



CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (Section 7) and Citizen Presentations (Section 12) are reserved for comments on any issues or items pertaining to City business except those for which a formal public hearing is scheduled under Section 10 when the Mayor will call for public testimony. Please limit comments to no more than 5 minutes duration except when addressing the City Council during Section 12 of the agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Community Pride Day Proclamation
 - B. National Drinking Water Week Proclamation
 - C. Mental Health Month Proclamation
 - D. 2009 Jefferson County Metropolitan Mayors' and Commissioners' Youth Award
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 March 2009
 - B. Change the Date of Second City Council Meeting in May
 - C. Water Treatment Chemicals Purchase
 - D. Countryside Pump Station Improvements Consultant Contract
 - E. Special Legal Counsel Services for Xcel Energy Franchise Agreement Negotiations
 - F. Consulting Services for the Development of a Quagga/Zebra Mussel Treatment Plan
 - G. Second Reading of Councillor's Bill No. 8 re Bradburn Boulevard Bikeway Project Supplemental Appropriation
 - H. Second Reading of Councillor's Bill No. 9 re FY2008 Carryover Funds into the FY2009 Budget of the General Fund
 - I. Second Reading of Councillor's Bill No. 10 re Lease/Purchase of Park Services Maintenance Equipment
9. Appointments and Resignations
 - A. City Representative Appointment to the Colorado Brownfields Revolving Loan Fund Coalition Board
10. Public Hearings and Other New Business
 - A. Resolution No. 20 re Support for Build-Out of the Regional Transportation District's FasTracks System
 - B. Resolution No. 21 re Red Flag Policy to Establish an Identity Theft Prevention Program
 - C. Councillor's Bill No. 11 re Lease/Purchase of Golf Course Carts
 - D. Golf Course Carts Master Lease Agreement
 - E. Golf Course Carts Purchase
11. Old Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes), Miscellaneous Business, and Executive Session
 - A. City Council
13. Adjournment

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, APRIL 13, 2009 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Kaiser moved, seconded by Councillor Major, to approve the minutes of the regular meeting of March 23, 2009, as distributed. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall announced that at the conclusion of this meeting, a meeting of the Westminster Economic Development Authority Board of Directors would be held. Then City Council would be asked to convene an executive session in the Council Board Room for the purpose of receiving legal advice from the City Attorney concerning the City's special use permit process, as allowed by W.M.C. §1-11-3(C)(6) and (8) and C.R.S. §24-6-402(4)(b).

CITY COUNCIL COMMENTS

Councillor Briggs reported that the Mayor had hosted 13 Metro Denver Mayor at the Westminster Westin to discuss the northwest metro area and had represented the City very well.

Councillor Major reported that the Mayor's Eggstravaganza had been a great event with 650 Easter baskets distributed to children and lots of fun and excitement for all.

Councillor Lindsey welcomed Aaron Gagne who recently had returned safely from military service in the Iraq War. It was good to see him back on staff.

Mayor Pro Tem Dittman reported that City Council's Retreat had produced updates to the Strategic Plan that would be announced in the weeks ahead. The retreat had been worthwhile, and he thanked Department Heads for their thoughtful preparation and participation.

PRESENTATIONS

Councillor Winter accepted the City's 24th consecutive Tree City USA Award from Keith Wood, Colorado State Forester, and presented the Arbor Day and Earth Day proclamation to Rob Wood, City Forester, and Carey Rangel, Environmental Analyst. Mr. Wood and Ms. Rangel announced activities scheduled on April 18 in celebration of Arbor Day and Earth Day and invited the public to attend.

Councillor Kaiser read a proclamation designating April 26 through May 2 to be Just Say No Week and presented it to Westminster Area Community Awareness Action Team Board of Directors members, Clifford "Skeet" Hartman, Mike and Kathy Pascoe, Brittany Arguello, and Phyllis and Phil Aschenbrenner.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: based on a report from the City Manager, City Council found that the public interest would be best served by amending the agreement with Healthcare Professional Billing, and authorizing the City Manager to execute the agreement with that firm to

provide ambulance billing service for one year and to automatically renew for an additional one-year term; based on the results of the State Bid, award the bid for two Toyota Prius hybrids totaling \$46,238 to Stevenson Toyota, the bid for one Chevrolet light-duty van for \$30,361 to Dellenbach Chevrolet and the bid for two light-duty Chevrolet pickups for \$43,036 to Daniels Chevrolet, and, based on the results of a City bid process, award the bids for the purchase of four GMC pickups totaling \$99,912 to Daniels Chevrolet; award the bid for three tandem axle cab and chassis trucks to the low bidder, Transwest Trucks, for model MQ-112V Freightliner trucks in the amount of \$260,970, and, based on the recommendation of the City Manager, find that the public interest would best be served by accepting the proposal from O.J. Watson Co., Inc. for the purchase and installation of three dump bodies and snow removal equipment in the amount of \$263,361 to be installed on the trucks; authorize the City Manager to enter into a contract amendment with Adolphson and Peterson Construction establishing the guaranteed maximum price for the City Park Recreation Center Aquatic's Renovation at \$6,030,440 and a project contingency of \$376,522, authorize a contract amendment with the project architect, Sink Combs Dethlefs, in the amount of \$70,500 for additional architectural and engineering services, and authorize the following transfers into the CIP project account for the City Park Pool Renovation: \$750,000 from the POST Revenue Swim Fitness Center Bond Funds, \$1,242,697 PRL Reserve Fund transfer, \$175,000 from the CPRC Ozone Replacement CIP, \$50,000 from the Pool Disinfectant/Monitoring Systems CIP, \$200,000 from the Recreation Facilities Major Maintenance BO&M CIP, \$300,000 from the Recreation Facilities BO&M CTF CIP, and \$50,000 from the Recreation Facilities BO&M JCOS CIP; authorize the transfer of \$235,547 from five existing Capital Improvement Project accounts into the Golf Courses Restrooms Capital Improvement accounts to fund the Standley Lake, Heritage and Legacy Ridge restroom projects, and authorize the City Manager to execute a contract with CG Construction, Inc. in the amount of \$894,318 for the construction of five stand-alone restrooms including: one restroom at Standley Lake, and two restrooms each at The Heritage at Westmoor Golf Course and Legacy Ridge Golf Course, and authorize a 10% contingency amount of \$89,432; authorize the City Manager to enter into short-term leases not to exceed 1,000 acre feet of surplus water in 2009 to Farmers Reservoir and Irrigation Company irrigators for \$27 per acre foot; authorize the City Manager to execute a contract with the low bidder, Western Slope Utilities, Inc., to complete the 2009 Wastewater Collection System Improvement Project/CIPP Lining and authorize a project budget of \$1,658,937 with a 10% contingency of \$165,893; and authorize payment to reimburse McStain Neighborhoods in an amount not to exceed \$209,733 for City requested upgrades to the sanitary sewer collection system (\$59,183) and City participation in the installation of a traffic signal at the intersection of Sheridan Boulevard and 96th Avenue (\$150,550) constructed as part of a Public Improvements Agreement related to McStain's Hyland Village Project located at 96th Avenue and Sheridan Boulevard.

Mayor McNally asked if Councillors wished to remove any items from the consent agenda for discussion purposes or separate vote. There was no request. Councillor Major moved to approve the consent agenda as presented. The motion was seconded by Councillor Lindsey and passed unanimously.

PUBLIC HEARING ON THE WESTMINSTER CENTER URBAN REINVESTMENT PLAN

At 7:18 p.m., Mayor McNally opened a public hearing to consider the Westminster Center Urban Reinvestment Plan. If adopted, the plan would formally designate the Westminster Mall as an urban renewal area and allow the Westminster Economic Development Authority (WEDA) to work with existing owners and businesses and potential developers to better define the vision for the area, as well as develop an action plan for financing and property assemblage to make redevelopment a reality. Mr. McFall introduced the public hearing, describing the history of the mall and the initial vision for redevelopment as a mixed-use project. Redevelopment of the mall was City Council's top strategic plan priority. Mac Cummins, Planning Manager, entered into the record a copy of the legal notice of this public hearing that had been published on March 12, 2009; a copy of the legal notification that had been mailed to all owners of affected properties; and a list of all addresses to which that notice had been mailed. Copies of the plan had been delivered to the Jefferson County Board of Commissioners and the Jefferson County School District. The Planning Commission had conducted a public hearing on March 24, 2009, to consider the Plan and had voted unanimously to recommend approval. Leland Consulting Group and Matrix Design Group had been retained to prepare a blight study for the Westminster Center Urban Reinvestment Area. The blight study evaluated properties within the proposed Urban Renewal Boundary, generally from 92nd Avenue on the north, 88th

Avenue on the south, Harlan Street on the west, and Benton Street on the east. Mr. Cummins introduced Ann Ricker of Leland Consulting Group.

Ms. Ricker reviewed the Westminster Mall Area Reinvestment Study, describing how each condition indicative of the presence of blight, as defined by state statute, had been found in the study. Malcolm Murray, special legal counsel, advised that Council's findings had to be based on evidence provided in the study.

Testifying in support of redevelopment was Michael Long, Vice President of Brunswick, Inc. the owner of the Brunswick Zone, which had been operating at the Westminster Mall for 30 years. He applauded the City's recognition that the area needed to be redeveloped and looked forward to continued operation of the Brunswick Zone in the City.

Sharon Harden, 10410 West 102nd Avenue, questioned the need for more shopping, theaters, and entertainment venues, as well as the need to tear down and rebuild. There was a lot of vacant commercial property in the City that would satisfy the criteria of blight.

Larry Dean Valente, 3755 West 81st Avenue, said that urban renewal areas created an unreasonable playing field and findings of blight could be identified anywhere. He requested that Council continue this hearing to obtain more input about the community's desire to redevelop the property before adopting the Reinvestment Plan.

Co-owners of 9111 Benton Street, Dr. Lamont McMurtrey, an endodontist, and Gail Bench asked that their property be excluded from redevelopment if possible. The dentistry offices occupying the building, which included Dr. McMurtrey's practice, had large clienteles that had been operating in the building for seven years. Relocation of services would result in a loss of some clients; additionally, the building was a retirement investment.

Mr. McFall concluded staff's presentation by informing Council that staff's recommendation was to adopt Resolution No. 12 and the Westminster Center Urban Reinvestment Plan.

Responding to questions from Councillors, Mr. McFall reviewed sales tax revenues generated from mall businesses between 1999 and 2009, noting that 2009 revenues were nearly 70% less than during the same reporting period of 1999. Additionally, he summarized the business relocation policy associated with WEDA redevelopment of property. At this time there was not a developer or a site plan in hand to answer specific questions about potential redevelopment of individual properties or whether or not they would be included in redevelopment.

No others wished to speak and when all questions of Council had been answered, the Mayor closed the hearing at 8:05 p.m.

RESOLUTION NO. 12 ADOPTING THE WESTMINSTER CENTER URBAN REINVESTMENT PLAN

Mayor Pro Tem Dittman moved to adopt Resolution No. 12 adopting the Westminster Center Urban Reinvestment Plan and to direct staff to commence with the implementation of the Plan. Councillor Kaiser seconded the motion, and it passed unanimously on roll call vote.

RESOLUTION NO. 13 RE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM

It was moved by Councillor Lindsey, seconded by Mayor Pro Tem Dittman, to adopt Resolution No. 13 authorizing the Police Department to pursue a 2009 Recovery Act Grant (Edward Byrne Memorial Justice Assistance) with the U.S. Department of Justice to hire 2.0 FTE Police Officer positions, which were currently frozen, and to fund salaries and benefits associated with these two positions. At roll call, the motion passed unanimously.

RESOLUTION NO. 14 RE PURCHASE OF SHOENBERG FARM LOTS 5 AND 14 A

Upon a motion by Councillor Winter, seconded by Councillor Lindsey, the Council voted unanimously on roll call vote to adopt Resolution No. 14 authorizing the purchase of Lots 5 and 14A, Shoenberg Farm Commercial Center, for \$637,500, and authorizing the City Manager to execute all documents required to close on the purchase of the property.

RESOLUTION NO. 15 RE IGA FOR GRANT FOR SHOENBERG FARM MILK & ICE HOUSE

It was moved by Councillor Briggs and seconded by Councillor Major to adopt Resolution No. 15 authorizing the City Manager to execute an Intergovernmental Agreement with the State of Colorado concerning the use of State Historical Fund grant monies awarded to the City for construction documents for the Shoenberg Farm Milk and Ice House Rehabilitation. At roll call, the motion passed with all Council members voting affirmatively.

RESOLUTION NO. 16 RE IGA FOR GRANT FOR SHOENBERG FARM CONCRETE SILO

Councillor Major moved, seconded by Mayor Pro Tem Dittman, to adopt Resolution No. 16 authorizing the City Manager to execute an Intergovernmental Agreement with the State of Colorado concerning the use of State Historical Fund grant monies awarded to the City for construction documents for the Shoenberg Farm Concrete Silo Rehabilitation. The motion passed unanimously on roll call vote.

COUNCILLOR'S BILL NO. 8 RE SUPPLEMENTAL APPROPRIATION FOR BIKEWAY PROJECT

Councillor Winter moved to pass Councillor's Bill No. 8 on first reading appropriating \$300,000 to the Bradburn Boulevard Bikeway Project, which would be funded by the American Recovery and Reinvestment Act. Councillor Lindsey seconded the motion, and it passed unanimously on roll call vote.

RESOLUTION NO. 17 RE IGA WITH CDOT FOR BRADBURN BIKEWAY PROJECT

Upon a motion by Councillor Briggs, seconded by Councillor Kaiser, the Council voted unanimously at roll call to adopt Resolution No. 17 authorizing the City Manager to execute an Intergovernmental Agreement with the Colorado Department of Transportation for the design and construction of the Bradburn Boulevard, 73rd Avenue to Turnpike Drive Bikeway Project.

RESOLUTION NO. 18 RE 1ST AMENDMENT TO THE NORTH HURON URBAN RENEWAL PLAN

It was moved by Mayor Pro Tem Dittman, seconded by Councillor Lindsey, to adopt Resolution No. 18 approving the First Amendment to the North Huron Urban Renewal Plan. The motion passed unanimously at roll call.

RESOLUTION NO. 19 TO REFINANCE UP TO \$69M OF 2005 SERIES WEDA BONDS

Mayor McNally announced that she would abstain from voting due to a potential conflict of interest involving her employment.

Councillor Major moved to adopt Resolution No. 19 approving a Cooperation Agreement with WEDA (Westminster Economic Development Authority) and providing that the Council would consider requests to fund deficiencies in the WEDA reserve fund. The motion was seconded by Mayor Pro Tem Dittman and passed on a 6:1 vote with Mayor McNally abstaining.

COUNCILLOR’S BILL NO. 9 FOR 2008 CONFERENCE CENTER POSSESSORY INTEREST TAX

Councillor Briggs moved to pass Councillor’s Bill No. 9 on first reading to appropriate FY2008 carryover funds into the FY2009 budget of the General Fund. Mayor Pro Tem Dittman seconded and the motion passed unanimously on roll call vote.

WESTIN WESTMINSTER CONFERENCE CENTER POSSESSORY INTEREST TAX PAYMENT

It was moved by Mayor Pro Tem Dittman and seconded by Councillor Kaiser to authorize the City Manager to proceed with payment to the Jefferson County Treasurer in the amount of \$300,523.32 for the 2008 Possessory Interest Tax of the Westin Conference Center. The motion passed unanimously.

COUNCILLOR’S BILL NO. 10 FOR LEASE/PURCHASE OF PARK MAINTENANCE EQUIPMENT

Councillor Lindsey moved, seconded by Mayor Pro Tem Dittman, to pass Councillor’s Bill No. 10 on first reading appropriating \$550,000 in the General Fund for the lease/purchase of Park Services maintenance equipment package. At roll call the motion passed unanimously.

PARK SERVICES MAINTENANCE EQUIPMENT MASTER LEASE AGREEMENT

It was moved by Councillor Lindsey, seconded by Mayor Pro Tem Dittman, to authorize the City Manager to execute an agreement to add \$550,000 to the existing master lease with KeyBank. The motion carried with all Council members voting affirmatively.

PARK SERVICES MAINTENANCE EQUIPMENT CONTRACTS

Councillor Lindsey moved to award contracts for the purchase of Park Services maintenance equipment to LL Johnson, Pauls Lawnmower, Honnen Equipment, Postestio Brothers Equipment, Colorado Equipment and related vendors based on price agreements reached through the Multiple Assembly of Procurement Officials and the General Services Administration, and the City procurement process. After Mayor Pro Tem Dittman seconded the motion, it was passed unanimously by Council.

ADJOURNMENT

There being no further business to come before the City Council, it was moved by Councillor Kaiser, seconded by Councillor Major, to adjourn. The motion passed unanimously, and the Mayor adjourned the meeting at 8:18 p.m.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 27, 2009



SUBJECT: Proclamation re Community Pride Day

Prepared By: Richard Dahl, Park Services Manager
Patti Wright, Open Space Volunteer Coordinator

Recommended City Council Action

Mayor McNally to present a proclamation to Open Space Volunteer Coordinator Patti Wright proclaiming May 9, 2009, as Community Pride Day in the City of Westminster.

Summary Statement

- For several years, the City of Westminster and Hyland Hills Park and Recreation District have partnered for Community Pride Day, the largest annual volunteer trash cleanup in Westminster.
- Community Pride Day activities will include litter pickup in rights-of-way, greenbelts, trails, parks, and open space sites throughout the City and District. This cleanup program fosters residents' commitment to a cleaner community and attracts volunteers from scout troops, homeowners associations, schools, COG groups, civic organizations, businesses, families, and church groups.
- The event will conclude at Westminster City Hall with a barbeque sponsored by the City of Westminster and Hyland Hills Park and Recreation District. Food, entertainment, music, door prizes, and fire engine rides are featured at the barbeque.

Expenditure Required: \$3,000

Source of Funds: General Fund - Parks, Recreation, and Libraries Operating Budget

Policy Issue

None identified

Alternative

None identified

Background Information

Community Pride Day was established several years ago in recognition of the Keep America Beautiful anti-litter campaign. This popular volunteer cleanup event has grown from a few hundred volunteers to over 1,300 volunteers last year.

