that the PDP no longer meets the requirements of Section 11-5-14, W.M.C.
 - (ii) Public facilities are inadequate or do not meet current standards; or
 - (iii) Natural hazards or other environmental problems exist that threaten the public health, safety or welfare.

(B) APPROVAL PROCEDURES FOR PDP AMENDMENTS:

(1) Administrative approvals. After considering the criteria set out in Section 11-5-14, W.M.C., ~~The City Manager may, but shall not be required to, approve any amendment to a PD~~preliminary Plan, ~~without hearing or notice,~~ that does not:

- (a) Add a new land use to the PD~~preliminary Plan;~~ or
- (b) Change the land area devoted to any use in the PDP by more than ten percent (10%); or
- (c) Change the density or intensity of use within the PDP by more than ten percent (10%);
- ~~or~~
- (d) Change the setback or height of any building in the PDP by more than ten percent (10%);
- ~~or~~
- (e) Constitute a significant change in the PDP, in the opinion of the City Manager, after the applicant certifies that notice of the proposed amendment has been mailed to any property owners within the Preliminary Development Plan that are within three hundred feet of the area proposed for PDP amendment.

A report of any administratively approved PDP amendment shall be submitted to the Planning Commission and City Council detailing action taken by the City Manager under this procedure.

Section 15. The title of Section 11-5-10 and sub-subsections (A)(1), (2), (3) and (4), W.M.C., are hereby AMENDED to read as follows:

11-5-10: FORMAT AND APPROVAL PROCESS FOR AMENDMENTS TO OFFICIAL DEVELOPMENT PLANS (ODP'S): (2534 3599 3634 3664)

(A) APPLICATION PROCEDURES FOR ODP AMENDMENTS:

(1) (1) Applicants should consult with the City prior to submitting an application for approval of an ODP amendment to discuss the project concept and to gather information regarding City policies, codes, standards and procedures. Applicants may propose an amendment to an ODP for all or only a portion of the entire land area within the previously approved ODP, except that an amendment to a residential ODP for an individual single-family lot within a detached single-family housing development that does not meet a criteria for administrative approval described in subsection (B)(1) below, ~~which does not add a new use or change the density,~~ shall proceed under the variance process set forth in Section 2-2-8, W.M.C.

(2) Following the initial discussion, an applicant may submit a concept plan and shall submit an application for review in a format specified in ~~by~~ the Community Development Department's ~~Plan Submittal Guidelines, a copy of which is available in the Planning Division office.~~

(3) Following the concept plan review, if any, the applicant shall submit a formal application for approval and prepare a detailed submittal for technical review of the proposed plans in the ~~in~~ format specified in ~~by~~ the Community Development Department's ~~Plan Submittal Guidelines, a copy of which is available in the Planning Division office.~~ Staff Comments shall be prepared and returned to the applicant.

Additional submittals may be required at the option of the City. Staff review and feedback concerning a concept plan shall not be construed as a type of approval or pre-approval of any aspect of the submittal.

(4) Following the concept plan review, if any, and prior to commencing any technical review of a proposed ODP amendment, the applicant shall complete the neighborhood notification process ~~described in~~ ~~as specified by the Community Development Department's Plan Submittal Guidelines, a copy of which is available in the Planning Division office.~~ The City Manager or the Manager's designee may waive this requirement for neighborhood notification, if the Manager determines, based upon the project's likely and foreseeable impacts on the surrounding neighborhood, that no neighborhood notification is required.

Section 16. Section 11-5-11, sub-subsection (A)(1), W.M.C., is hereby AMENDED to read as follows:

11-5-11: FORMAT AND APPROVAL PROCESS FOR FINAL PLATS: (2534 2598 3664)

(A) APPLICATION PROCEDURE FOR FINAL PLATS:

(1) An application for review and approval of a final plat shall be submitted in the format specified ~~in~~ ~~by the Community Development Department's Plan Submittal Guidelines, a copy of which is available in the Planning Division office.~~

Section 17. Section 11-5-12, subsection (B), W.M.C., is hereby AMENDED to read as follows:

11-5-12: APPLICATION FORMAT AND CONTENT FOR LANDSCAPE AND IRRIGATION DRAWINGS AND PRIVATE IMPROVEMENTS AGREEMENT: (2534 3133 3664)

(B) The format and content for landscape and irrigation drawings and private improvements agreements shall be as specified by the Community Development Department's ~~Plan Submittal Guidelines, a copy of which is available in the Planning Division office,~~ the City's landscape regulations, and as set forth in this Code.

Section 18. Section 11-5-13, sub-subsection (A)(7), W.M.C., is hereby AMENDED to read as follows:

11-5-13: PUBLIC HEARINGS FOR LAND DEVELOPMENT APPROVALS: (2534 3368 3739)

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

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

(a) Prepare the list of property owners who are required to receive notice under sub-subsection (6), above. Such list shall contain the name and mailing address of property owners from the County Assessor's records, ~~keyed to the appropriate lot and block number on the County Assessor's maps.~~

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

(c) Deliver to the Planning Manager the items listed in paragraphs (a) and (b) above in a City-approved format ~~acceptable to the Planning Manager~~ at least fifteen (15) days prior to the date of hearing.