On May 9, 2009, volunteers will begin cleaning up along designated routes at approximately 8 a.m. After completion of their cleanup, volunteers will meet at Westminster City Hall for a barbecue to celebrate their hard work with food, entertainment, and prizes. The barbecue's entertainment includes music and games provided by Bryce Jackman. Hotdogs and hamburgers will be hot off the barbecue grill at City Hall, courtesy of the Westminster Rotary Club chefs, along with soda pop, chips, and dessert. Partnership with the Westminster Rotary Club and donations by Chik-Fil-A, Doubletree Hotel, Burger King and other area merchants are instrumental in providing a quality event for the volunteers.

Mayor Nancy McNally will read the Community Pride Day proclamation and recognize sponsors. During the barbecue, the Westminster Fire Department will offer antique fire engine rides. The Westminster Youth Advisory Panel is volunteering at the barbecue to help make it a success.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, Keep America Beautiful, a national nonprofit organization, strives to empower individuals to take greater responsibility for enhancing their community environments, and therefore sponsors the Great American Cleanup; and

WHEREAS, The City of Westminster and Hyland Hills Park and Recreation District have joined together to mobilize citizens to take action in their communities and to support the nation's largest volunteer beautification and improvement project; and

WHEREAS, The goal of Community Pride Day is to bring together youth, government, businesses, families, neighborhoods, and community leaders to help clean up the City and Hyland Hills Park and Recreation District and share pride in our community; and

WHEREAS, Westminster and Hyland Hills Park and Recreation District have organized a cleanup program with sponsors and donations from the community; and

WHEREAS, The caring citizen-volunteers of our communities are ready and willing to do their part to engage in cleanup activities and demonstrate their civic pride and individual responsibility.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim May 9, 2009,

COMMUNITY PRIDE DAY

in the City of Westminster and call upon all citizens and civic organizations to recognize and support the efforts of the volunteers and citizens who take pride in keeping Westminster and Hyland Hills Park and Recreation District clean places to live.

Signed this 27th day of April, 2009.

Nancy McNally, Mayor



Agenda Item 6 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 27, 2009



SUBJECT: Proclamation re National Drinking Water Week

Prepared By: Steve Ramer, Chemist/Program Coordinator

Recommended City Council Action

City Councillor Briggs to present proclamation for declaring the week of May 3 through 9, 2009 as “National Drinking Water Week” in the City of Westminster.

Summary Statement

- City Council is requested to proclaim the week of May 3 through 9, as “National Drinking Water Week” in the City of Westminster.
- Steve Ramer, Chemist and Program Coordinator for the Westminster Water Week Program, will be at the City Council meeting to accept the proclamation.
- National Drinking Water Week focuses on the importance of a safe, domestic water supply and the limited nature of our Nation’s drinking water supply resources. The objective of this week is to educate and inform the public of the importance of a safe, reliable public water source, the need for wise use of water and water conservation and protection, and to encourage each local water utility to involve its citizens in water promotion activities.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

The City's National Drinking Water Week program, scheduled for the week of May 3 through 9, will be coordinated by the Public Works and Utilities Department's Water Resources and Treatment Division. Information on caring for the City's precious water resource will be available in the lobby at Westminster's College Hill Library May 4-8 and on display at the City Park Recreation Center during the month of May.

In conjunction with this activity, a poster contest for elementary school students and an essay contest for junior high school students will be conducted. The winning posters and essays will be on display at the Semper Water Treatment Facility for the remainder of the year.

The City's National Drinking Water Week program meets the City's goal of a Safe and Secure Community and a Beautiful and Environmentally Sensitive City.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, citizens' health, comfort and standard of living depend on an abundant supply of safe, high quality water; and

WHEREAS, the problems and challenges of meeting future water supply needs are many and growing in complexity; and

WHEREAS, the ever increasing need for domestic water makes storage, supply and distribution facilities, and water quality monitoring and continued training of skilled personnel essential.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim the week of May 3 through 9, 2009, as

NATIONAL DRINKING WATER WEEK

in the City of Westminster and ask all citizens to join in extending our appreciation to the dedicated men and women of our Westminster Municipal water system, and urge that Westminster citizens participate in National Drinking Water Week activities and become more informed about Westminster's water supply and system.

Signed this 27th day of April 2009.

Nancy McNally, Mayor



Agenda Item 6 C

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 27, 2009



SUBJECT: Proclamation re Mental Health Month

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Councillor Lindsey to present the proclamation for Mental Health Month.

Summary Statement

- Jefferson Center for Mental Health and Community Reach, which serves Adams County residents, have requested that the City proclaim the month of May as Mental Health Month in Westminster.
- The City has been very supportive of both of these mental health organizations through the City's Human Services funding each year, as well as providing office space for Community Reach.
- Vicki Rodgers, Deputy Chief Operating Officer at Jefferson Center for Mental Health, and Lindy Schultz, Public Relations Coordinator at Community Reach, will accept the proclamations.

Expenditure Required: \$0

Source of Funds: N/A

SUBJECT: Proclamation re Mental Health Month

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Policy Issue

None identified

Alternative

None identified

Background Information

Community Reach and Jefferson Center for Mental Health have requested that the month of May be recognized as Mental Health Month in Westminster in order to increase community awareness that persons with mental illness can be treated and can be productive citizens.

In 2009, the City is providing \$7,000 to Jefferson Center for Mental Health and \$12,000 to Community Reach as part of the Human Services Agency Funding. In addition the City supports Community Reach by providing facility space for their Westminster office in the former 76th Avenue Library building.

Representatives of Community Reach and Jefferson Center for Mental Health will be in attendance to accept the proclamations.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

WHEREAS, Mental illness is the leading cause of disability in the United States, resulting in 217 million days of work lost annually due to productivity decline, more than many other chronic conditions; and

WHEREAS, Lack of access to mental health services is listed as one of the top five health threats in a 2005 Colorado Health Institute survey of 640 community leaders in 23 communities around the state of Colorado; and

WHEREAS, Good mental health is essential to the overall health and emotional well-being of Colorado's children, youth, adults, and families; and

WHEREAS, Colorado citizens who have mental illnesses can recover and lead full, productive lives; and

WHEREAS, Access to necessary medication and medical treatment helps prevent individuals from ending up in emergency rooms, corrections facilities, homelessness and, most importantly, prevents suicide; and

WHEREAS, There is a widening gap between the availability of well-trained mental health professionals and the increasing need for mental health services evidenced by an estimated 80,000 children, youth, and adults in Colorado with mental health disorders who are not receiving the help they need; and

WHEREAS, The cost of community-based public mental health services in Colorado is less than half the cost of incarcerating people with mental health needs; and

WHEREAS, The City of Westminster wishes to join other elected officials, public and private organizations, agencies, mental health professionals and human service providers in a statewide collaborative effort to raise awareness and understanding of mental health.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim May to be

MENTAL HEALTH MONTH

and urge residents to become knowledgeable of mental illnesses and appropriate and accessible services within the community.

Dated this 27th day of April, 2009.

Nancy McNally, Mayor



Agenda Item 6 D

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 27, 2009

SUBJECT: 2009 Jefferson County Metropolitan Mayors' and Commissioners' Youth Award

Prepared By: Phil Jones, Management Analyst

Recommended City Council Action

1. Councillor Winter to recognize the youth selected for the first phase of the Metropolitan Mayors' and Commissioners' Youth Award.
2. Recognize and present certificates of achievement to: Donna Ellis, Taylor Ficco, Zach Holdridge, Donovan Sandoval, Tanner Shoemate, and Anthony Taylor.

Summary Statement

- Six Westminster youth have been nominated through the Metropolitan Mayors' and Commissioners' Youth Award (MMCYA) program for municipal-level recognition.
- City Council is requested to recognize these youth privately at a reception preceding the April 27, 2009 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 Metropolitan Mayors' and Commissioners' 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 fall, nominations were sought for youth ages 13 through 19 who have shown outstanding achievement in the areas of direct service to the community, other youth, the family, or to self. All of the nominees are honored by their respective municipalities. Additionally, if a nominee is selected to continue in the awards process, he or she may be honored by his or her county, and by the entire metropolitan area. Introductory letters and nomination forms were sent to local churches in Westminster, local non-profit organizations, school principals, and school counselors.

This year, the City received the Jefferson County nominations after the initial MMCYA recognition occurred in February that recognized Adams County nominees. As a result, Jefferson County students will be recognized this evening. Staff is working to coordinate next year's receipt of the nominations and hold one recognition ceremony for both Adams and Jefferson County nominees. Seven Jefferson County Commissioners held a reception honoring youths who were selected for county-level recognition on April 9.

The individuals being recognized tonight 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 Adams and Jefferson County MMCYA Selection Committees recommend 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, principals and families prior to the Council meeting.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 27, 2009



SUBJECT: Financial Report for March 2009

Prepared By: Tammy Hitchens, Finance Director

Recommended City Council Action

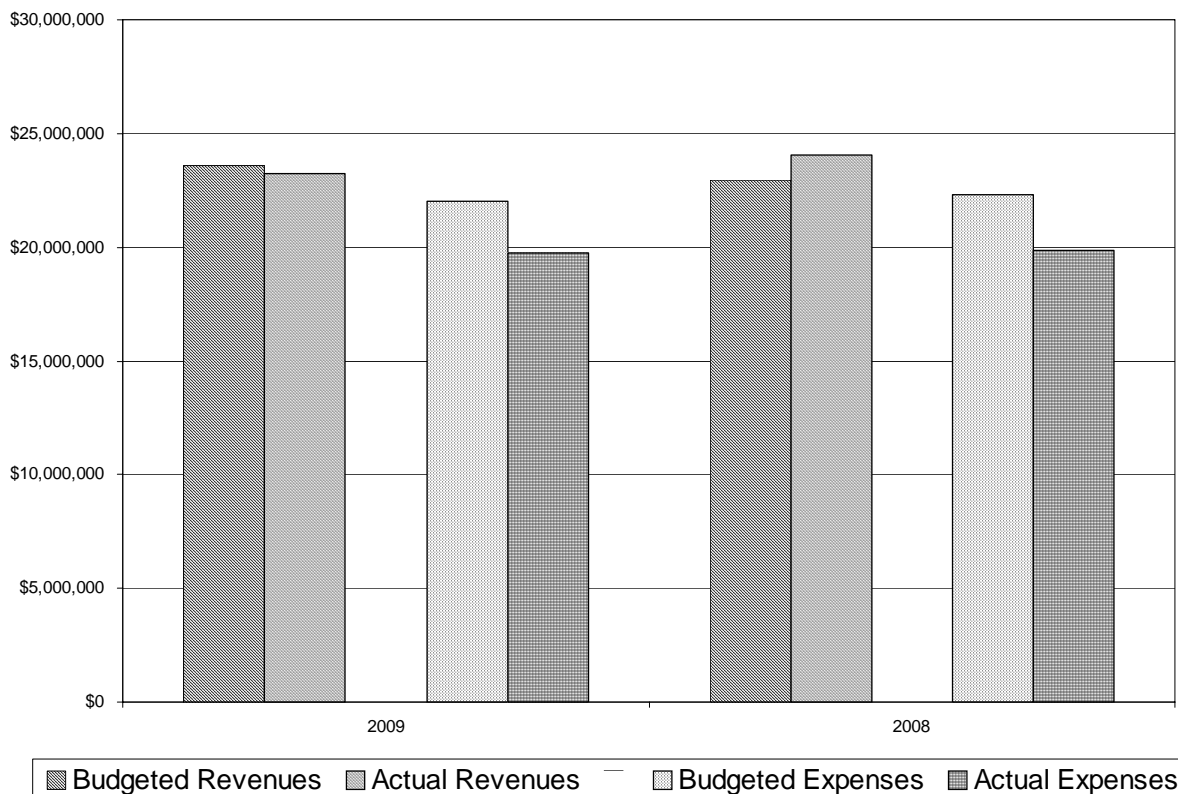
Accept the Financial Report for March as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, “budget” refers to the pro-rated budget. Revenues also include carryover where applicable. The revenues are pro-rated based on 10-year historical averages. Expenses are also pro-rated based on 5-year historical averages.

The General Fund revenues and carryover exceed expenditures by \$3,475,159. The following graph represents Budget vs. Actual for 2008 – 2009.

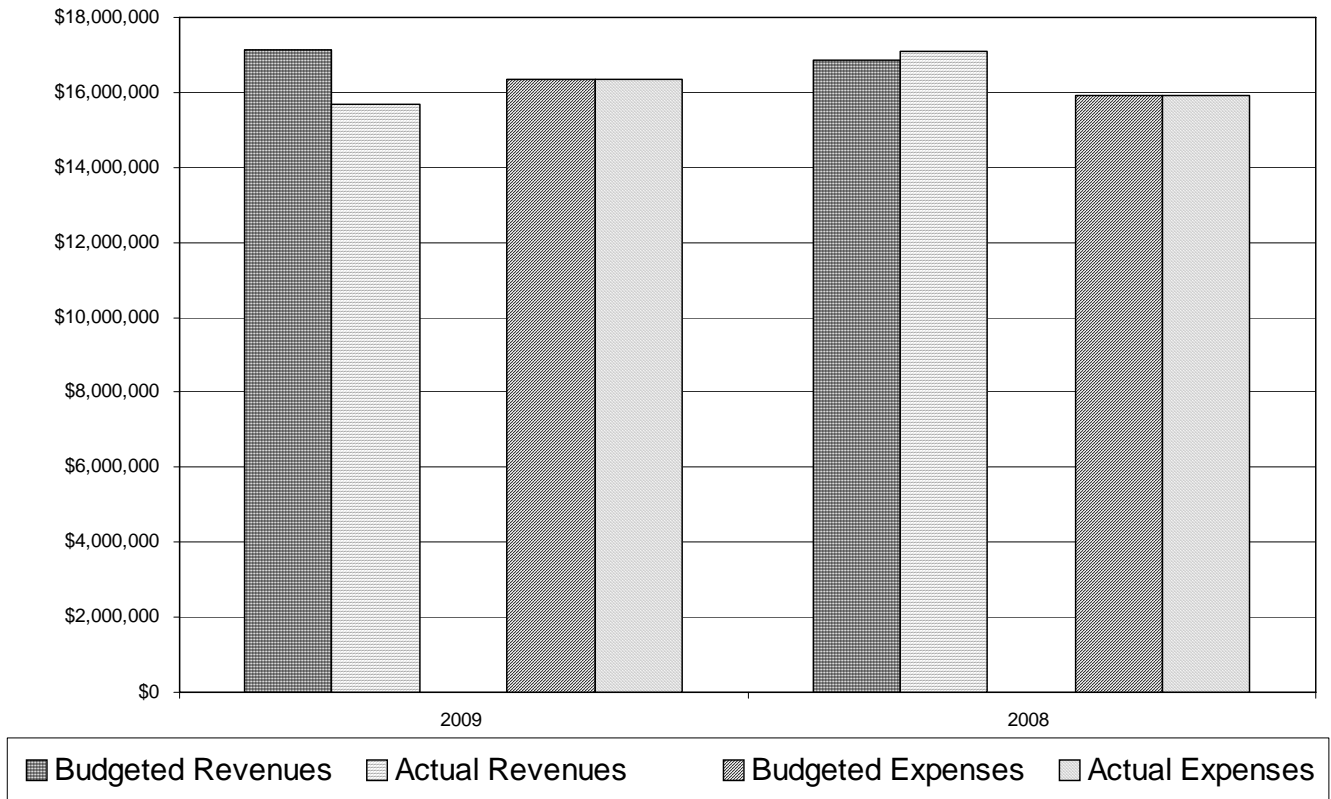
**General Fund
Budget vs Actual**



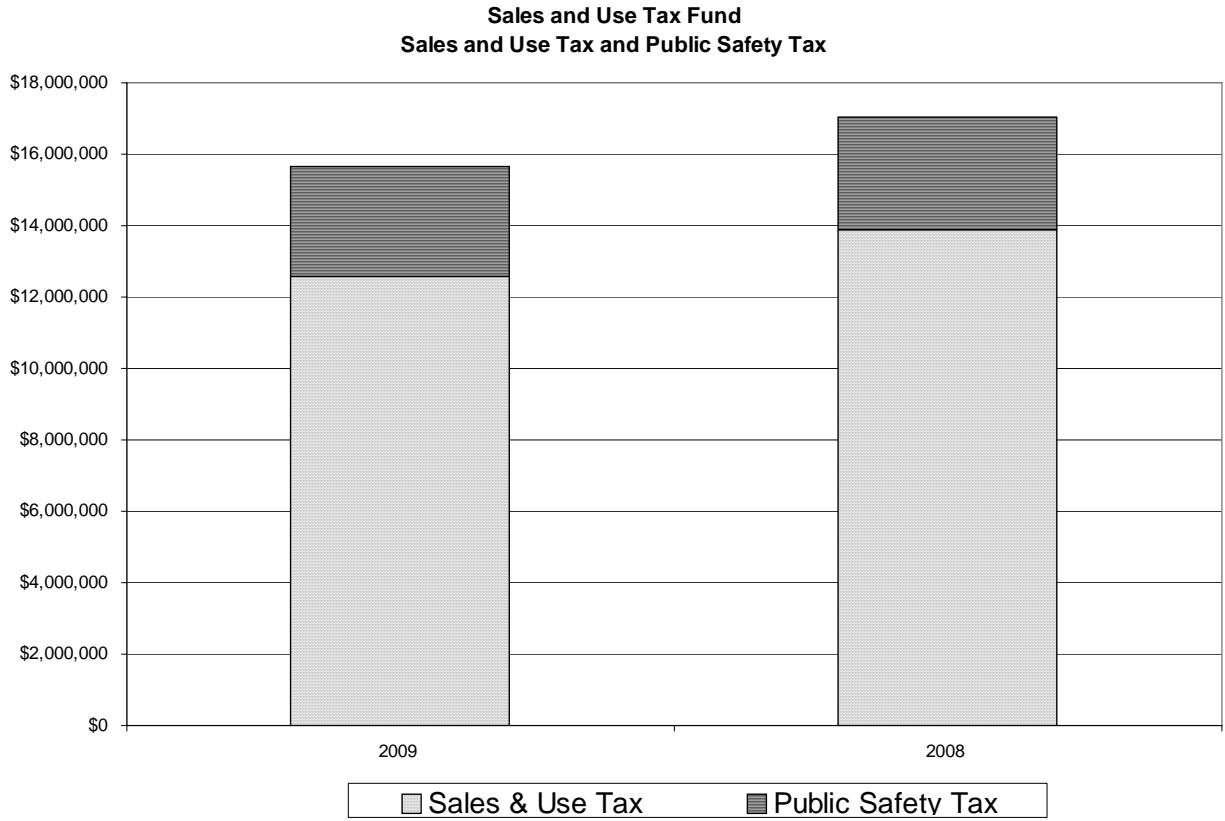
The Sales and Use Tax Fund revenues and carryover are less than expenditures by \$672,099.

- On a year-to-date cash basis, sales & use tax returns are down 5.4% from 2008.
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 3.4% from the prior year. This includes Urban Renewal Area money that is not available for General Fund use. Without Urban Renewal money, total sales and use tax receipts are down 2.2%.
- The top 50 Sales Tax payers, who represent about 62% of all collections, were down 4.0% after adjusting for Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 19.0% on a year-to-date basis.
- Building Use Tax is down 65.6% year-to-date from 2008.

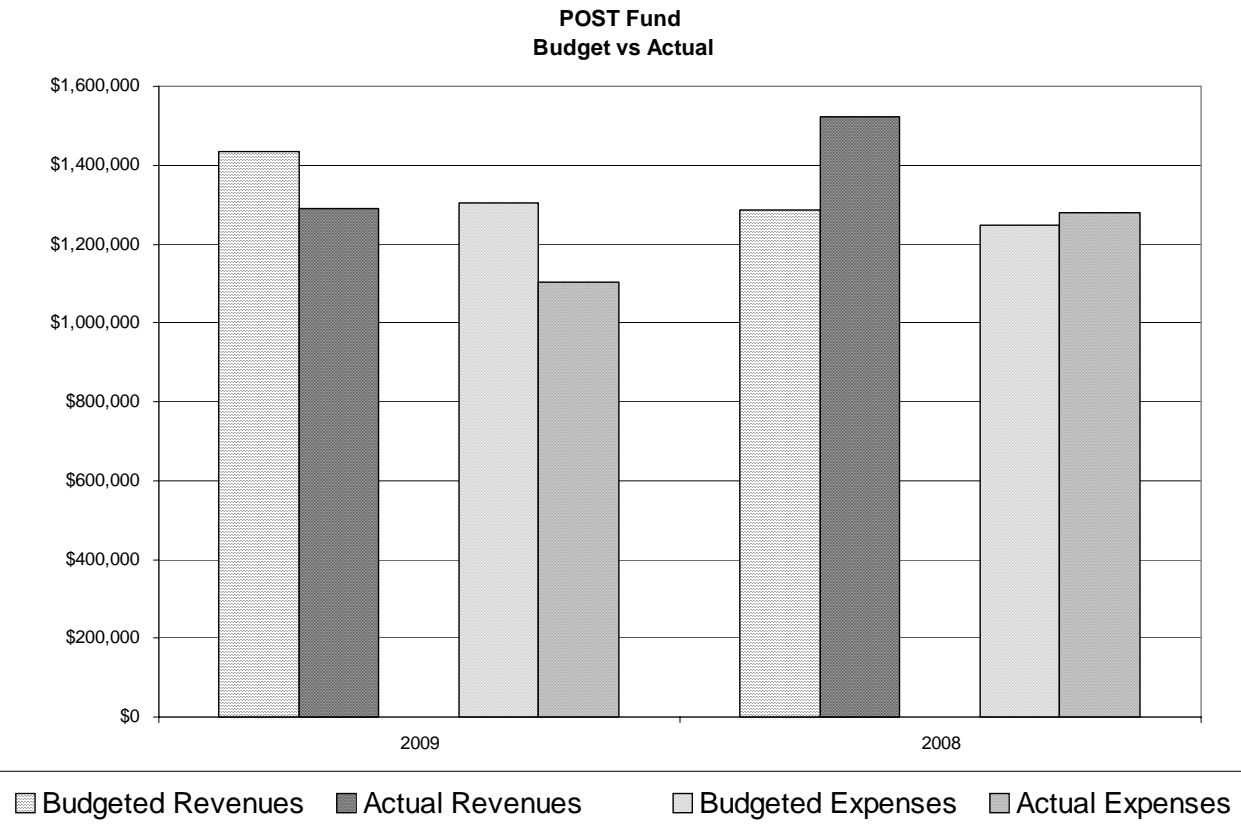
**Sales & Use Tax Fund
Budget vs Actual**



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

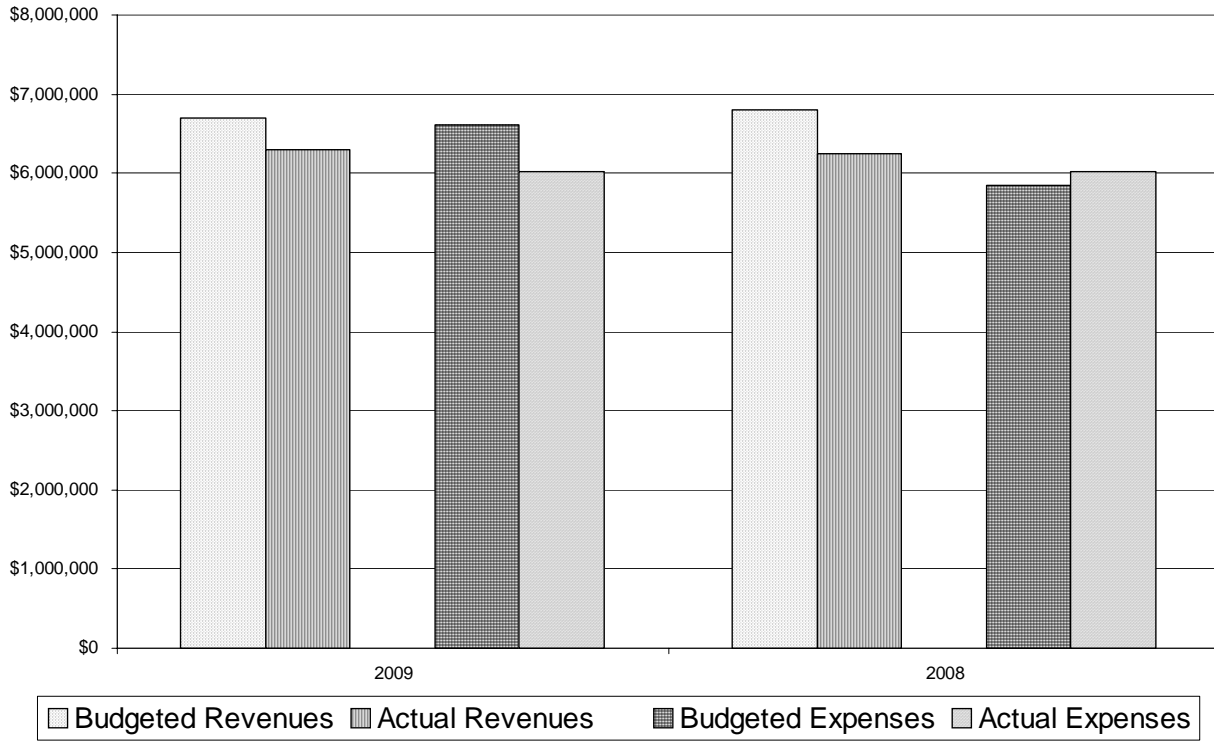


The Parks Open Space and Trails Fund revenues exceed expenditures by \$185,466.



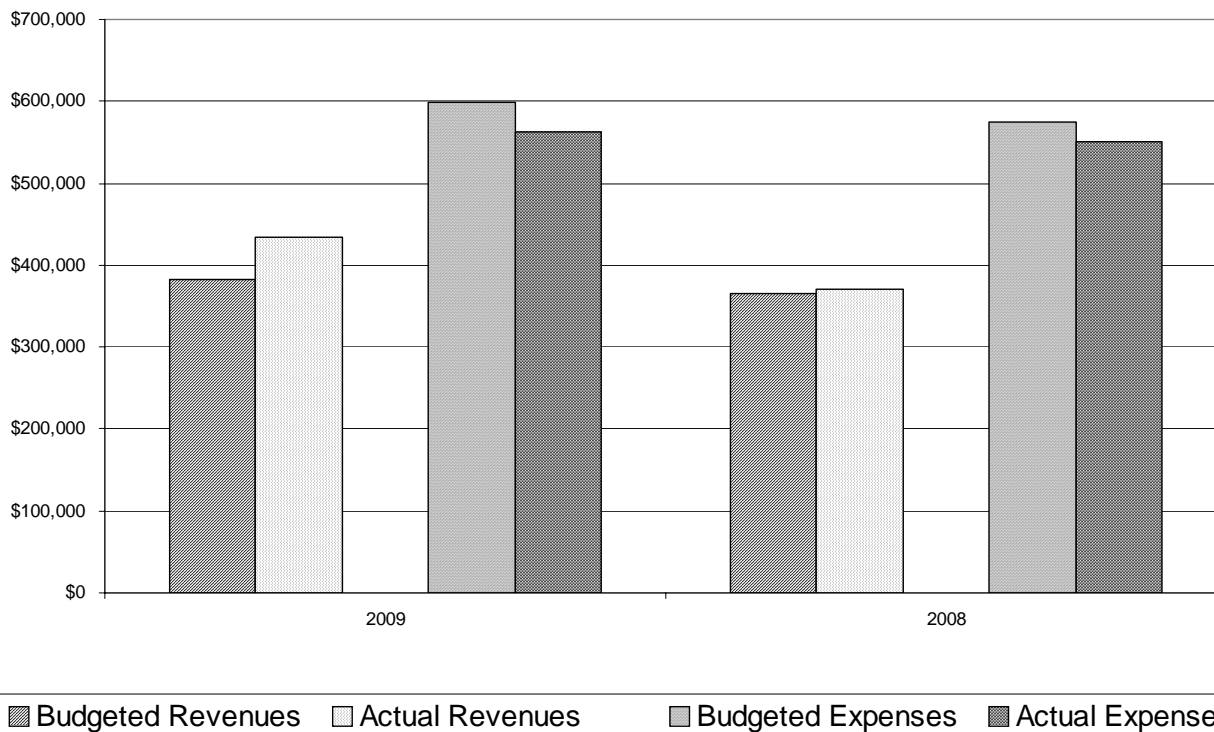
The combined Water & Wastewater Fund revenues and carryover exceed expenses by \$7,201,620. \$23,883,469 is budgeted for capital projects and reserves.

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



The combined Golf Course Fund revenues are less than expenses by \$127,972.

**Golf Course Enterprise
Budget vs Actual**



Policy Issue

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

Alternative

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

Background Information

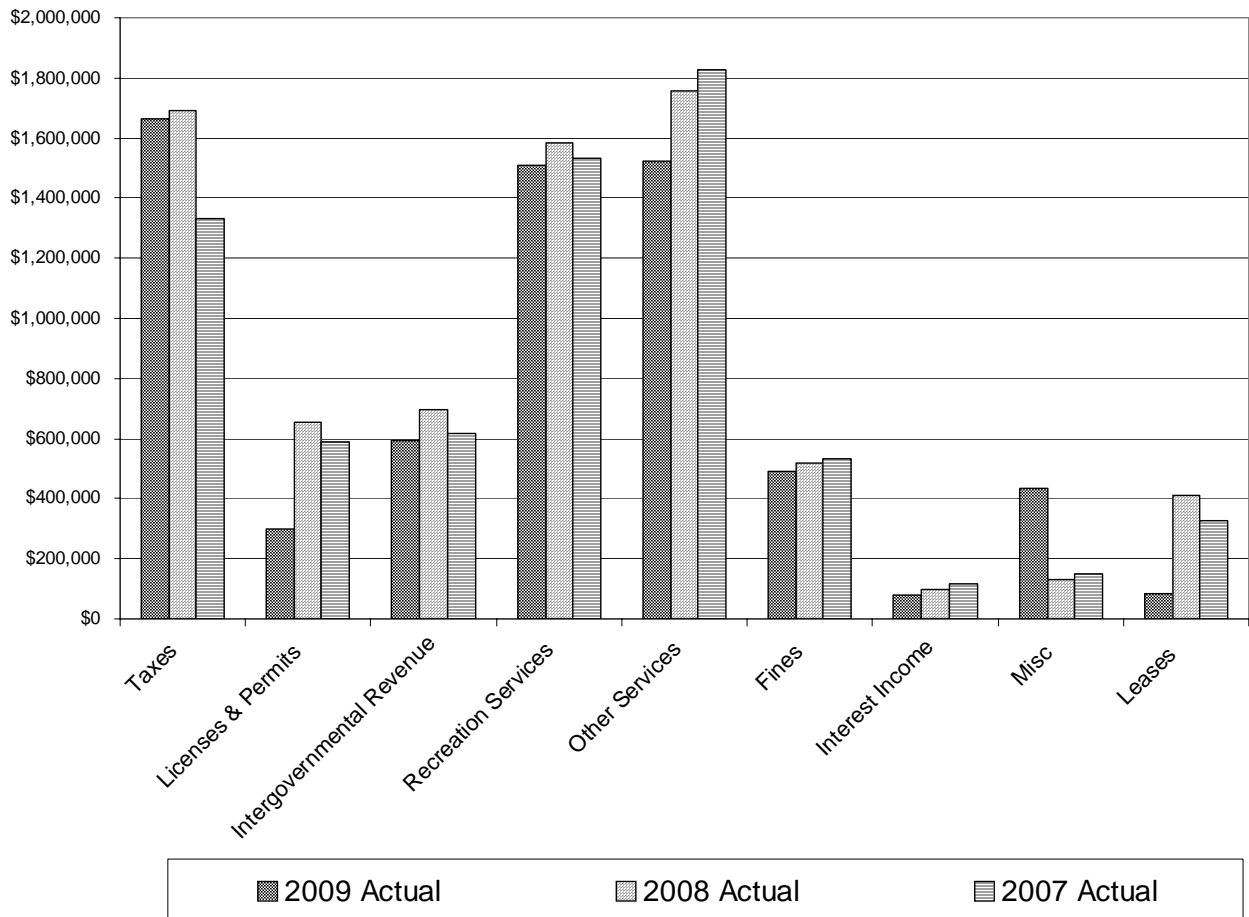
This section includes a discussion of highlights of each fund presented.

General Fund

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

The following chart represents the trend in actual revenues from 2007 – 2009 year-to-date.

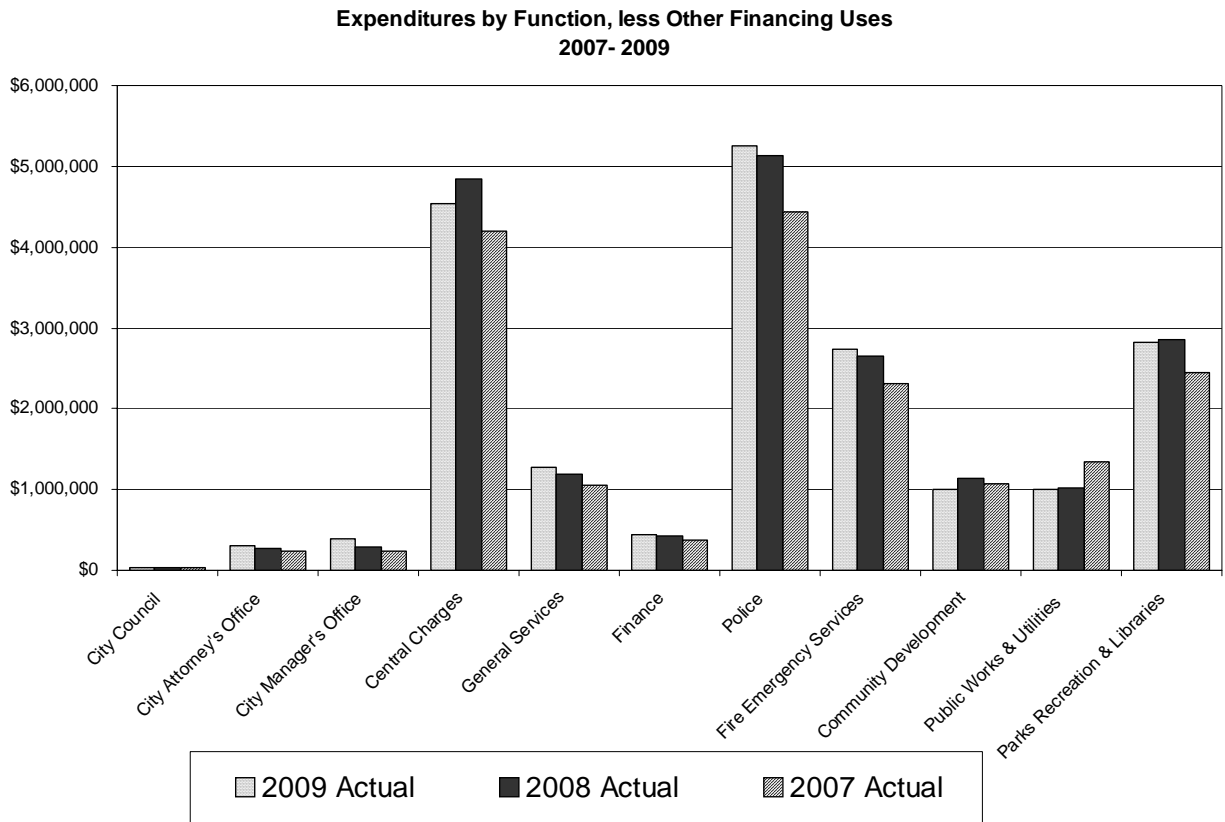
**General Fund Revenues without Transfers, Carryover, and Other Financing Sources
2007 - 2009**



Significant variances in General Fund revenue categories are explained as follows:

- The decrease in License and Permit revenue reflects commercial and residential building permit activity.
- The variance in Intergovernmental Revenues is reflective of a one time grant reimbursement received in 2008.
- Fluctuation in Other Services revenue is mainly due to Xcel Energy franchise fees and EMS service fees.
- Miscellaneous revenue reflects a reimbursement from Thornton relating to the 144th Avenue bridge construction IGA.
- Lease revenue is down due to the Conference Center and Pavilion leases that were terminated in 2008.