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

Section 19. The title to Section 11-5-14 and sub-subsections (A)(1), (2), (3), (4), (5) and (6), W.M.C., are hereby amended to read as follows:

11-5-14: STANDARDS FOR APPROVAL OF PLANNED UNIT DEVELOPMENTS ZONING, PRELIMINARY DEVELOPMENT PLANS AND AMENDMENTS TO PRELIMINARY DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for approval of a Planned Unit Development zoning and its associated Preliminary Development Plan, or an amended Preliminary Development Plan, the following criteria shall be considered:

(1) The Planned Unit Development (PUD) zoning and the proposed land uses in the associated Preliminary Development Plan ~~therein~~ are in conformance with the City's Comprehensive Plan and all City Codes, ordinances, and policies.

(2) The Preliminary Development Plan ~~UD~~ exhibits the application of sound, creative, innovative, and efficient planning principles.

(3) Any exceptions from standard Code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Preliminary Development Plan (PDP).

(4) The PDP ~~UD~~ is compatible and harmonious with existing public and private development in the surrounding area.

(5) The PDP ~~UD~~ provides for the protection of the development from potentially adverse surrounding influences and for the protection of the surrounding areas from potentially adverse influence from within the development.

(6) The PDP ~~UD~~ has no significant adverse impacts upon existing or future land uses nor upon the future development of the immediate area.

Section 20. Section 11-5-15, sub-subsection (A)(4), W.M.C., is hereby amended to read as follows:

11-5-15: STANDARDS FOR APPROVAL OF OFFICIAL DEVELOPMENT PLANS AND AMENDMENTS TO OFFICIAL DEVELOPMENT PLANS: (2534)

(A) In reviewing an application for the approval of an Official Development Plan or amended Official Development Plan, the following criteria shall be considered:

(4) For plans in Planned Unit Developments zones, any exceptions from standard code requirements or limitations are warranted by virtue of design or special amenities incorporated in the development proposal and are clearly identified on the Official Development Plan.

Section 21. Section 11-6-4, sub-subsection (A)(1), W.M.C., is hereby AMENDED to read as follows:

11-6-4: PUBLIC AND PRIVATE IMPROVEMENT AGREEMENTS AND SURETY REQUIREMENTS: (2534 3634 3664)

(A) Except as provided in Section 11-5-16(B), W.M.C., before the City Manager shall approve a Final Plat or, in the event that a Final Plat is not required, prior to issuing a building permit, the developer shall have submitted the following agreements and surety for the construction of public and private improvements for the development:

(1) A written agreement between the owner and the City for the installation of all public improvements, and a separate agreement for all private improvements, within one (1) year from the date of plat approval, or such other period as may be approved by the City. Such agreements shall be in accordance

with the City's standard forms of these agreements as set forth in the Community Development Department's Plan Submittal Guidelines, a copy of which is available in the Planning Division office.

Section 22. Section 11-6-8, sub-subsection (C)(2), W.M.C., is hereby AMENDED to read as follows:

11-6-8: DEDICATION OF PROPERTY FOR PUBLIC PURPOSES: (2534 2694 2876 2912 3086 3664)

(C) PARK DEVELOPMENT FEES:

(1) Park development fee. Every person, firm or corporation applying for and obtaining any building permit for the original construction of any dwelling unit shall be required to pay, prior to the occupancy of the first unit in any building or structure, and as a condition precedent to the issuance of any occupancy certificate, a park development fee, based upon the number of dwelling units to be constructed, as follows:

Single-family detached	\$1,547 per unit
Single-family attached or mobile home	\$1,256 per unit
Multi-family, congregate care or independent living senior housing	\$1,031 per unit
Assisted living senior housing	\$ 358 per bed

~~Skilled nursing facilities as defined in this Code shall be exempt from the park development fee requirements of this Section.~~

The above fees shall be automatically ~~increased~~adjusted annually ~~as of January 1, by April 15th,~~ in accordance with the Consumer Price Index (CPI) as established for the Denver metropolitan area. No occupancy certificate shall be issued, nor shall any occupancy of the premises be permitted, until such fees have been paid in full. Such fees shall be used only for the development of park and recreation facilities and services.

Section 23. This ordinance shall take effect upon its passage after second reading.

Section 24. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 9th day of February, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 23rd day of February, 2015.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney's Office



Agenda Memorandum

City Council Meeting
February 23, 2015



SUBJECT: Resolution No. 15 Establishing 2015 Recovery Contract Interest Rate

Prepared By: Michelle M. Nocera, Secretary

Recommended City Council Action

Adopt Resolution No. 15 establishing the 2015 calendar year interest rate for non-City funded public improvement recovery contracts at 5.25 percent and an interest rate of 3.29 percent for City-funded public improvements.