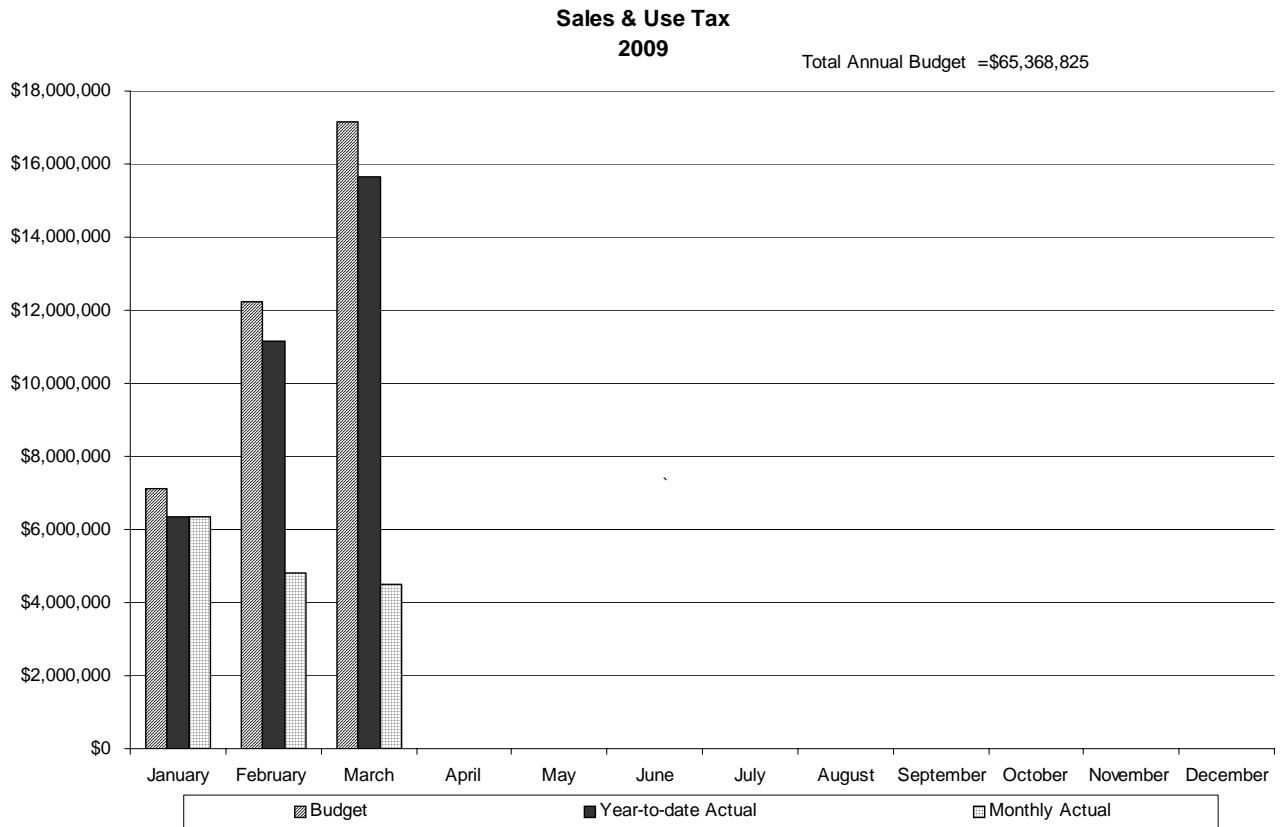
The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2007 –2009.



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

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the General Capital Improvement Fund, the Debt Service Fund and the Heritage Golf Course Fund. The Parks, Open Space, and Trails Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space land, and make park improvements on a pay-as-you-go basis. The Public Safety Tax (PST) is a 0.6% sales and use tax to be used to fund public safety-related expenses.

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

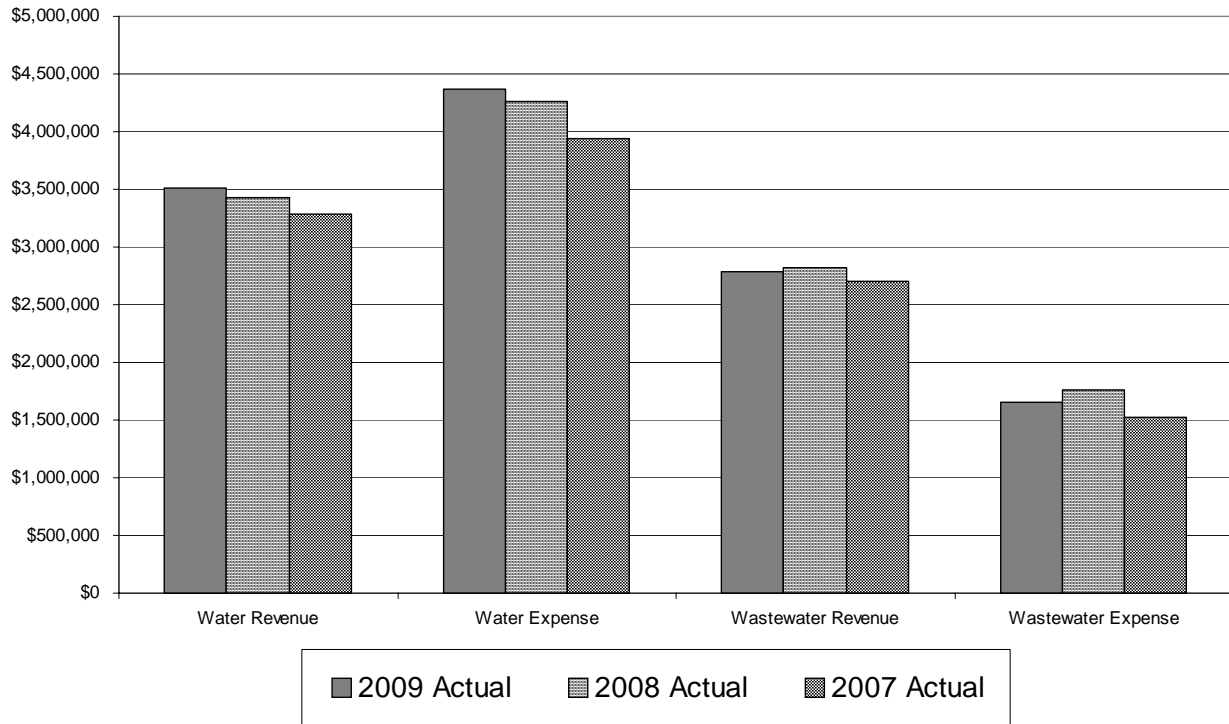


Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

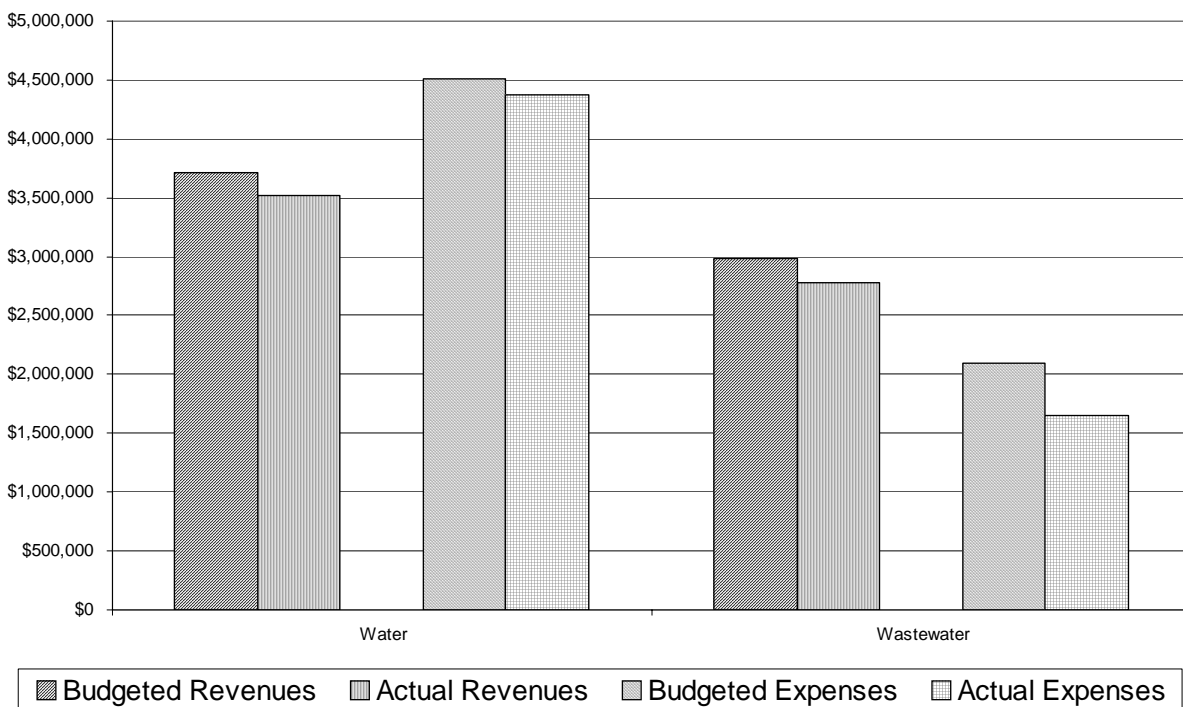
This fund reflects the operating results of the City’s water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects and reserves.

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

**Water and Wastewater Funds
Operating Revenue and Expenses 2007-2009**



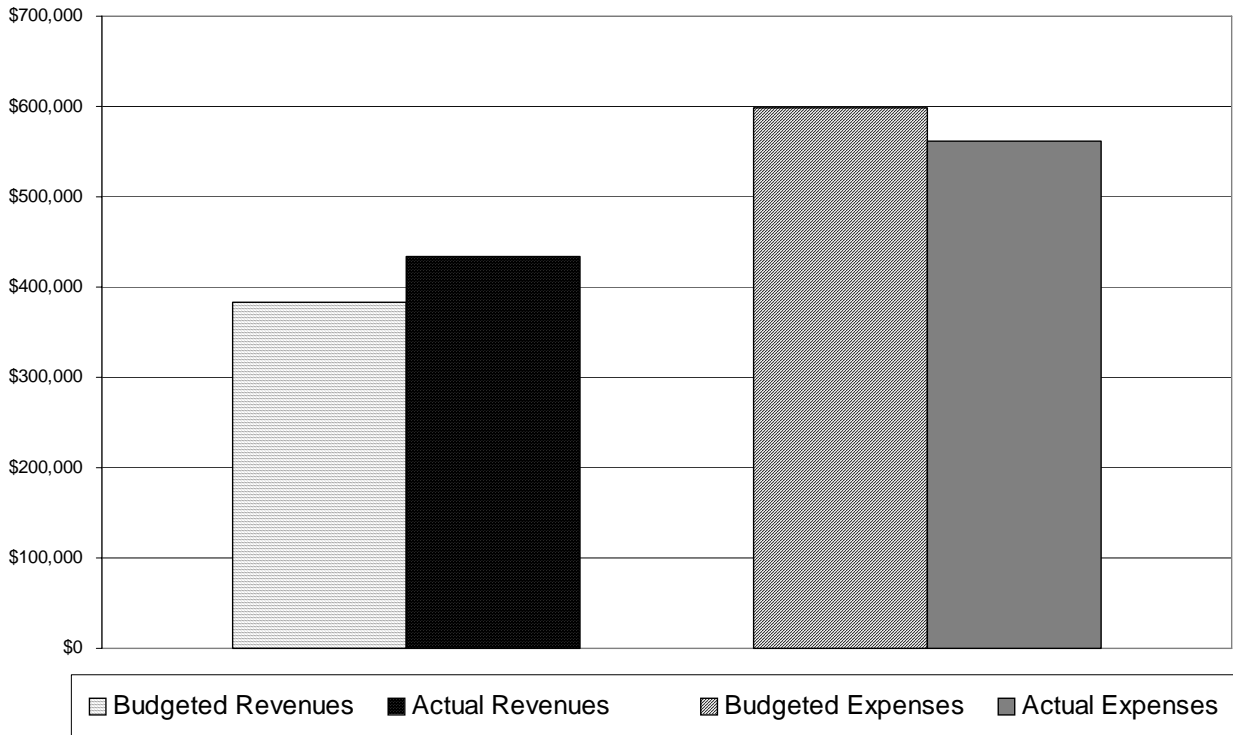
**Water and Wastewater Funds
2009 Operating Budget vs Actual**



Golf Course Enterprise (Legacy and Heritage Golf Courses)

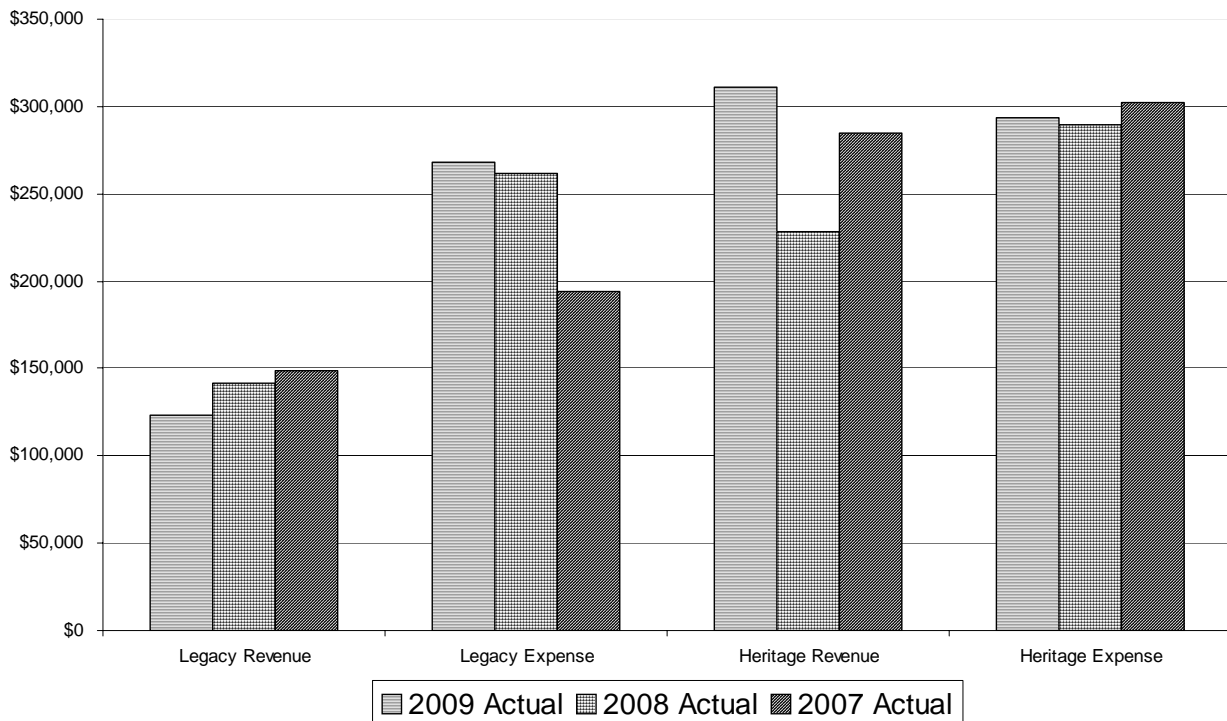
This enterprise reflects the operations of the City's two municipal golf courses.

**Combined Golf Courses
2009 Budget vs Actual**

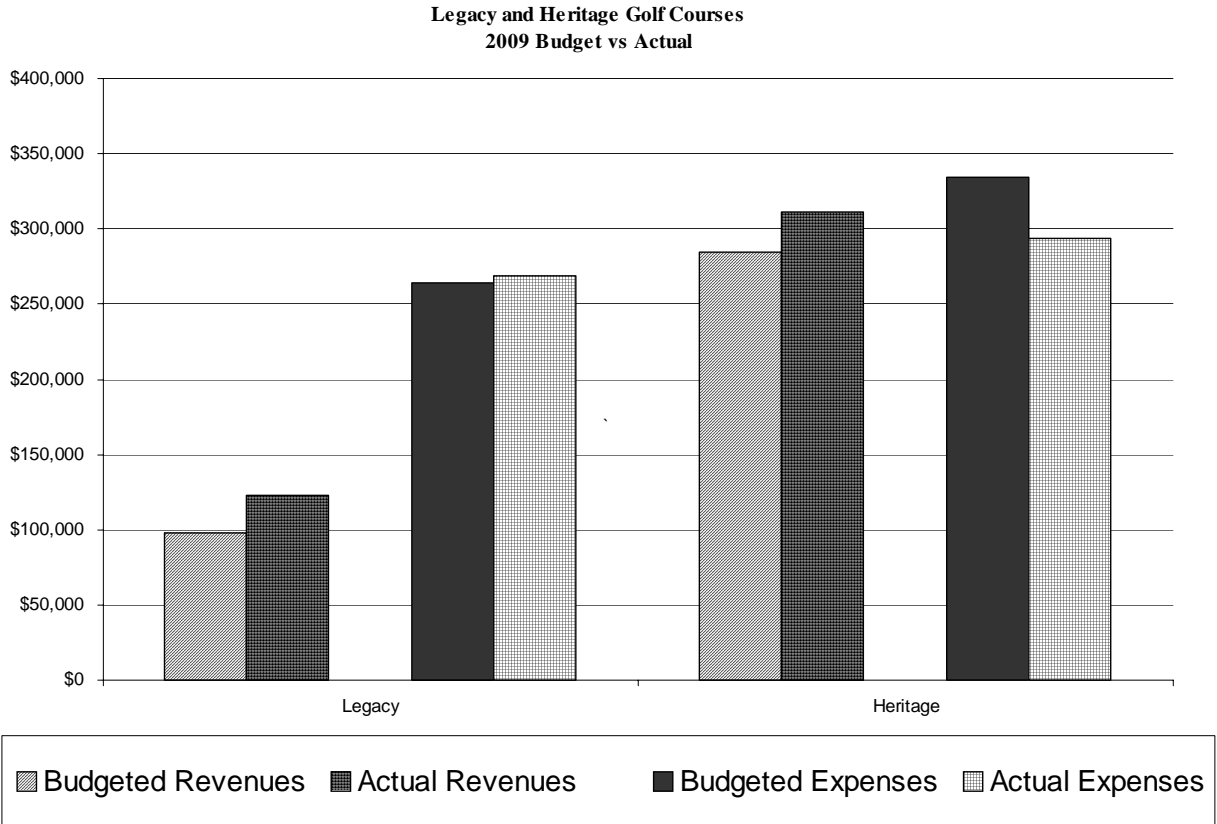


The following graphs represent the information for each of the golf courses.

**Legacy and Heritage Golf Courses
Revenue and Expenses 2007-2009**



Mild weather contributed to increased revenues over 2008 of \$30,003 and \$34,247 for Legacy and Heritage, respectively. Allocation of \$48,078 in carryover from Legacy to Heritage impacts this revenue representation. The remaining difference, between the revenue at the two courses, is attributed to the transfer that Heritage receives to help pay outstanding bonds.



Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**City of Westminster
Financial Report
For Three Months Ending March 31, 2009**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues and Carryover						
Taxes	6,089,541	1,716,641		1,664,220	-52,421	96.9%
Licenses & Permits	1,597,600	387,240		297,941	-89,299	76.9%
Intergovernmental Revenue	5,034,622	635,899		591,764	-44,135	93.1%
Recreation Services	5,910,792	1,485,345		1,508,135	22,790	101.5%
Other Services	9,231,219	1,742,471		1,522,047	-220,424	87.3%
Fines	2,211,050	543,018		491,645	-51,373	90.5%
Interest Income	515,000	93,785		77,144	-16,641	82.3%
Misc	1,641,905	367,027		435,224	68,197	118.6%
Leases	295,925	55,157		83,522	28,365	151.4%
Interfund Transfers	62,305,840	15,576,460		15,576,460	0	100.0%
Sub-total Revenues	<u>94,833,494</u>	<u>22,603,045</u>		<u>22,248,102</u>	<u>-354,941</u>	<u>98.4%</u>
Carryover	1,000,000	1,000,000		1,000,000	0	100.0%
Revenues and Carryover	<u>95,833,494</u>	<u>23,603,045</u>		<u>23,248,102</u>	<u>-354,941</u>	<u>98.5%</u>
Expenditures						
City Council	213,244	47,009		30,770	-16,239	65.5%
City Attorney's Office	1,174,235	311,625		304,656	-6,969	97.8%
City Manager's Office	1,625,634	421,159		383,784	-37,375	91.1%
Central Charges	24,087,857	4,522,807		4,536,979	14,172	100.3%
General Services	5,892,442	1,470,299		1,272,353	-197,946	86.5%
Finance	1,984,987	522,989		445,809	-77,180	85.2%
Police	21,263,639	5,593,206		5,244,273	-348,933	93.8%
Fire Emergency Services	11,910,586	3,092,344		2,729,190	-363,154	88.3%
Community Development	4,353,877	1,143,388		998,620	-144,768	87.3%
Public Works & Utilities	7,650,782	1,214,415		1,001,719	-212,696	82.5%
Parks, Recreation & Libraries	15,676,211	3,689,369		2,824,790	-864,579	76.6%
Total Expenditures	<u>95,833,494</u>	<u>22,028,610</u>		<u>19,772,943</u>	<u>-2,255,667</u>	<u>89.8%</u>
Revenues and Carryover Over(Under) Expenditures	<u>0</u>	<u>1,574,435</u>		<u>3,475,159</u>	<u>1,900,726</u>	

**City of Westminster
Financial Report
For Three Months Ending March 31, 2009**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Sales and Use Tax Fund						
Revenues and Carryover						
Sales Tax						
Sales Tax Returns	42,096,853	11,789,369		10,735,946	-1,053,423	91.1%
Sales Tx Audit Revenues	697,800	266,648		129,684	-136,964	48.6%
S-T Rev. STX	<u>42,794,653</u>	<u>12,056,017</u>		<u>10,865,630</u>	<u>-1,190,387</u>	<u>90.1%</u>
Use Tax						
Use Tax Returns	9,037,161	1,784,639		1,412,083	-372,556	79.1%
Use Tax Audit Revenues	777,018	0		317,389	317,389	N/A
S-T Rev. UTX	<u>9,814,179</u>	<u>1,784,639</u>		<u>1,729,472</u>	<u>-55,167</u>	<u>96.9%</u>
Total STX and UTX	<u><u>52,608,832</u></u>	<u><u>13,840,656</u></u>		<u><u>12,595,102</u></u>	<u><u>-1,245,554</u></u>	<u><u>91.0%</u></u>
Public Safety Tax						
PST Tax Returns	12,401,153	3,220,947		2,955,896	-265,051	91.8%
PST Audit Revenues	128,840	22,710		89,382	66,672	393.6%
Total Rev. PST	<u><u>12,529,993</u></u>	<u><u>3,243,657</u></u>		<u><u>3,045,278</u></u>	<u><u>-198,379</u></u>	<u><u>93.9%</u></u>
Total Interest Income	230,000	57,500		29,727	-27,773	51.7%
Carryover	0	0		0	0	N/A
Total Revenues and Carryover	<u><u>65,368,825</u></u>	<u><u>17,141,813</u></u>		<u><u>15,670,107</u></u>	<u><u>-1,471,706</u></u>	<u><u>91.4%</u></u>
Expenditures						
Central Charges	<u>65,368,825</u>	<u>16,342,206</u>		<u>16,342,206</u>	<u>0</u>	<u>100.0%</u>
Revenues and Carryover Over(Under) Expenditures	<u><u>0</u></u>	<u><u>799,607</u></u>		<u><u>-672,099</u></u>	<u><u>-1,471,706</u></u>	

**City of Westminster
Financial Report
For Three Months Ending March 31, 2009**

Description POST Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Revenues and Carryover						
Sales & Use Tax	5,228,386	1,353,392		1,268,540	-84,852	93.7%
Interest Income	31,000	7,750		13,028	5,278	168.1%
Miscellaneous	88,832	12,944		7,926	-5,018	61.2%
Interfund Transfers	180,000	60,000		0	-60,000	N/A
Sub-total Revenues	<u>5,528,218</u>	<u>1,434,086</u>		<u>1,289,494</u>	<u>-144,592</u>	<u>89.9%</u>
Carryover	0	0		0	0	N/A
Total Revenues and Carryover	<u><u>5,528,218</u></u>	<u><u>1,434,086</u></u>		<u><u>1,289,494</u></u>	<u><u>-144,592</u></u>	<u><u>89.9%</u></u>
Expenditures						
Central Charges	5,187,989	1,218,785		1,046,406	-172,379	85.9%
Park Services	340,229	86,586		57,622	-28,964	66.5%
	<u>5,528,218</u>	<u>1,305,370</u>		<u>1,104,028</u>	<u>-201,343</u>	<u>84.6%</u>
Over(Under) Expenditures	<u><u>0</u></u>	<u><u>128,716</u></u>		<u><u>185,466</u></u>	<u><u>56,751</u></u>	

**City of Westminster
Financial Report
For Three Months Ending March 31, 2009**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water and Wastewater Fund-Combined						
Operating Revenues						
License & Permits	75,000	18,750		22,800	4,050	121.6%
Rates and Charges	38,674,370	6,569,772		6,235,835	(333,937)	94.9%
Miscellaneous	435,000	108,750		37,613	(71,137)	34.6%
Total Operating Revenues	<u>39,184,370</u>	<u>6,697,272</u>		<u>6,296,248</u>	<u>(401,024)</u>	<u>94.0%</u>
Operating Expenses						
Central Charges	5,830,390	1,457,597		1,529,136	71,539	104.9%
Finance	671,815	156,819		152,992	(3,827)	97.6%
Public Works & Utilities	22,399,301	4,277,053		3,677,349	(599,704)	86.0%
Parks, Recreation & Libraries	157,226	39,307		4,098	(35,209)	10.4%
Information Technology	2,808,228	676,783		658,176	(18,607)	97.3%
Total Operating Expenses	<u>31,866,960</u>	<u>6,607,559</u>		<u>6,021,751</u>	<u>(585,808)</u>	<u>91.1%</u>
Operating Income (Loss)	<u>7,317,410</u>	<u>89,713</u>		<u>274,497</u>	<u>184,784</u>	
Other Revenue and Expenses						
Tap Fees	7,020,000	2,187,228		650,019	(1,537,209)	29.7%
Interest Income	1,600,000	400,000		308,732	(91,268)	77.2%
Interfund Transfers	14,394,824	6,113,718		6,113,718	0	100.0%
Carryover	(145,346)	(145,346)		(145,346)	0	100.0%
Debt Service	(6,303,419)	0		0	0	N/A
Total Other Revenue (Expenses)	<u>16,566,059</u>	<u>8,555,600</u>		<u>6,927,123</u>	<u>(1,628,477)</u>	<u>81.0%</u>
Increase (Decrease) in Net Assets	<u>23,883,469</u>	<u>8,645,313</u>	(1)	<u>7,201,620</u>	<u>(1,443,693)</u>	

(1) Increase in Net Assets available for Capital Projects and Reserves

**City of Westminster
Financial Report
For Three Months Ending March 31, 2009**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Water Fund						
Operating Revenues						
License & Permits	75,000	18,750		22,800	4,050	121.6%
Rates and Charges	26,956,370	3,590,646		3,454,638	(136,008)	96.2%
Miscellaneous	425,000	106,250		36,613	(69,637)	34.5%
Total Operating Revenues	<u>27,456,370</u>	<u>3,715,646</u>		<u>3,514,051</u>	<u>(201,595)</u>	<u>94.6%</u>
Operating Expenses						
Central Charges	4,092,873	1,023,218		1,087,732	64,514	106.3%
Finance	671,815	156,819		152,992	(3,827)	97.6%
Public Works & Utilities	13,817,464	2,612,517		2,465,702	(146,815)	94.4%
Parks, Recreation & Libraries	157,226	39,307		4,098	(35,209)	10.4%
Information Technology	2,808,228	676,783		658,176	(18,607)	97.3%
Total Operating Expenses	<u>21,547,606</u>	<u>4,508,644</u>		<u>4,368,700</u>	<u>(139,944)</u>	<u>96.9%</u>
Operating Income (Loss)	<u>5,908,764</u>	<u>(792,998)</u>		<u>(854,649)</u>	<u>(61,651)</u>	
Other Revenue and Expenses						
Tap Fees	5,739,000	1,766,872		501,279	(1,265,593)	28.4%
Interest Income	900,000	225,000		233,627	8,627	103.8%
Interfund Transfers	10,859,076	3,756,519		3,756,519	0	100.0%
Carryover	(145,346)	(145,346)		(145,346)	0	100.0%
Debt Service	(4,798,025)	0		0	0	N/A
Total Other Revenues (Expenses)	<u>12,554,705</u>	<u>5,603,045</u>		<u>4,346,079</u>	<u>(1,256,966)</u>	<u>77.6%</u>
Increase (Decrease) in Net Assets	<u>18,463,469</u>	<u>4,810,047</u>	(1)	<u>3,491,430</u>	<u>(1,318,617)</u>	

(1) Increase in Net Assets available for Capital Projects and Reserves

**City of Westminster
Financial Report
For Three Months Ending March 31, 2009**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Wastewater Fund						
Operating Revenues						
Rates and Charges	11,718,000	2,979,126		2,781,197	(197,929)	93.4%
Miscellaneous	10,000	2,500		1,000	(1,500)	40.0%
Total Operating Revenues	<u>11,728,000</u>	<u>2,981,626</u>		<u>2,782,197</u>	<u>(199,429)</u>	<u>93.3%</u>
Operating Expenses						
Central Charges	1,737,517	434,379		441,404	7,025	101.6%
Public Works & Utilities	8,581,837	1,664,536		1,211,647	(452,889)	72.8%
Total Operating Expenses	<u>10,319,354</u>	<u>2,098,915</u>		<u>1,653,051</u>	<u>(445,864)</u>	<u>78.8%</u>
Operating Income (Loss)	<u>1,408,646</u>	<u>882,711</u>		<u>1,129,146</u>	<u>246,435</u>	
Other Revenue and Expenses						
Tap Fees	1,281,000	420,356		148,740	(271,616)	35.4%
Interest Income	700,000	175,000		75,105	(99,895)	42.9%
Interfund Transfers	3,535,748	2,357,199		2,357,199	0	100.0%
Debt Service	(1,505,394)	0		0	0	N/A
Total Other Revenues (Expenses)	<u>4,011,354</u>	<u>2,952,555</u>		<u>2,581,044</u>	<u>(371,511)</u>	<u>87.4%</u>
Increase (Decrease) in Net Assets	<u>5,420,000</u>	<u>3,835,266</u>	(1)	<u>3,710,190</u>	<u>(125,076)</u>	

(1) Increase in Net Assets available for Capital Projects and Reserves

**City of Westminster
Financial Report
For Three Months Ending March 31, 2009**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Storm Drainage Fund						
Revenues and Carryover						
Charges for Services	1,900,000	475,000		499,006	24,006	105.1%
Interest Income	0	0		18,811	18,811	N/A
Miscellaneous	0	0		502	502	N/A
Sub-total Storm Drainage Revenues	<u>1,900,000</u>	<u>475,000</u>		<u>518,319</u>	<u>43,319</u>	<u>109.1%</u>
Carryover	0	0		0	0	N/A
Total Revenues and Carryover	<u>1,900,000</u>	<u>475,000</u>		<u>518,319</u>	<u>43,319</u>	<u>109.1%</u>
Expenses						
General Services	92,000	4,876		2,310	(2,566)	47.4%
Community Development	140,000	34,860		21,581	(13,279)	61.9%
Park Services	200,000	50,000		19,196	(30,804)	38.4%
Public Works & Utilities	396,000	35,640		52,137	16,497	146.3%
Total Expenses	<u>828,000</u>	<u>125,376</u>		<u>95,224</u>	<u>(30,152)</u>	<u>76.0%</u>
Increase (Decrease) in Net Assets	<u>1,072,000</u>	<u>349,624</u>	(1)	<u>423,095</u>	<u>73,471</u>	

(1) Increase in Net Assets available for Capital Projects and Reserves

**City of Westminster
Financial Report
For Three Months Ending March 31, 2009**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Golf Courses Combined						
Revenues						
Carryover	0	0		0	0	N/A
Charges for Services	3,336,142	265,793		311,499	45,706	117.2%
Interest Income	0	0		5,943	5,943	N/A
Interfund Transfers	467,272	116,818		116,818	0	100.0%
Total Revenues	3,803,414	382,611		434,260	51,649	113.5%
Expenses						
Central Charges	197,920	47,003		57,506	10,503	122.3%
Recreation Facilities	3,105,929	551,735		504,726	(47,009)	91.5%
Total Expenses	3,303,849	598,738		562,232	(36,506)	93.9%
Operating Income (Loss)	499,565	(216,127)		(127,972)	88,155	
Debt Service Expense	499,565	0		0	0	N/A
Increase (Decrease) in Net Assets	0	(216,127)		(127,972)	88,155	

**City of Westminster
Financial Report
For Three Months Ending March 31, 2009**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Pro rated Budget	% Budget
Legacy Ridge Fund						
Revenues						
Carryover	(192,312)	(48,078)		(48,078)	0	100.0%
Charges for Services	1,782,013	146,125		165,403	19,278	113.2%
Interest Income	0	0		5,943	5,943	N/A
Total Revenues	<u>1,589,701</u>	<u>98,047</u>		<u>123,268</u>	<u>25,221</u>	<u>125.7%</u>
Expenses						
Central Charges	98,780	24,102		30,711	6,609	127.4%
Recreation Facilities	1,490,921	240,038		237,748	(2,290)	99.0%
Total Expenses	<u>1,589,701</u>	<u>264,140</u>		<u>268,459</u>	<u>4,319</u>	<u>101.6%</u>
Increase (Decrease) in Net Assets	<u>0</u>	<u>(166,093)</u>		<u>(145,191)</u>	<u>20,902</u>	

**City of Westminster
Financial Report
For Three Months Ending March 31, 2009**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
Heritage at Westmoor Fund						
Revenues						
Carryover	192,312	48,078		48,078	0	100.0%
Charges for Services	1,554,129	119,668		146,096	26,428	122.1%
Interfund Transfers	467,272	116,818		116,818	0	100.0%
Total Revenues	<u>2,213,713</u>	<u>284,564</u>		<u>310,992</u>	<u>26,428</u>	<u>109.3%</u>
Expenses						
Central Charges	99,140	22,901		26,795	3,894	117.0%
Recreation Facilities	1,615,008	311,697		266,978	(44,719)	85.7%
Sub-Total Expenses	<u>1,714,148</u>	<u>334,598</u>		<u>293,773</u>	<u>(40,825)</u>	<u>87.8%</u>
Operating Income	499,565	(50,034)		17,219	67,253	
Debt Service Expense	<u>499,565</u>	<u>0</u>		<u>0</u>	<u>0</u>	N/A
Increase (Decrease) in Net Assets	<u>0</u>	<u>(50,034)</u>		<u>17,219</u>	<u>67,253</u>	

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 MONTH and YEAR-TO-DATE MARCH 2009

Center Location Major Tenant	/----- Current Month -----/			/----- Last Year -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	318,892	1,418	320,310	376,811	2,149	378,960	-15	-34	-15
WESTMINSTER MALL 88TH & SHERIDAN 4 DEPARTMENT STORES	243,455	1,770	245,224	267,729	3,951	271,680	-9	-55	-10
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	233,104	10,748	243,852	126,712	14,004	140,716	84	-23	73
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	203,399	613	204,012	184,811	13,013	197,824	10	-95	3
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	180,504	2,370	182,874	168,855	225	169,080	7	952	8
SHOPS AT WALNUT CREEK 104TH & REED TARGET	178,653	3,284	181,937	183,606	507	184,113	-3	548	-1
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	180,285	472	180,758	204,003	1,162	205,165	-12	-59	-12
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	165,754	2,055	167,809	99,605	3,667	103,272	66	-44	62
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	158,590	12	158,602	295	0	295	53581	*****	53585
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	137,173	961	138,134	153,808	4,998	158,807	-11	-81	-13
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	112,986	13,616	126,602	137,000	15,576	152,575	-18	-13	-17
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	96,792	113	96,905	96,110	1,074	97,184	1	-90	0
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	70,317	305	70,621	57,358	429	57,786	23	-29	22
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	63,625	6	63,631	63,842	969	64,811	0	-99	-2
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	55,895	241	56,136	71,102	116	71,218	-21	108	-21

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 MONTH and YEAR-TO-DATE MARCH 2009