Summary Statement

- Several years ago, City Council established a recovery system that enables developers to recover a portion of certain costs associated with public improvements installed with their developments that also benefit adjacent, undeveloped properties. Recovery contracts are executed between the City and the developer. When subsequent development occurs in those areas benefited by the improvements and installed by the original developer, the new development is assessed its proportionate share plus interest, which is then returned to the original developer. The recovery system has also allowed the City to be reimbursed for public improvements installed by the City when subsequent private development occurred abutting the improvements.
- In accordance with Section 7(F) of Title XI, Chapter 6, of the Westminster Municipal Code, Staff requests that City Council establish interest rates on recovery agreements for 2015. For the past several years, it has been City practice to add two percent to the Prime Rate for non-City funded recovery contracts. The Prime Rate on January 1, 2015, was 3.25 percent. It is proposed that the recovery interest rate for 2015 on non-City funded public improvements be the Prime Rate plus two percent, or 5.25 percent.
- Staff is proposing that the recovery interest rate on City-funded projects for 2015 be set at 3.29 percent in accordance with the average Bond Buyer 20 Index for 2015, which is consistent with the methodology used to set the rate for the past several years.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council concur with the proposed methods of assessing interest on recoveries associated with new private developments and City-funded projects?

Alternative

Council could establish different interest rates for recovery agreements than the proposed rates. This is not recommended as the proposed rates are tied to the established indexes that provide good credibility for the recovery interest paid to developers or the City.

Background Information

Prior to 1993, the interest rate used in calculations for recoveries owed on City-funded public improvements was equal to that used on privately funded improvements (i.e., prime rate plus two percent). However, the actual cost of money used to fund City Capital Improvement Projects is usually less than that charged to private developers. Since the philosophy behind the City's recovery system is one of cost reimbursement, not profit making, in the past City Council has felt that it is more equitable to select an interest rate for City-funded projects that more closely approximates the actual cost of money to the City. From 1993 through 2004, Council approved the use of the Municipal Bond Index as the recovery interest rate for City projects. Because this Index is set weekly and can fluctuate greatly throughout the year, Staff proposed a different approach several years ago. Beginning in 2005, Council selected the average Bond Buyer 20 Index for the preceding year as a more representative benchmark of the City's true cost of borrowing money. Staff recommends that this method of calculating the interest rate for recoveries associated with City-funded projects be used again this year.

This authorization meets Council's Strategic Plan goals of providing a *Dynamic, Diverse Economy*.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachment – Resolution

RESOLUTION

RESOLUTION NO. **15**

INTRODUCED BY COUNCILLORS

SERIES OF 2015

**A RESOLUTION
ESTABLISHING THE 2015 RECOVERY CONTRACT INTEREST RATE**

WHEREAS, Section 11-6-7(F)(1) of the Westminster Municipal Code provides that City Council shall, from time to time, establish the interest rates to be utilized for the assessment of interest costs relating to recovery costs for public improvements; and

WHEREAS, such interest rates have traditionally been calculated at the beginning of each calendar year.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER that the 2015 calendar year interest rate for any non-City funded public improvement recovery contract shall be 5.25 percent and the 2015 calendar year interest rate for City-funded public improvements shall be 3.29 percent.

PASSED AND ADOPTED this 23rd day of February, 2015.

ATTEST:

City Clerk

Mayor

APPROVED AS TO LEGAL FORM:

City Attorney



Agenda Memorandum

City Council Meeting
February 23, 2015



SUBJECT: Resolution No. 16 re Spring 2015 Great Outdoors Colorado Paths to Parks Grant Application

Prepared By: Jacob Kasza, Open Space Technician
Heather Cronenberg, Open Space Coordinator

Recommended City Council Action

Adopt Resolution No. 16 authorizing the Parks, Recreation and Libraries Department to partner with the City of Arvada to pursue a grant from Great Outdoors Colorado, Paths to Parks during the 2015 spring cycle in the amount of \$972,185 for the Refuge Access Trail which will provide a 9.5 mile off-street trail connection between Two Ponds National Wildlife Refuge and Rocky Flats National Wildlife Refuge.

Summary Statement

- Staff is recommending that the City of Westminster partner with the City of Arvada in pursuit of a grant from the Great Outdoors Colorado Paths to Parks grant program for funding assistance with the construction of the Refuge Access Trail which will begin at Two Ponds National Wildlife Refuge and end at Rocky Flats National Wildlife Refuge. Staff recommends requesting up to \$972,185 for this project using outside funds already awarded to the project in the amount of \$1,700,000 as the required match which represents a 36% request.