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	47,965	235	48,200	55,362	700	56,062	-13	-66	-14
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	43,734	1,022	44,756	48,472	1,337	49,809	-10	-24	-10
WILLOW RUN 128TH & ZUNI SAFEWAY	43,557	450	44,007	46,235	243	46,478	-6	85	-5
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	41,640	108	41,748	50,616	139	50,754	-18	-22	-18
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	38,768	175	38,942	41,167	321	41,487	-6	-46	-6
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	4,563	32,231	36,794	8,509	25,470	33,979	-46	27	8
RANCHO PLAZA SE CORNER 72ND & FEDERAL RANCHO LIBORIO	27,538	0	27,538	0	0	0	*****	*****	*****
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	21,712	124	21,836	24,822	1,008	25,830	-13	-88	-15
BROOKHILL IV E SIDE WADS 90TH-92ND HANCOCK FABRICS	15,383	5,263	20,646	18,764	70	18,834	-18	7402	10
MISSION COMMONS W SIDE WADSWORTH 88-90TH BIG 5 SPORTS	20,391	59	20,450	21,175	506	21,681	-4	-88	-6
	<u>2,704,673</u>	<u>77,652</u>	<u>2,782,325</u>	<u>2,506,769</u>	<u>91,632</u>	<u>2,598,401</u>	<u>8</u>	<u>-15</u>	<u>7</u>

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 MONTH and YEAR-TO-DATE MARCH 2009

Center Location Major Tenant	/----- YTD 2009 -----/	/----- YTD 2008 -----/	%Change ---/						
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART 92ND	1,172,933	11,114	1,184,047	1,356,227	7,109	1,363,336	-14	56	-13
WESTMINSTER MALL 88TH & SHERIDAN 4 DEPARTMENT STORES	899,354	4,244	903,599	1,099,608	18,327	1,117,935	-18	-77	-19
THE ORCHARD 144TH & I-25 JC PENNEY/MACY'S	884,035	44,833	928,868	468,783	31,599	500,382	89	42	86
INTERCHANGE BUSINESS CENTER SW CORNER 136TH & I-25 WALMART 136TH	722,317	2,117	724,434	627,875	27,976	655,851	15	-92	10
SHOPS AT WALNUT CREEK 104TH & REED TARGET	662,269	9,317	671,586	682,299	3,702	686,001	-3	152	-2
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	616,916	2,784	619,700	584,172	2,277	586,449	6	22	6
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN BARNES & NOBLE	606,098	2,596	608,694	751,312	4,471	755,783	-19	-42	-19
SHOENBERG CENTER SW CORNER 72ND & SHERIDAN WALMART 72ND	549,164	4,584	553,747	777	0	777	70584	*****	71174
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	498,088	6,945	505,034	563,921	10,664	574,585	-12	-35	-12
SHERIDAN CROSSING SE CORNER 120TH & SHER KOHL'S	475,518	8,279	483,797	389,503	6,488	395,991	22	28	22
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	388,480	2,425	390,905	380,646	2,852	383,498	2	-15	2
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	381,854	46,902	428,756	439,464	146,236	585,700	-13	-68	-27
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	290,282	1,356	291,638	312,321	931	313,252	-7	46	-7
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	252,503	904	253,407	246,073	1,664	247,737	3	-46	2
ROCKY MOUNTAIN PLAZA SW CORNER 88TH & SHER GUITAR STORE	179,746	940	180,686	189,277	1,271	190,548	-5	-26	-5

CITY OF WESTMINSTER
 GENERAL RECEIPTS BY CENTER
 MONTH and YEAR-TO-DATE MARCH 2009

Center Location Major Tenant	/----- YTD 2009 -----/			/----- YTD 2008 -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
WESTMINSTER CROSSING 136TH & I-25 LOWE'S	154,616	2,535	157,151	154,254	1,666	155,920	0	52	1
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	154,294	764	155,058	166,623	4,590	171,214	-7	-83	-9
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	146,546	2,459	149,005	156,779	871	157,650	-7	182	-5
WILLOW RUN 128TH & ZUNI SAFEWAY	145,876	903	146,779	145,520	714	146,234	0	26	0
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	123,667	832	124,498	125,139	1,248	126,386	-1	-33	-1
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	73,728	1,725	75,452	76,906	1,632	78,538	-4	6	-4
MISSION COMMONS W SIDE WADSWORTH 88-90TH BIG 5 SPORTS	68,681	305	68,986	61,575	632	62,206	12	-52	11
NORTHVIEW 92ND AVE YATES TO SHERIDAN SALTGRASS	64,833	845	65,678	69,516	1,976	71,492	-7	-57	-8
SUMMIT SQUARE NE CORNER 84TH & FED SAFEWAY	63,356	276	63,632	68,321	522	68,843	-7	-47	-8
BROOKHILL IV E SIDE WADS 90TH-92ND HANCOCK FABRICS	60,656	7,230	67,885	83,734	388	84,123	-28	1762	-19
	9,635,810	167,212	9,803,022	9,200,624	279,809	9,480,433	5	-40	3



Agenda Item 8 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 27, 2009

SUBJECT: Change the Date of Second City Council Meeting in May

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Change the date of the regularly scheduled City Council meeting of May 25 to May 18.

Summary Statement

- City Council normally conducts regular meetings on the second and fourth Mondays of each month. The fourth Monday of May is Memorial Day, and City Hall will be closed in observance of this national holiday.
- When holidays have occurred on regularly scheduled City Council meeting dates in the past, the meeting date has been changed. Staff recommends that the May 25, 2009, regularly scheduled meeting be rescheduled and held on May 18, 2009.
- If approved, City Council will conduct only one study session during May and that will be on May 4. Regular Council meetings will be held on May 11 and 18.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

Council could decide to conduct the second regular meeting of May on a different day of the week than Monday. Staff does not recommend this alternative, as the public is accustomed to Monday night meetings.

Background Information

Occasionally, conflicts arise when the dates of regularly scheduled Council meetings and the dates of holidays fall on the same day, and the City Council meeting date is changed. This year, the fourth Monday of May is Memorial Day, and City offices will be closed in observance of the national holiday.

The public is aware that regular Council meetings and study sessions are held on Mondays, thus it makes sense to reschedule meetings to a different Monday of the month when conflicts arise. Staff recommends that the date of the second meeting in May be changed from May 25 to May 18.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 27, 2009



SUBJECT: Water Treatment Chemicals Purchase

Prepared By: Tom Settle, Water Treatment Superintendent

Recommended City Council Action

Award the bids for the purchase of Ferric Sulfate to Thatcher Company and General Chemical Corporation and for the purchase of Lime to Mississippi Lime Company at the unit prices indicated on the bid tabulation on an as-needed basis up to a maximum of \$305,000, and charge the expense to the appropriate 2009 Water Resources Division Budget.

Summary Statement

- Adequate funds for the purchase of water treatment chemicals were included in the approved 2009 Water Resources Division Budget.
- Ferric Sulfate and Lime will be purchased in large quantities in 2009, as required for the water treatment process.
- In January 2009, the Multiple Assembly of Procurement Officials (MAPO) issued a bid for water treatment chemicals. Joint purchase bids were recommended for the purchase of Ferric Chloride, Lime, Caustic Soda, and Sodium Hypochlorite and approved by Council.
- The cost of Ferric Chloride has increased 28% as allowed under the MAPO, putting it at a higher net cost than Ferric Sulfate.
- Ferric Sulfate is an acceptable substitute for Ferric Chloride in the water treatment process.
- Evaluation of the lone Lime supplier in the MAPO Bids found the material did not meet City specifications for maximum inert materials allowed and additional bids were sought.
- The approval of these bids will give the City the flexibility to use the lowest cost chemical available, saving the City costs in the future.

Expenditure Required: Not to exceed \$305,000

Source of Funds: Utility Fund - Water Resources & Treatment Division Budget

Policy Issue

Should the City utilize only the MAPO bidders for water treatment chemicals or accept the alternative bids for Ferric Sulfate and Lime?

Alternative

Reject the alternative chemical bids and continue to purchase Ferric Chloride and Lime from the low MAPO bidders. This is not recommended as there will be a 20% higher cost utilizing the Ferric Chloride and additional price increases are anticipated in 2009. Utilization of the Lime product bid will result in poor treatment process control and fouling of the chemical feed equipment, resulting in higher net costs.

Background Information

As part of the 2009 Budget, City Council approved the purchase of water treatment chemicals for the City's water supply. A water treatment chemical bid was put out on behalf of MAPO, a cooperative of state, municipal, county, special district, school district and other local government agencies. This was a competitive bid and typically offers greater volume and lower prices to the City than the City can obtain on its own. City Council was presented the results of this original bid earlier this year for authorization of other chemicals, such as Sodium Hydroxide, Sodium Hypochlorite (Bleach) and Ferric Chloride.

Ferric Chloride has been historically used for coagulation/clarification in the treatment process at the Semper and Reclaimed Water Treatment Facilities. The low bid for Ferric Chloride was awarded to PVS Technologies by City Council on March 9, 2009. A subsequent price increase was received effective April 1, 2009 that placed the price of Ferric Chloride 58% above 2008. The price increase prompted Staff to re-visit a previously tested chemical in the same family, Ferric Sulfate. This chemical had been evaluated and confirmed in the past at Semper Water Treatment Facility for treatment effectiveness, but has never been utilized routinely due to a higher cost basis. With the recent changes in the market economies, it is now less-expensive than Ferric Chloride.

Two potential vendors for the alternative chemical Ferric Sulfate were contacted by Staff for bids, General Chemical Corporation and Thatcher Company. The pricing from these vendors, listed in the table below, will reduce the current potential 2009 cost of clarification by approximately 20%. Since the pricing from the two vendors is within 2% of each other, Staff recommends the approval of either vendor for the purchase of Ferric Sulfate to maintain maximum flexibility in supply and pricing. Pricing is subject to raw material pricing and shipping cost variability and therefore either vendor could invoke a price increase that would shift the current lower pricing structure to the other vendor. Material quality has also become an issue at times in the past, necessitating a vendor change in order to receive product meeting required specifications. The total volume used will be up to 1,000 tons with a maximum value of approximately \$245,000, regardless of which of the two vendors is used.

Lime is used for control of the pH and alkalinity of the water to minimize corrosion of distribution system pipes and home plumbing. There was only a single bid for Lime in the original MAPO bid. The vendor, Thatcher, was contacted to ascertain the source of the chemical and confirm quality specifications. The Lime to be supplied in the bid will contain an unacceptable level of sand-type inert material that provides no benefit in the treatment process and will foul the chemical feed equipment. Additional bids were sought for material meeting the specifications. Mississippi Lime provided the sole bid meeting the material requirements.

Information regarding Ferric Sulfate and Lime and their approximate annual usage and bid prices, are listed in the table below. The quantities are approximate since this is for the whole year's usage, and factors such as weather and demand are unpredictable. The estimates are based on last year's actual usage.

CHEMICAL	APPROXIMATE QUANTITY	PRICE	EXTENDED PRICE	VENDOR
Ferric Sulfate	1,000 tons	\$249/ton	\$249,000	General Chemical
Ferric Sulfate	1,000 tons	\$245/ton	\$245,000	Thatcher Company
Lime	287 tons	\$209/ton	\$60,000	Mississippi Lime

The annual estimated cost of the chemicals is within the amount previously approved by City Council for this expense. These water treatment chemical purchases meet Council's Strategic Plan goals of Safe and Secure Community, Financially Sustainable City Government and Beautiful City by keeping the City's water supply clean and safe and improving the service level of the treatment plants at the best possible price.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 27, 2009



SUBJECT: Countryside Pump Station Improvements Consultant Contract

Prepared By: Stephanie Bleiker, PE, Senior Engineer
Abel Moreno, Capital Projects and Budget Manager

Recommended City Council Action

Authorize the City Manager to execute a Contract with J&T Consulting, Inc. in the amount of \$207,935 to provide engineering design and construction administration services for the Countryside pump station and site improvement and authorize a contingency of \$20,794, for a total project budget of \$228,729.

Summary Statement

- The Countryside pump station is a confined space entry pump station in which the pumps, electrical and controls equipment are located below grade.
- Hydraulic analysis of the pump station indicates that the existing pumps require up-sizing to provide a nominal increase in the pump station's discharge pressure.
- The existing space entry status of the structure puts increased man-power demands and safety concerns on City maintenance personnel that would otherwise be eliminated if the pump station were redesigned as a non-confined space entry structure.
- The water tank altitude vault located near the pump station will also have moderate upgrades made consistent with the pump station improvements.
- Other improvements identified for this site include enhanced landscaping through an approved Official Development Plan (ODP) and improvements to approximately 3.8 acres of the site and a drain line to allow the water tank to be safely drained after it has been cleaned.
- The design phase services are scheduled to be completed in August of 2009, with construction beginning in December 2009.
- The authorized budget for the project's design and construction is \$1,000,000.
- Initially it will be necessary for J&T Consulting, Inc. to complete a pre-design of the booster pump station. The pre-design will include an evaluation of the pump station structure for its retrofit potential, converting from confined space to unconfined space entry. Other pre-design items will include an assessment of pump station equipment and components for upgrade or replacement.
- Once the pre-design is complete, J&T Consulting, Inc. will begin the design phase work, generating the Engineer's Cost Opinion and Construction Phase Documents for the project.

Expenditure Required: \$228,729

Source of Funds: Utility Fund Capital Improvement Funds
- Countryside Pump Station Improvements Project

Policy Issue

Should the City authorize the Contract with J&T Consulting, Inc. for the amount of \$207,935 with a contingency of \$20,794?

Alternatives

The City could choose not to approve the contract, and either place the project on hold, or solicit other engineering proposals to execute the work. This is not recommended since it would delay the design and construction of the pump station and site improvements. Such a delay prolongs the vulnerability of the electrical and controls equipment to water damage should the pump station flood. It also delays implementing the approved ODP and improving the hydraulic capacity of the pump station, that otherwise needs to be addressed.

Another alternative is to award the contract to one of the other four engineering firms from which the City accepted proposals. This is not recommended since Staff believes that J&T Consulting, Inc. provided the most qualified technical proposal.

Background Information

The Countryside pump station is a critical part of the City's infrastructure that pumps water from the Northwest Water Treatment Facility to residents who live in the northwestern portion of the City. The Countryside pump station was constructed in the early 1980s when the City was far less developed and the water demands in the northwest portion of the City were considerably lower. The pump station currently operates with two of its four pumps in service. The two pumps that are out of service require replacement at a greater discharge pressure than the pump station current operates.

The existing pump station is a below grade, confined space structure. All of the pump station's electrical and controls equipment are located below grade in the portion of the pump station that is vulnerable to flooding. In the event the pump station flooded, the electrical and controls equipment would be subject to significant damage that could potentially result in rendering the pump station inoperable. Repairing and replacing the damaged pump station's electrical and controls components would likely be done at considerable expense to the City.

The Countryside altitude vault located near the pump station contains considerably less equipment than the pump station, but requires similar upgrades. The upgrades at the altitude vault will include consolidating Xcel Energy electrical services and moving its controls above grade with the pump station controls.

Aside from the equipment considerations, the Countryside pump station puts increased demands on the City's utilities maintenance staff who would otherwise conduct the regularly scheduled maintenance on the pump station with one, rather than two to three maintenance workers due to confined space entry requirements.

The site improvements at the pump station include the improvements associated with the approved ODP and a sanitary sewer line that will extend from a point near the pump station southward to the existing sanitary sewer line located in the south 100th Avenue right-of-way.

The City sent out a Request for Proposal to five engineering firms. Of the five Engineering firms submitting proposals, one was disqualified for failing to submit all of the required proposal documents by the scheduled deadline. The engineering firms submitting qualified bids are as follows:

Engineering Firm	Engineering Fee
Arber & Associates	\$392,600
Kennedy Jenks Consultants	\$311,963
Stantec Consulting, Inc.	\$275,130
J&T Consulting, Inc.	\$207,935

These four firms were among those identified as being qualified for this type of design work. The short list of engineering firms qualified for this type of work was based on the review of 30 engineering firms who submitted Statements of Qualification to the City for upcoming Public Works and Utilities capital improvement projects. They are generally categorized by engineering specialty.

After conducting pre-proposal meetings with each of these firms, Staff conducted follow-up interviews with the engineering firm Staff believed was most qualified to complete the project on time and within budget. The City is recommending J&T Consulting, Inc. based upon their understanding of the project, project team, and engineering fee.