Expenditure Required: Westminster portion of grant request for the Refuge Access Trail- up to \$500,000

Source of Funds: Federal Transit Authority (FTA) Grant (\$1,700,000)

Policy Issue

Should the City of Westminster partner with the City of Arvada and attempt to seek assistance with the construction of the Refuge Access Trail from the Great Outdoors Colorado Paths to Parks Grant Program?

Alternative

Council could choose not to partner with the City of Arvada in pursuing additional funding for the trail project. This is not recommended because neither City has funds to complete the full trail project without funding assistance from Great Outdoors Colorado.

Background Information

The City has been successful in applying for and receiving grants from a variety of sources in the past for parks, open space and trail related projects. The Parks, Recreation and Libraries Department would like to partner with the City of Arvada in pursuit of a grant from the Great Outdoors Colorado (GOCO) Paths to Parks grant program in the amount of \$972,185 for the construction of the Refuge Access Trail.

Over the past two years, the City has partnered with the City of Arvada, the City and County of Broomfield, the US Fish and Wildlife Service, and the Federal Highway Administration (FHA) – Central Federal Lands Division in designing and planning a 9.5-mile bicycle/ pedestrian trail between Two Ponds National Wildlife Refuge and Rocky Flats National Wildlife Refuge. Together, the partners successfully applied for and received a \$1.7 million dollar grant from the Federal Transit Authority. The FTA grant will only fund a trail connection that runs adjacent to Kipling Street in Arvada, lacks wayfinding, and lacks appropriate fencing and signage. While this will provide the basic connection, it will not provide the trail experience offered by most of Westminster’s trail system and does not meet the design specifications established in the Open Space Stewardship Plan. Staff would like to seek additional funds from GOCO to provide these amenities.

The Refuge Access Trail will complete a 9.5-mile segment of the trail corridor between Two Ponds National Wildlife Refuge and Rocky Flats National Wildlife Refuge. The alignment of the Refuge Access Trail is shown in the attached map. This trail project will provide Westminster with a pedestrian underpass under 86th Parkway, a crossing over the Croke Canal, 0.5 mile of new off-street trail constructed in Standley Lake Regional Park (SLRP), wayfinding and interpretive signage in SLRP, a crossing over the Church Ditch, a signalized pedestrian crossing of 100th Avenue, and roughly 2 miles of new off-street trail through the Westminster Hills Open Space. The project will utilize an already existing maintenance road/trail along the east side of the dam throughout the park. The Trail will provide direct connections between Standley Lake Regional Park, the Niver Canal Trail, the Farmers High Line Canal Trail, the Big Dry Creek Trail, the Standley Lake Nature Center, the Westminster Hills Loop Trail, and the Westminster Hills Off-Leash Dog Park. Pending the completion of the environmental review being conducted by the FHA, construction on the Refuge Access Trail should begin within 8 to 14 months.

The Refuge Access Trail is only a small segment of a much larger trails initiative. In 2010, President Obama launched the “America’s Great Outdoors” initiative to develop a 21st Century Conservation and Recreation Agenda. Part of the Initiative’s Vision is to “Connect Americans to the Great Outdoors.” A key focus of the Initiative in Colorado proposed by former Secretary of Interior Salazar and unveiled in 2011 is creation of a “Rocky Mountain Greenway Trail,” a continuous multi-modal trail between the National Wildlife Refuges (NWRs) at Rocky Mountain Arsenal, Two Ponds, and Rocky Flats, with a greater vision to eventually expand to Rocky Mountain National Park.

If the Refuge Access Trail is awarded the grant from GOCO, the City will need to execute an Intergovernmental Agreement (IGA) with Arvada for disbursement and usage of the funds. The Parks, Recreation and Libraries department will bring the IGA to City Council pending award of the grant.

This grant request supports the City's Strategic Plan goals of "Proactive Regional Collaboration," "Ease Of Mobility," and "Beautiful, Desirable, Environmentally Responsible City" by partnering with neighboring municipalities for a common goal, providing the City with increased trail access to open space and enhancing the City's open spaces with recreational opportunities in natural areas to promote healthy lifestyles.

Respectfully submitted,

Donald M. Tripp
City Manager

Attachments

- Resolution
- Site Map

RESOLUTION

RESOLUTION NO. **16**

INTRODUCED BY COUNCILLORS

SERIES OF 2015

**A RESOLUTION
SUPPORTING THE JOINT GRANT APPLICATION WITH THE CITY OF ARVADA FOR A
PATHS TO PARKS GRANT FROM THE GREAT OUTDOORS COLORADO TRUST FUND
FOR THE COMPLETION OF THE ROCKY MOUNTAIN GREENWAY TRAIL PROJECT**

WHEREAS, the City of Westminster has been working with the City of Arvada in developing a grant application to Great Outdoors Colorado for the Rocky Mountain Greenway Trail.

WHEREAS, the Cities of Arvada and Westminster have requested \$972,185 from Great Outdoors Colorado to construct a 9.2 mile long trail between Two Ponds National Wildlife Refuge and Rocky Flats National Wildlife Refuge.

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

1. That Staff shall partner with the City of Arvada in submitting a grant application to the Great Outdoors Colorado Paths to Parks Grant program for the spring funding cycle of 2015, requesting funding not to exceed \$972,185 towards the construction of the Rocky Mountain Greenway Trail.
2. If the grant is awarded, the City of Westminster supports the completion of the project.

PASSED AND ADOPTED this 23rd day of February, 2015.

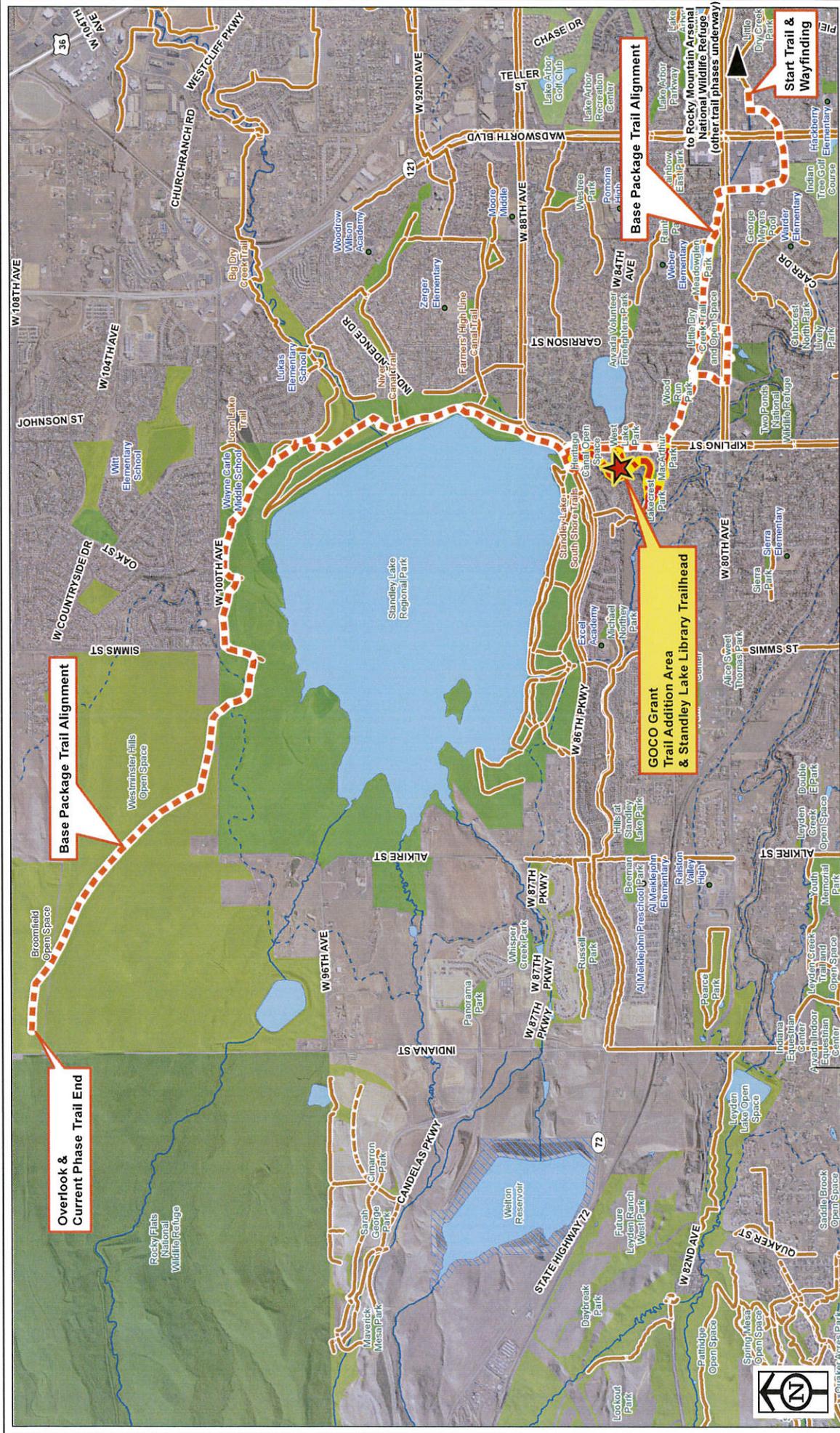
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

By: _____
Office of the City Attorney



Overlook & Current Phase Trail End

Base Package Trail Alignment

GOCO Grant Trail Addition Area & Standley Lake Library Trailhead

Base Package Trail Alignment

Start Trail & Wayfinding



LOCAL MAP
America's Great Outdoors Greenway Trail

DATE: MARCH 2015

AGENDA

**WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
SPECIAL MEETING**

MONDAY, FEBRUARY 23, 2015

AT 7:00 P.M.