A preliminary estimate of the Construction Phase Engineering services, based on an eight month construction period was included in J&T Consulting, Inc. fee. The following is a breakdown of the J&T Consulting, Inc. cost proposal by task:

Design Phase Services:	\$95,470
Bidding Phase Services:	\$3,745
Construction Phase Services:	<u>\$108,720</u>
TOTAL	\$207,935

The timely completion of the Countryside Pump Station Improvements Project will assist the City in meeting the City Council’s Strategic Plan goals of providing a “Safe and Secure Community,” “Vibrant Neighborhoods,” and “Beautiful City.” With the Countryside Pump Station Improvements completed, the residents living in the subdivision will have an enhanced and more reliable water supply. They will have an improved and more reliable pump station along with an enhanced landscaped area in their neighborhood.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

Countryside Pump Station Improvements Project

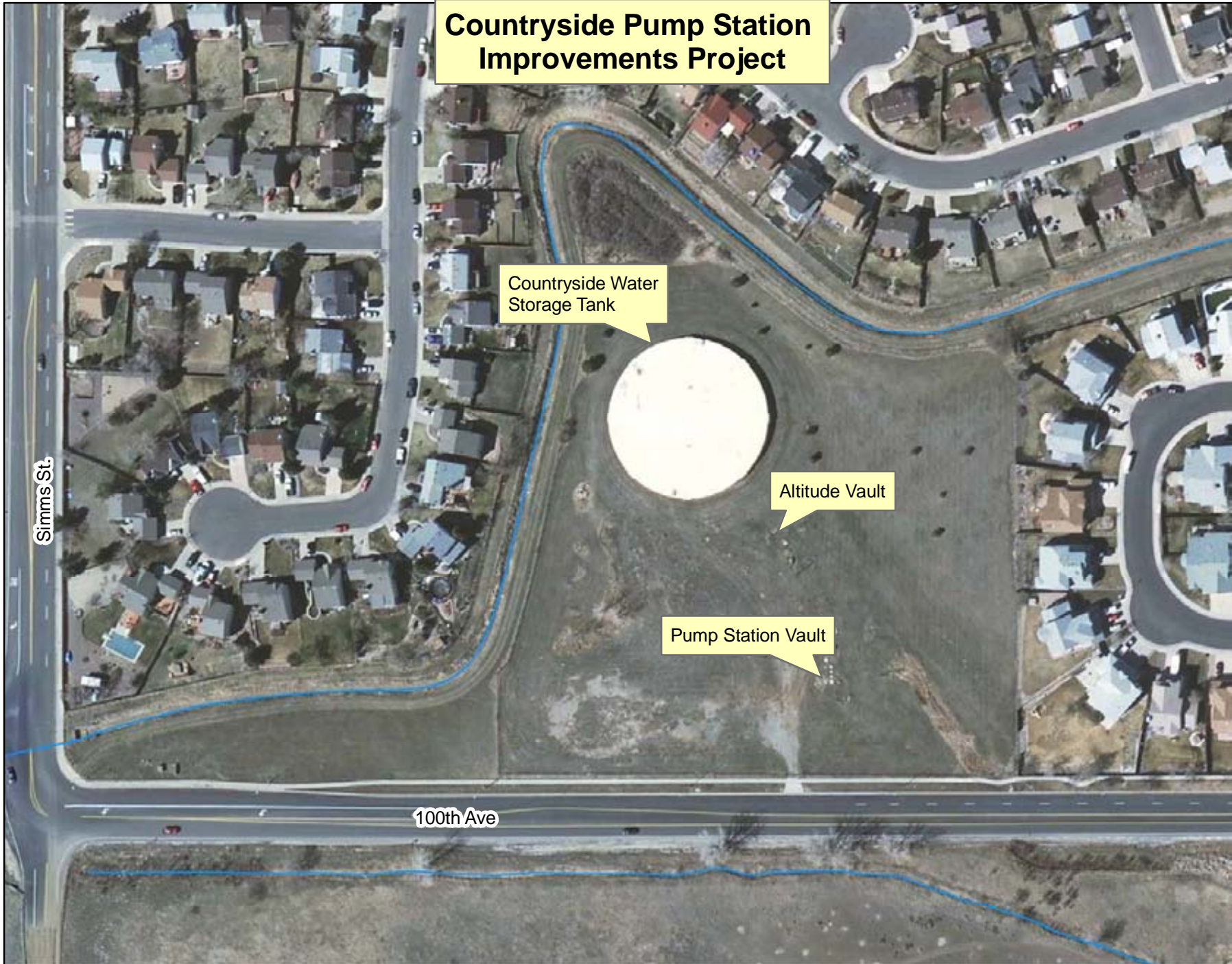
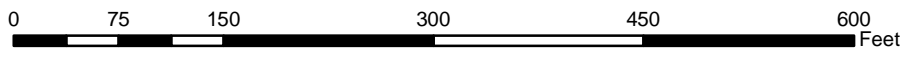
Countryside Water Storage Tank

Altitude Vault

Pump Station Vault

Simms St.

100th Ave





Agenda Item 8 E

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 27, 2009



SUBJECT: Special Legal Counsel Services for Xcel Energy Franchise Agreement Negotiations

Prepared By: Jane Greenfield, Assistant City Attorney

Recommended City Council Action

Authorize the City Manager to sign a contract for legal services with Kissinger & Fellman, P.C., for special legal services to assist in negotiation sessions with Public Service Company of Colorado (Xcel Energy).

Summary Statement:

- The City's current franchise agreement with Public Service Company is scheduled to expire on December 26, 2009.
- Ken Fellman, Esq., of the firm of Kissinger & Fellman, P.C., will assist in negotiation sessions with Public Service Company representatives and provide consulting services to the City Attorney's Office and City Staff on items uniquely within Mr. Fellman's area of expertise concerning Public Utilities Commission law and Xcel franchising issues.
- The City Attorney's Office will continue to provide the bulk of services needed to coordinate, review, and negotiate the 2009 franchise renewal with Public Service Company.
- The City Charter, §4.13(f) states that all requests for outside legal assistance must be approved by City Council.

Expenditure Required: Not to Exceed \$15,000

Source of Funds: General Fund - Central Charges Operating Budget

Policy Issue

Does City Council wish to retain special legal counsel to assist in negotiation sessions with Xcel Energy?

Alternative

Do not obtain special legal counsel services. This is not recommended for the following reasons:

- This type of franchise is negotiated/renegotiated once every twenty years and, consequently, is the type of legal services not commonly handled in-house.
- Mr. Fellman possesses expertise in the areas of PUC law and Xcel franchising issues.

Background Information

The City's franchise with Xcel Energy, formerly Public Service Company of Colorado, expires on December 26, 2009. Typically, franchises provide for a twenty-year term. Over a twenty-year period, many of the PUC rules, regulations and tariffs, as well as state and federal laws governing the same, have been revised and the changes in technology have been dramatic. Additionally, the revenue-generating and the cost considerations implicit in this franchise are substantial. For those reasons, it is important to have an outside consultant on the City's negotiating team who possesses day-to-day experience with the PUC and with franchising issues, in particular. Mr. Fellman has been involved in many franchise issues for other front range communities, including recent Xcel franchise renewals with Aurora and Glendale. The City already retains Mr. Fellman on the current street lighting tariff debate before the PUC through a municipal government coalition and on telecommunications matters through the Greater Metro Telecommunications Consortium. Therefore, he is familiar with many of Westminster's issues.

An internal Staff task force has been created to work on the franchise renewal and the City Attorney's Office will continue to lead this effort, coordinating meetings, preparing documents and providing general legal support on the project. Mr. Fellman's role will be that of expert consultant to the City Attorney as the negotiations with Xcel proceed.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 27, 2009



SUBJECT: Consulting Services for the Development of a Quagga/Zebra Mussel Treatment Plan

Prepared By: Mike Happe, Water Resources and Treatment Manager
Mary Fabisiak, Water Quality Administrator

Recommended City Council Action

Authorize the City Manager to execute a contract for the development of a Quagga/Zebra Mussel Treatment Plan with HDR Engineering, Inc. in the amount of \$83,047 and authorize a contingency of \$8,305 for a total project budget of \$91,352.

Summary Statement

- Quagga and zebra mussels are aquatic invasive species that have caused millions of dollars in damages to infrastructure in the Midwest.
- Quagga and zebra mussels have recently been found in several reservoirs in Colorado.
- Quagga and zebra mussels multiply rapidly and profusely. A heavy infestation can quickly compromise water treatment infrastructure with massive accumulations of mussels on structures.
- Quagga and zebra mussels negatively affect drinking water quality with an increase in algae bloom formations that lead to taste and odor problems.
- To date, no quagga or zebra mussels have been detected in Standley Lake.
- The Standley Lake Protection Program implemented in 2008 and modified in 2009 is designed to reduce the risk of infestation.
- Fast action will be necessary to protect the water supply system infrastructure if quagga or zebra mussels are found in Standley Lake.
- The development of a Quagga/Zebra Mussel Treatment Plan will research options available to the City if Standley Lake becomes contaminated with zebra or quagga mussels to allow for a quick response.
- HDR Engineering, Inc.'s proposed approach to the study best fits with the City's need for an effective evaluation of preferred alternatives to assure uninterrupted service to the City's residents.
- Adequate funds were budgeted in the Utility Fund for this project.

Expenditure Required: \$91,352

Source of Funds: Utility Fund Capital Improvement Project - Quagga/Zebra Mussel Treatment

Policy Issue

Should the City of Westminster proceed with contracting with HDR Engineering, Inc. for the development of a Quagga/Zebra Mussel Protection Plan?

Alternatives

1. Reject the contract for the development of a Quagga/Zebra Mussel Treatment Plan. Staff does not recommend this alternative because the City depends solely on Standley Lake as its raw water supply. If Standley Lake is infested with quagga or zebra mussels, quick action will need to be taken to ensure uninterrupted water service to the City's residents.
2. Reject the contract with HDR Engineering, Inc. Staff does not recommend this alternative. A competitive process was conducted by the City of Westminster. Three proposals were received. Based on previous experience, project team, proposed approach and cost, HDR Engineering was selected to perform this work.

Background Information

Zebra mussels were discovered in Pueblo Reservoir in early 2008. As of October 2008, quagga and/or zebra mussels have been detected in six more Colorado lakes and the Arkansas River. This invasive species multiplies rapidly and profusely. Zebra mussels have a major effect on a water body by significantly impacting the lake ecology, compromising water treatment infrastructure with massive accumulations of mussels on structures and negatively affecting drinking water quality with an increase in algae bloom formations that lead to taste and odor problems.

This discovery prompted the swift formation of an inspection/cleaning/tagging program at Standley Lake in advance of the 2008 recreation season. Approved by Council, this program was designed to focus primarily on boating, which is the most prevalent means of spreading zebra and quagga mussels. Other measures were implemented for fishing and untrailered boats to reduce the possibility of the species entering the lake in another manner. To date, no zebra or quagga mussels have been detected in Standley Lake and the inspection/quarantine program continues in 2009.

Recently, the City Council approved the purchase of an analytical monitoring device that detects the presence of any microorganism by processing large samples of water through a computer microscope. This instrument greatly enhances the ability for Staff to detect the presence of quagga or zebra mussels. Early identification of aquatic nuisance species will allow Staff to implement an action plan best suited to protect Standley Lake. Council has approved a 2009 capital project titled Quagga/Zebra Mussel Treatment Plan that will research options available to the City if Standley Lake becomes infested.

The Quagga/Zebra Mussel Treatment Plan will conduct a risk assessment of the whole system, from raw water conveyance structures to the treatment plant to identify the most vulnerable structures. Appropriate action items and mussel control/treatment systems will be identified that could be implemented in the future if mussels are found. A monitoring program will be developed to fully optimize the use of the analytical monitoring device to monitor for veligers (larval stage of quagga/zebra mussels), providing the earliest warning possible of infestation.

The Quagga/Zebra Mussel Treatment Plan was advertised for notice and bids were accepted until March 9, 2009, at which time bids were opened and read aloud. Three consultants submitted bids. The results of the submitted bids are as follows:

AMEC, Inc.	\$158,704
DSWA, Inc.	\$95,596
HDR, Inc.	\$83,047

This project helps achieve the City Council's Strategic Plan Goal of a Safe and Secure Community by providing safe drinking water. It is a factor in providing a Financially Sustainable City Government by contributing to the objective of a Well-maintained City Infrastructure and Facilities and a Secure Water Supply. The project adds to the Goals of Vibrant Neighborhoods and Commercial Areas and a Beautiful and Environmentally Sensitive City by striving to protect Standley Lake as a successful and enjoyable recreational area.

Respectfully submitted,

J. Brent McFall
City Manager



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
April 27, 2009



SUBJECT: Second Reading on Councillor’s Bill No. 8 re Bradburn Boulevard Bikeway Project Supplemental Appropriation

Prepared By: David W. Loseman, Senior Projects Engineer

Recommended City Council Action

Pass Councillor’s Bill No. 8 on second reading appropriating \$300,000 to the Bradburn Boulevard Bikeway Project, which will be funded by the American Recovery and Reinvestment Act.

Summary Statement

- On February 13, 2009, Staff submitted project applications for funding from the federal government to be awarded under the American Recovery and Reinvestment Act (ARRA), more commonly known as “Economic Stimulus Funds.” The intent of the ARRA is to provide jobs and boost the national economy.
- From the eight project applications submitted by Staff, the City was awarded funding for the construction of the “Bradburn Boulevard, 73rd Avenue to Turnpike Drive Bikeway Project.” This bikeway will provide the link between the future US 36 Trail and the existing Little Dry Creek Trail.
- This federal-aid bikeway project includes the construction of approximately 4,600 lineal feet of eight-foot wide, detached bike path, handicap ramps at all intersections and a small pedestrian bridge over the Allen Ditch.
- The project construction costs are funded entirely by the ARRA program, which will be administered by the Colorado Department of Transportation (CDOT) on behalf of the Denver Regional Council of Governments (DRCOG) and the federal government. Council’s approval of the attached Councillor’s Bill will appropriate the federal share of \$300,000. The City will be reimbursed by the federal government upon the completion of the project.
- The total project cost is \$330,000. The City’s share of \$30,000 is necessary to pay for the design of the project and minor miscellaneous expenses that are not reimbursable by the federal government. These funds are available in the CD Capital Reserve Project and have been moved into the new capital account for this project.
- This Councillor’s Bill was approved on first reading by City Council on April 13, 2009.

Expenditure Required: \$ 330,000

Source of Funds: \$ 300,000 - ARRA/CDOT Enhancement Pool Grant Funds
\$ 30,000 - General Capital Improvement Fund
- Community Development Capital Reserve Project

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **8**

SERIES OF 2009

INTRODUCED BY COUNCILLORS
Winter - Lindsey

A BILL

**FOR AN ORDINANCE AMENDING THE 2009 BUDGET OF THE GENERAL CAPITAL
IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM
THE 2009 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2009 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3432 is hereby increased by \$300,000. This increase is due to the appropriation of a Denver Regional Council of Governments (DRCOG), Federal aid, American Recovery and Reinvestment Act (ARRA) Project, Enhancement Pool grant for construction and construction management costs necessary for the Bradburn Boulevard, 73rd Avenue to Turnpike Drive Bikeway Project.

Section 2. The \$300,000 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10G, dated April 13, 2009 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Capital Improvement Fund	<u>\$300,000</u>
Total	<u>\$300,000</u>

Section 3 – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED
PUBLISHED this 13th day of April, 2009.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED
this 27th day of April, 2009

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
April 27, 2009



SUBJECT: Councillor's Bill No. 9 re 2008 Westin Westminster Conference Center Possessory Interest Tax Payment

Prepared By: Steve Smithers, Assistant City Manager

Recommended City Council Action

Pass Councillor's Bill No. 9 on second reading, appropriating FY2008 carryover funds into the FY2009 budget of the General Fund to fund the Westin Westminster Conference Center Possessory Interest Payment.

Summary Statement

- The City was the owner of the Westin Conference Center through October of last year, and therefore is responsible for making the tax payment for the Conference Center. The County does not prorate possessory interest tax, so the City was billed for the full amount for the 2008 year. Staff disputed this matter with the County; however, the assessor's office indicated that this is their standard operating procedure as authorized by the State.
- The City sold the Westin Conference Center to Westminster Boulevard LLC, effective November 1, 2008; therefore, this will be the last year that the City will owe this tax.
- The City is in the midst of an appeal with Jefferson County over the Possessory Interest on the Conference Center for 2006 and 2007. If these efforts are successful Staff will pursue an adjustment for the 2008 tax year as well.
- This Councillor's Bill was passed on first reading on April 13, 2009.

Expenditure Required: \$300,523.32

Source of Funds: 2008 Carryover Funds

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **8**

SERIES OF 2009

INTRODUCED BY COUNCILLORS
Briggs - Dittman

**A BILL
FOR AN ORDINANCE INCREASING THE 2009 BUDGET OF THE GENERAL FUND AND
AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2009 ESTIMATED
REVENUES IN THIS FUND**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2009 appropriation for the General Fund, initially appropriated by Ordinance No. 3432 is hereby increased by \$300,524. This appropriation is due to the appropriation of 2008 carryover for the General Fund.

Section 2. The \$300,524 increase in the General Fund shall be allocated to City revenue and expense accounts as described in the City Council Agenda Item 10 K&L, dated April 13, 2009 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Fund	<u>\$300,524</u>
Total	<u>\$300,524</u>

Section 3 – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of April, 2009.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of April, 2009.

ATTEST:

Mayor

City Clerk



Agenda Item 8 I

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 27, 2009



SUBJECT: Second Reading on Councillor's Bill No. 10 re Lease/Purchase of Park Services Maintenance Equipment

Prepared By: Richard Dahl, Park Services Manager

Recommended City Council Action

Pass Councillor's Bill No. 10 on second reading appropriating \$550,000 in the General Fund for the lease/purchase of Park Services maintenance equipment package.

Summary Statement

- Approval of the lease/purchase will:
 - Fund the lease/purchase and financing costs of a new park maintenance fleet;
 - Replace an aging fleet of equipment that requires increased labor and parts to keep operations running efficiently;
 - Provide essential equipment necessary to maintain the City's park system.
- The lease/purchase and financing cost is estimated to be \$714,812, and the associated annual lease payments of \$102,116 are included in the adopted 2009 and 2010 Park Services Division budgets. The lease term is seven years and the interest rate is anticipated to be between 3.7 and 4.1 percent. The interest rate will be determined on the date of commitment by the City as defined in the master lease agreement approved by City Council in 2001.
- This Councillor's Bill was passed on first reading April 13, 2009.

Expenditure Required: Not to exceed \$550,000

Source of Funds: Proceeds from Master Lease in the General Fund

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **10**

SERIES OF 2009

INTRODUCED BY COUNCILLORS
Lindsey - Dittman

**A BILL
FOR AN ORDINANCE INCREASING THE 2009 BUDGET OF THE GENERAL FUND AND
AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2009 ESTIMATED
REVENUES IN THIS FUND**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2009 appropriation for the General Fund, initially appropriated by Ordinance No. 3432 is hereby increased by \$550,000. This appropriation is due to an increase in the master lease for the General Fund.

Section 2. The \$550,000 increase in the General Fund shall be allocated to City revenue and expense accounts as described in the City Council Agenda Item 10 M, N & O dated April 13, 2009 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Fund	<u>\$550,000</u>
Total	<u>\$550,000</u>

Section 3 – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 13th day of April, 2009.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 27th day of April, 2009.

ATTEST:

Mayor

City Clerk



Agenda Item 9 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 27, 2009



SUBJECT: Appointment of City Representative to the Colorado Brownfields Revolving Loan Fund Coalition Board

Prepared By: Tony Chacon, Senior Projects Coordinator

Recommended City Council Action

Appoint City Staff member, Tony Chacon, to serve as the City representative to the Colorado Brownfields Revolving Loan Fund Coalition Board.

Summary Statement:

- In 1999, the City received a Brownfields Assessment Grant from the U.S. Environmental Protection Agency (EPA) which made the City eligible to apply for a Revolving Loan Fund (RLF) grant.
- Per encouragement from EPA, the State of Colorado created the Colorado Brownfields Revolving Loan Fund (CBRLF) Coalition to provide a mechanism to receive and administer proceeds of grants to local governments.
- The CBRLF Coalition is comprised of the State of Colorado, the cities of Denver, Loveland, Lakewood, Westminster, Commerce City, and Englewood, El Paso County, and the Colorado Housing Finance Authority.
- The City was awarded \$1,000,000 of RLF funds with the condition that the proceeds be deposited directly with the CBRLF to be matched with funds from other participating jurisdictions, to provide a loan pool from which low interest loans are made available to assist local governments, property owners, and developers in cleaning up contaminated property.
- As a recipient of the RLF funds, through the CBRLF, the City is entitled to appoint a representative to serve on the Coalition Board.
- The Board representative is responsible for reviewing and voting on loan applications and CBRLF policies.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City appoint a Staff person to serve on the CBRLF Coalition Board?