- 1. Roll Call**
- 2. Minutes of Previous Meeting** (December 22, 2014)
- 3. Public Hearings and New Business**
 - A. Public Hearing to Authorize Supplemental Appropriation to 2014 Budget
 - B. Resolution No. 162 Authorizing a Supplemental Appropriation to the 2014 Budget
 - C. Westminster Center Urban Reinvestment Project Special Legal Counsel
- 4. Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
MONDAY, DECEMBER 22, 2014, AT 7:53 P.M.

ROLL CALL

Present at roll call were Chairperson Herb Atchison, Vice Chairperson Faith Winter, and Board Members Bruce Baker, Bob Briggs, Alberto Garcia, Emma Pinter, and Anita Seitz. Also present were J. Brent McFall, Executive Director, Hilary Graham, Acting Attorney, and Carla Koeltzow, Acting Secretary.

APPROVAL OF MINUTES

Board Member Briggs moved, seconded by Vice Chairperson Winter, to approve the minutes of the meeting of November 24, 2014, as written. The motion carried unanimously.

RESOLUTION NO. 160 ICA WITH ORCHARD PARK PLACE NORTH METROPOLITAN DISTRICT

Vice Chairperson Winter moved, seconded by Board Member Pinter, to adopt Resolution No. 160 authorizing the Executive Director to execute an Intergovernmental Cooperation Agreement with Orchard Park Place North Metropolitan District regarding the release of certain tax increment revenues to finance the District's improvements to property located within the Westminster Economic Development Authority's North Huron Urban Renewal Area. At roll call, the motion passed unanimously.

RESOLUTION NO. 161 ACQUISITION OF PROPERTY INTERESTS FOR THE WURP

Board Member Garcia moved to adopt Resolution No. 161 authorizing the Executive Director and the Authority's legal counsel to proceed with the acquisition of JC Penney's leasehold interest in the Downtown Westminster Specific Plan District, including the use of eminent domain, if necessary, to establish and pay the minimum just compensation for such interest as established by the Executive Director, and to incur all reasonable costs associated with the acquisition. The motion was seconded by Board Member Pinter. Upon roll call vote the motion carried by a 6:1 margin with Councillor Baker voting no.

LARAMIE COMPANY AND JOHN M MULLINS AND ASSOCIATES CONSULTANT CONTRACTS

Vice Chairperson Winter moved to authorize the Executive Director to enter into one-year agreements with the Laramie Company and John M Mullins and Associates, Inc. to provide consultant services regarding the redevelopment of the Westminster Center Urban Reinvestment Project property. Board Member Briggs seconded the motion.

There was discussion among the Board Members concerning entering into these one year contracts just before a new Executive Director is hired. It was then moved by Board Member Baker, seconded by Seitz, to table this item to give the Board more time to discuss the pros and cons of entering into these contracts at this time. The motion to table was called to a vote by the Chairperson. With only Board Member Baker voting in favor, the motion did not pass.

The original motion to approve the agreements was then back before the Board. The motion passed by a 6:1 margin with Board Member Baker voting no.

MCFALL ASSOCIATES CONSULTANT CONTRACT - REDEVELOPMENT OF WURP PROPERTY

Board Member Pinter moved to authorize the Chairman of the Board to enter into a one year agreement with McFall Associates, LLC, to provide consulting services regarding the redevelopment of the Westminster Center Urban Reinvestment Project property. The motion was seconded by Board Member Garcia. The motion passed by a 5:2 margin with Members Baker and Briggs voting no.

ADJOURNMENT

With no further business for the Authority's consideration, Chairperson Atchison adjourned the meeting at 8: 30 p.m.

ATTEST:

Chairperson

Acting Secretary

WEDA Agenda Item 3 A - B

Agenda Memorandum

Westminster Economic Development Authority Meeting
February 23, 2015



SUBJECT: Public Hearing and Resolution No. 162 re: Westminster Economic Development Authority Supplemental Appropriation to the 2014 budget

Prepared By: Karen Creager, Special Districts Accountant

Recommended Board Action

1. Hold a Public Hearing on the budget amendment for the Westminster Economic Development Authority.
2. Adopt Resolution No. 162 authorizing a supplemental appropriation to the 2014 Westminster Economic Development Authority budget.

Summary Statement

- When necessary, City Staff (Staff) prepares a resolution to appropriate unanticipated revenues and adjust the budget side of transactions that occur during the year. Typically supplemental appropriations are prepared on a periodic basis for the Westminster Economic Development Authority (WEDA) to simplify administrative procedures and reduce paper work.
- This supplemental appropriation covers activity for the 4th Quarter 2014.
- 2014 Amendments:
 - North Huron Urban Renewal Area (URA)
 - \$179 Interest earnings
 - \$2,192,272 Carryover
 - Westminster Center Urban Reinvestment Plan (WURP) Area URA
 - \$16,200 Sale of asset
 - \$216,553 Rents
- A public hearing is required pursuant to Section 29-1-108 of the Colorado Revised Statutes.

Expenditure Required: \$2,425,204

Source of Funds: Carryover from prior years, interest earnings, rents and sale of asset revenues

Policy Issue

Should the WEDA Board appropriate funds as set forth in the attached Resolution?

Alternatives

1. In accordance with the Compass Mortgage Corporation Loan Agreement, use of the loan proceeds is to be applied solely to capital expenditures in the North Huron URA. Interest earnings on the unspent loan proceeds carry the same restriction. Alternatively, the Board could decide to appropriate the loan proceeds not previously appropriated in 2012 along with the corresponding interest earnings to a different project in the North Huron URA instead of Orchard Parkway. This alternative is not recommended at this time as WEDA has contractually committed to reimburse the City for costs incurred for the construction of Orchard Parkway, the most immediate need in the area. If WEDA does not reimburse the City for costs incurred, the City would need to determine an alternative funding source to cover the construction of Orchard Parkway. At the time the Orchard Parkway project is completed, and if there are remaining funds available, the Board could then authorize the use of those excess funds on another project in the North Huron URA.
2. The Board could decide not to appropriate the rent revenue and sale of asset revenue to the WURP project. Although the rent revenues are not restricted in their use, Staff recommends continuing to use the rents from the remaining tenants at the former Mall site to cover costs associated with providing service to the tenants and the continued redevelopment at that site. Additionally, the sale of asset revenue was the result of trading necessary parking lot maintenance services at the site for the asset.

Background Information

Carryover

When the loan for North Huron was refinanced in 2012, additional project funds of \$6.5M for Orchard Parkway were included as part of the refinancing. Pursuant to an intergovernmental cooperation agreement, WEDA committed to reimburse the City for costs incurred for the construction of Orchard Parkway. The flow of funds for Orchard Parkway provides for the City's General Capital Improvement Fund to initially pay the cost of construction and for WEDA to reimburse those costs. The additional project funds were intentionally left unappropriated in WEDA in 2012 and preserved to be appropriated as needed for reimbursement to the City. Staff has developed a schedule for the actual cost reimbursement on a monthly basis. In order to provide the necessary budget to fund the reimbursements to the City made for the 4th quarter and any remaining retainage, Staff is requesting appropriation of the balance of prior year loan proceeds of \$2,192,272, which are now characterized as carryover, to the Orchard Parkway Capital Improvement Project.

Interest Earnings

The unspent project funds for Orchard Parkway described in the Carryover section above will continue to earn interest until spent. Interest earned on project funds for the 4th quarter is \$179. The loan agreement specifies that the interest earned on the project funds must be spent on projects in the North Huron URA; therefore, the interest earned in the 4th quarter is requested to be appropriated to the Orchard Parkway project.

Rental income

Although only a few tenants continue to operate at the Mall site during the redevelopment, monthly rents are received from those tenants. There are unappropriated rents totaling \$216,553 received in 2014. Therefore, Staff is requesting that the rents be appropriated to the WURP project to continue to provide services for the tenants and the redevelopment efforts.

Sale of asset

When the former Westminster Mall site was purchased, WEDA retained some equipment included as part of the purchase including a parking lot sweeper. This sweeper has been used to maintain the parking lot areas around the businesses still operating at the site. Unfortunately, the sweeper became too expensive to keep in service. Staff made the decision to send the sweeper to auction. However, one of the vendors under contract to perform parking lot maintenance and snow removal services requested to trade the sweeper for such services. WEDA entered into a contact with TJK Services, Inc. to trade the sweeper for services valued at \$16,200. To accurately reflect the cost of these services on WEDA's books, the expense was recorded as well as the offsetting sale of asset revenue. This revenue is now requested to be appropriated to cover the expenses charged to the WURP City Participation capital project.

The amendments listed in the attached resolution will bring WEDA's accounting records up-to-date to reflect the various detailed transactions.

The action requested in this agenda memorandum relates to City Council's Strategic Plan goals of "Dynamic, Diverse Economy" and "Vibrant & Inclusive Neighborhoods." These goals are met by ensuring revenues are appropriated to expenditure accounts so the funds can be utilized as intended including continued improvements in the North I-25 development area and the redevelopment efforts at the former Westminster Mall site.

Respectfully submitted,

Donald M. Tripp
Executive Director

Attachment: WEDA Resolution

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

RESOLUTION NO. **162**
SERIES OF 2015

INTRODUCED BY BOARD MEMBERS

**2014 WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
BUDGET SUPPLEMENTAL APPROPRIATION**

WHEREAS, the Westminster Economic Development Authority (WEDA) initially adopted the 2014 budget on October 8, 2012; and

WHEREAS, proper notice for this amendment was published on February 19, 2015, pursuant to the requirements of Section 29-1-106 Colorado Revised Statutes; and

WHEREAS, a public hearing for this amendment was held on February 23, 2015, pursuant to the requirements of Section 29-1-108 Colorado Revised Statutes; and

WHEREAS, as necessary a resolution to make adjustments to the budget is presented to the Board; and

WHEREAS, there are adjustments to be made to the 2014 budget; and

WHEREAS, the revenue adjustment consists of an increase of \$2,425,204; and

WHEREAS, the expense adjustment consists of an increase of \$2,425,204.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Westminster Economic Development Authority:

Section 1. The \$2,425,204 increase shall be allocated to WEDA Revenue and Expenditure accounts as described below:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	6800.40020.0183	\$3,347,792	\$2,192,272	\$5,540,064
Interest	6800.42520.0183	4,009	179	4,188
Rents	6800.40900.0191	192,590	216,553	409,143
Sale of Asset	6800.40035.0187	0	16,200	16,200
Total Change to Revenues			<u>\$2,425,204</u>	

EXPENDITURES

Description	Account Number	Current Budget	Amendment	Revised Budget
Appropriation Holding - City Participation	80968005952.80400.8888	\$1,653,762	\$232,753	\$1,886,515
Appropriation Holding-Orchard Pkwy	81268030997.80400.8888	4,324,718	<u>2,192,451</u>	6,517,169
Total Change to Expenses			<u>\$2,425,204</u>	

Section 2. The resolution shall be in full force and effect upon its passage and approval.

PASSED AND ADOPTED 23rd day of February, 2015.

ATTEST:

Chairperson

Secretary

WEDA Agenda Item 3 C

Agenda Memorandum

Westminster Economic Development Authority Meeting
February 23, 2015



SUBJECT: Westminster Center Urban Reinvestment Project Special Legal Counsel

Prepared By: Susan Grafton, Economic Development Director
David Frankel, City Attorney

Recommended Board Action

Authorize the Executive Director to enter into an agreement in a form acceptable to the City Attorney's Office with Murray Dahl Kuechenmeister & Renaud, LLP for legal representation related to the Westminster Center Urban Reinvestment Project and general urban renewal and eminent domain matters in an amount not to exceed \$150,000.

Summary Statement

- Malcolm Murray has served as special legal counsel in the past in connection with the Westminster Center Urban Reinvestment Project, and the City's various other urban renewal projects, including Mandalay and Orchard Town Center Urban Renewal Projects.
- City Council and the Authority have previously found merit in approving special legal counsel to assist the City Attorney's Office as needed, rather than expanding staff.
- Funds for this expense are budgeted and are available as part of the Westminster Center Urban Reinvestment Project (WURP) CIP account.

Expenditure Required: Not to exceed \$150,000

Source of Funds: WEDA Budget - Westminster Center Urban Reinvestment Project

Policy Issue

Should the Westminster Economic Development Authority (WEDA) retain special legal counsel to assist the City and WEDA in connection with the Westminster Center Urban Reinvestment Project and general urban renewal and eminent domain issues as needed?

Alternative

Do not retain this type of special legal counsel assistance or seek such assistance from another firm. This alternative is not recommended given the need for specialized legal services in urban renewal law and potential eminent domain matters related to the redevelopment of the Westminster Mall site and other City and WEDA projects. Mr. Murray has extensive knowledge, experience and background related to WEDA and the City's urban renewal and redevelopment efforts, in particular the Westminster Center Reinvestment Project. Mr. Murray's proposed fee of \$250 per hour is well within the Denver area market for such services.

Background Information

Malcolm Murray is a partner in the firm of Murray Dahl Kuechenmeister & Renaud LLP. His practice specializes in urban renewal and land use matters and eminent domain litigation for both public and private entities. In addition to WEDA, he currently advises the Denver Urban Renewal Authority, the Lakewood Reinvestment Authority, the Steamboat Springs Redevelopment Authority, and the Parker Authority for Reinvestment on urban renewal matters. Mr. Murray is a graduate of the University of Denver College of Law and has a M.A. in Government from Georgetown University and a B.S. from the United States Military Academy at West Point.

Mr. Murray's expertise is in redevelopment projects pursuant to the Colorado urban renewal law. Mr. Murray has been providing a significant amount of legal work to the City and WEDA related to the negotiation and drafting of agreements with the WURP redeveloper. Mr. Murray has also been an important resource in connection with the acquisition of JCPenney's leasehold interest in the former Westminster Mall Site. In addition Mr. Murray has been providing special legal counsel services related to the South Westminster Transit Oriented Development Project and assisting as needed staff in other urban renewal and eminent domain matters.

Action on this item addresses the following Strategic Plan goals: Dynamic Diverse Economy and Vibrant and Inclusive Neighborhoods.

Respectfully submitted,

Donald M. Tripp
Executive Director