Alternatives

The Council may choose not to appoint a person to serve on the Board. Staff recommends that this option not be considered as the City would no longer have input on loan applications and policy to be adopted by the CBRLF.

Background Information

In late 2008, the City submitted an application for an EPA Brownfields Assessment Grant and was awarded an initial grant of \$200,000 in March 2009. The grant was used to prepare redevelopment plans and an historical Phase I environmental assessment of commercial and industrial property in South Westminster. The City applied for and received an additional \$100,000 Supplemental Assessment Grant in 2002 based upon the high quality of work completed and full expenditure of the initial grant funds. Upon receiving the Supplemental Assessment Grant, the City became eligible to apply for an EPA Brownfields Revolving Loan Fund Grant to establish a loan fund to assist in environmental cleanup efforts. Other jurisdictions throughout Colorado also were eligible to apply for the same funds.

While several jurisdictions including Westminster were eligible to apply, the local regional office of EPA advised that the chances of success in receiving an award would be strengthened should they agree to collaborate through participation in a coalition. The State of Colorado was asked by EPA to coordinate the creation of a state-wide fund, whereby grants to local governments could be collectively deposited to create a significantly sized loan fund. Thereafter, the CBRLF was established as a Coalition by the EPA and Colorado Department of Health and Environment to accept and administer "clean up" funds on behalf of grant recipients. Colorado cities, counties and State agencies that have or will receive RLF grants from the EPA are eligible to participate in the Coalition. The mission of the coalition is to dispense the grant funds as low-interest loans to the recipient governmental entities, property owners and developers needing financial assistance with environmental remediation and cleanup.

In 2002, the City applied for and was awarded a \$1,000,000 revolving loan fund grant on the condition that the proceeds are deposited with and administered through the CBRLF. Having been awarded the revolving loan fund grant, the City became eligible to join the CBRLF coalition giving the City access to not only the \$1,000,000 but other funds deposited with the Coalition. Given EPA's directive to deposit the funds with the CBRLF, the City joined the Coalition in 2002.

As a member of the Coalition, the City is entitled to appoint a representative to the Board. The Coalition Board is currently comprised of city staff from each of the participating jurisdictions having some level of knowledge or experience with revitalization, redevelopment and/or environmental contamination issues. The Board currently does not have any elected officials, although there are no rules preventing an elected official from serving on the Board. Tony Chacon, Senior Projects Coordinator in the Department of Community Development has served as the City representative since joining the Coalition. Per agreement with EPA, the Coalition regularly requests the participating jurisdictions to reappoint a person to the Board. The Board member is responsible for reviewing and voting on loan applications and CBRLF policies.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 27, 2009



SUBJECT: Resolution No. 20 re Support for Build-Out of the Regional Transportation District's FasTracks System

Prepared By: Matt Lutkus, Deputy City Manager

Recommended City Council Action

Adopt Resolution No. 20 expressing City Council's support for the full build-out of the Regional Transportation District's (RTD) FasTracks System.

Summary Statement

- In November 2004, the majority of voters in the Regional Transportation District approved a 0.4% sales tax increase to fund the FasTracks mass transportation system in the greater Denver metropolitan area. Initially projected to cost \$4.7 billion, the plan approved by the voters consisted of six new rapid transit corridors and extensions of three existing corridors. The plan also included the redevelopment of Denver Union Station as the multi-modal transportation hub for the FasTracks System.
- Since the time that FasTracks was approved, construction costs have increased well beyond what was anticipated when the cost projections for FasTracks were developed in 2004. At the same time, the revenue generated by the 0.4% sales tax has brought in considerably less revenue than anticipated and is projected to fall well short of the initial project estimates. At this time, it is estimated that the build-out of the full project will cost \$2.2 billion more than what will be brought in through the earmarked sales tax revenues.
- Through the use of a combination of anticipated Federal grants and private-sector funding to supplement FasTracks' dollars, it is expected that the West Corridor light rail line and the Gold and East Corridor rail lines will be completed within the timeframe originally projected for the whole project. Because they are dependent on the original voter-approved FasTracks revenues, the Northwest and North Metro Commuter Lines, the US 36 Bus Rapid Phase 2 Improvements and the I-225 Light Rail Line are not fully funded. If additional funds are not secured, these projects could be substantially delayed or curtailed.
- The proposed resolution expresses the City's support for the full build-out of the FasTracks System by 2017, commits the City to working with other communities and RTD to secure Federal funding for all FasTracks corridors and urges the RTD Board of Directors to put forward a ballot issue that, if approved, will provide the balance of funds necessary to complete the full build-out of the FasTracks System.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City Council take formal action to support the full build-out of the FasTracks system that was approved by the voters in 2004 and urge the RTD Board of Directors to secure the funding necessary to ensure completion of the system by 2017?

Alternative

The City Council could delay any formal action on this or similar resolution until more information and the direction of the RTD Board of Directors is known or there are further developments with regard to securing funds for the FasTracks System generally and specifically for the north area corridors. City Staff does not recommend this alternative given Staff's view that it is very important that Westminster citizens, the RTD Board, RTD Staff and others involved in this process know the City's formal position on this issue in a timely fashion.

Background Information

For more than ten years, City of Westminster elected officials and Staff have been actively involved in efforts to gain political and financial support for the reconstruction of US 36 and the construction of a passenger rail system that would include regular service from downtown Denver to Boulder. In addition, the City has recently been involved with the coalition representing the entities that have interest in the North Metro Rail Corridor. This relatively new organization known as the North Area Transit Alliance (NATA) has begun to actively advocate for the extension of this rail line that generally parallels I-25.

In November 2004, Regional Transportation District (RTD) voters approved the FasTracks transportation system. The approved FasTracks Program provided for the construction and operation of passenger rail lines and expanded bus service throughout the greater Denver metropolitan area. The original estimate for capital costs for the FasTracks system was \$4.7 billion in 2004. Cost projections increased significantly since that time but in the past year have begun to decline as a result of global economic conditions. Although during the past year there has been a decrease in capital costs, revenues to support the overall construction budget are estimated to run approximately \$2.2 billion short of the estimated construction costs. A significant portion of this shortfall, approximately \$1 billion, can be made up with the receipt of Federal funding and through financing available through the private sector. The West Corridor, a light rail system that will run from Denver Union Station to Jefferson County Government Center, is projected to be fully funded through FasTracks and Federal grant funds and is currently under construction.

With the full funding of the West Corridor and the leveraging of FasTracks funds to facilitate Federal grant and private sector funding of the East and Gold Line Corridors, the remaining sections of FasTracks cannot be completed without securing substantial additional funding. The Corridors for which construction would be substantially delayed or significantly curtailed are the Northwest, North Metro and I-225 Corridors. In addition, the approximately \$208 million that was included in the FasTracks budget for regional bus service improvements along US 36 could now potentially be delayed until 2034. Given the current situation where it is evident that RTD cannot complete the Northwest and North Metro rail lines in a timely fashion and in accordance with the promises made to the voters in November 2004, it is obvious that the cities along these Corridors need to be actively engaged in bringing out an equitable solution to the financing challenges.

The Metro Mayors' Caucus, an organization made up of the Mayors of 38 cities in the metro area recently adopted the recommendations of its FasTracks Futures Task Force and submitted these recommendations to the RTD Board of Directors. The recommendations included the implementation of a solution that is equitable to all Corridors, the completion of the entire system by 2017 and the request to the RTD Board of Directors to put forth a ballot issue that, if approved by voters, would implement an additional 0.4% sales tax increase to take affect in 2011.

In March of this year, the Colorado General Assembly passed and the Governor approved a bill that allows the RTD Board to place a funding initiative on the ballot to increase the current 0.4% sales tax for FasTracks. The Board of Directors is currently considering whether to take a ballot issue to the voters this year or in 2010.

The City's support for the completion of the FasTracks System especially as it relates to Northwest Commuter Rail and US 36 regional bus service improvements coincides with the Council's Strategic Plan goals of vibrant neighborhoods and commercial areas and a strong balanced local economy by improving transit oriented opportunities for citizens and creating a multi-modal transportation system that provides access to shopping and employment centers.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **20**

INTRODUCED BY COUNCILLORS

SERIES OF 2009

**A RESOLUTION IN SUPPORT OF THE FULL BUILD-OUT OF THE REGIONAL
TRANSPORTATION DISTRICT'S FASTRACKS SYSTEM**

WHEREAS, the Regional Transportation District (RTD) developed a plan to build or expand nine commuter rail and light rail corridors in the District known as the FasTracks System; and

WHEREAS, in November 2004, voters from across the greater Denver metropolitan area gave their overwhelming approval of the FasTracks System and approved a tax increase of 0.4% to pay for FasTracks; and

WHEREAS, the FasTracks System includes the West, East and Gold Corridors, The Denver Union Station, the Northwest Rail Line, US 36 Bus Rapid Transit Improvements, the North Metro Line, the I-225 Corridor, and maintenance facilities; and

WHEREAS, RTD has presented information that shows the future implementation of the FasTracks System as originally approved is not possible to achieve by 2017 without an additional 0.4% sales tax increase due to economic conditions; and

WHEREAS, if additional resources are not obtained, RTD indicates that it will build the West, East and Gold Corridors; the Denver Union Station and maintenance facilities; and complete the environmental studies/engineering/right-of-way acquisition required for the entire system; and delay or curtail the Northwest Rail Line, the North Metro Line, the I-225 Corridor and the US 36 Bus Rapid Transit Improvements – Phase 2; and

WHEREAS, given current financial limitations, the Northwest Rail Line, the North Metro Line, the I-225 Corridor, and the US 36 Bus Rapid Transit Improvements – Phase 2 may not be completed until 2034; and

WHEREAS, completing all FasTracks corridors in a timely manner is essential to developing a full multi-modal Denver metropolitan transportation system.

NOW, THEREFORE, be it resolved by the City Council of the City of Westminster:

1. The City Council of the City of Westminster supports the build-out of all RTD FasTracks Corridors by 2017.
2. The City will work with RTD and all communities within the District to lobby Congress and the FTA for additional funding and flexibility as it relates to Federal grants to complete the entire system.
3. The City Council urges the RTD Board of Directors to proceed with a ballot issue that, if approved by the voters, would commit the funding necessary to complete the full build-out of the FasTracks system.

PASSED AND ADOPTED this 27th day of April, 2009.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney



Agenda Item 10 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 27, 2009



SUBJECT: Resolution No. 21 re Red Flag Policy to Establish an Identity Theft Prevention Program

Prepared By: Robert Smith, Treasury Manager
Sandy Christopher, Utility Billing Supervisor

Recommended City Council Action

Adopt Resolution No. 21 to establish a “Red Flag” policy to create an Identify Theft Prevention Program to comply with Part 681 of Title 16 of the Code of Federal Regulations (CFR) implementing Sections 114 and 315 of the Fair And Accurate Credit Transactions Act (FACTA) of 2003.

Summary Statement

- In 2003 the Fair And Accurate Credit Transactions Act (FACTA) was signed into law. In 2007 the Federal Trade Commission (FTC) adopted Identity Theft rules required by the Act to cause the creation of certain policies relating to the use of consumer reports, address discrepancy and the detection, prevention and mitigation of identity theft.
- The FTC rules adopted in 16 CFR Section 681.2, requires that creditors, defined as a person that extends, renews or continues credit, to adopt “Red Flag” policies to prevent and mitigate identity theft with respect to covered accounts.
- The FTC regulations define “covered account” in part as an account that a creditor provides for personal, family or household purposes that is designed to allow multiple payment or transactions and specifies that a utility account is a covered account.
- Pursuant to the requirements of FACTA and the rules promulgated by the FTC, City Staff has drafted an Identity Theft Prevention Program, which presents “red flag” policies covering the Water/Wastewater Utility and the Ambulance Service of the Fire Department.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City adopt a “red flag” policy that complies with the FTC regulations requiring each creditor to adopt an Identity Theft Prevention Program that will use red flags to detect, prevent and mitigate identity theft related to information used in covered accounts?

Alternative

Do not authorize the execution of the resolution adopting a Red Flag Policy and establishing an Identity Theft Prevention Program for the City of Westminster. This alternative is not recommended as the City would not be in compliance with federal law and related administrative rules promulgated by the FTC.

Background Information

On November 9, 2007, the Federal Trade Commission (“FTC”), the federal bank regulatory agencies, and the National Credit Union Administration, published a joint notice of final rulemaking in the Federal Register (72 FR 63718) finalizing the Identity Theft Red Flags regulations and guidelines. This rule, promulgated pursuant to the Fair And Accurate Credit Transactions Act of 2003 (“FACTA”), requires financial institutions and creditors to develop and implement written “identity theft prevention programs.” The programs must provide for the identification, detection, and response to patterns, practices, or specific activities – known as “red flags” – that could indicate identity theft.

These “red flag” rules require any entity that is a creditor to develop an identity theft prevention program. A creditor is defined as a person that extends, renews or continues credit and defines “credit” in part as the right to purchase property or services and defer payment therefore. Further, the FTC regulations specifically include utility companies in the definition of creditor. Thus the Water and Wastewater Utility is covered by the “red flag” requirements.

By virtue of their accepting payment in arrears for municipal services provided, Staff identified one other area within the City that would qualify as being a creditor under the FTC regulations. This is the billing for Ambulance Services.

The FTC rules require that each creditor adopt an Identity Theft Prevention Program that will use “red flags” to detect, prevent, and mitigate identity theft related to information used in covered accounts.

Initially compliance with the FTC’s final rule was to be effective on November 1, 2008. However, the commission realized during their education and outreach efforts following publication of the rule that some entities within the FTC’s jurisdiction were confused about applicability and compliance. Therefore the FTC delayed the implementation date to May 1, 2009.

Staff has developed the City of Westminster, Colorado Identity Theft Prevention Program to comply with the requirements of the FTC regulations that is submitted herewith to Council for adoption.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

- Resolution
- City of Westminster, Colorado Identity Theft Prevention Program

RESOLUTION

RESOLUTION NO. **21**

INTRODUCED BY COUNCILLORS

SERIES OF 2009

**ADOPTION OF CITY OF WESTMINSTER
RED FLAG POLICY AND IDENTITY THEFT PREVENTION PROGRAM**

WHEREAS, on December 4, 2003, President Bush signed the Fair and Accurate Credit Transactions Act of 2003 (the “FACT Act”), which, among other things, directed certain government agencies to issue regulations and guidelines regarding the detection, prevention, and mitigation of identity theft; and

WHEREAS, on November 9, 2007, the Federal Trade Commission issued regulations, adopted as 16 CFR § 681, to prevent and mitigate identity theft in compliance with directions pursuant to the FACT Act, such regulations are referred to as the “Red Flag Rules” (“Rules”); and

WHEREAS, the Red Flag Rules require financial institutions and creditors to develop and implement a written Identity Theft Prevention Program (“Program”), which must provide for the identification, detection, and response to patterns, practices, or specific activities—known as “red flags”—that could indicate identity theft; and

WHEREAS, City staff has determined that the City’s utility billing and ambulance billing functions are covered by the Red Flag Rules in that they fall under the definition of “creditor” and offer or maintain “covered accounts” as those terms are defined by the Rules; and

WHEREAS, the City has until May 1, 2009, to develop and implement an Identity Theft Prevention Program; and

WHEREAS, the duly elected governing authority of the City of Westminster is the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER that the attached City of Westminster Red Flag Program and Identity Theft Prevention Program is hereby adopted.

PASSED AND ADOPTED this 27th day of April, 2009.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney’s Office

City of Westminster Colorado

IDENTITY THEFT PREVENTION PROGRAM

Subject: Identity Theft Prevention Program for the City of Westminster

Purpose: To establish an Identity Theft Prevention Program (“Program”) designed to detect, prevent and mitigate identity theft in connection with the opening of a covered account or an existing covered account and to provide for continued administration of the Program in compliance with Part 681 of Title 16 of the Code of Federal Regulations implementing Sections 114 and 315 of the Fair and Accurate Credit Transactions Act (FACT Act) of 2003

Effective Date: *May 1, 2009*

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PART 1 DEFINITIONS

1. For purposes of this Program, the term "*Covered Account*" means an account that the City of Westminster offers or maintains, primarily for personal, family or household purposes, that involves or is designed to permit multiple payments or transactions and any other account that the City of Westminster offers or maintains for which there is a reasonably foreseeable risk to the customer or the safety and soundness of the City of Westminster from identity theft, including financial, operational, compliance, reputation, or litigation risks.
2. For purposes of this Program, the term "*Identity Theft*" means a fraud committed or attempted using the identifying information of another person without authority.
3. For purposes of this Program, the term "*Red Flag*" means a pattern, practice, or specific activity that indicates the possible existence of identity theft. Part 3 provides a specific description of which Red Flags are applicable to this Program.
4. For purpose of this Program, the term "*Customer*" means a person that has a covered account with a creditor.
5. For purpose of this Program, the term "*Personal Identifying Information*" means a person's credit card account information, or debit card information, or bank account information or drivers' license information and for a natural person includes their social security number, mother's birth name, maiden name and date of birth.
6. For purpose of this Program, the term "*Service provider*" means a person that provides a service directly to the City of Westminster.
7. For the purpose of this Program, the term "*City*" means the City of Westminster.

PART 2 INCORPORATION OF EXISTING PROGRAM AND PROCEDURE

The following policies and procedures already in effect at the City of Westminster are specifically incorporated herein (see attached) and will continue to operate in conjunction with the Identity Theft Prevention Program to achieve its stated purpose:

Access to Covered Account Information

1. Access to personal information of a covered account shall be user security protected and shall be limited to authorized City personnel.
2. Any unauthorized access to or other breach of personal information of a covered account is to be reported immediately to the Department Director and the security will be changed immediately.
3. Personal identifying information included in covered account is considered confidential and any request or demand for such information shall be immediately forwarded to the Department Director.

Credit Card Payments

1. In the event that credit card payments made over the Internet are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.

2. In the event that credit card payments made over the telephone are processed through a third party service provider, such third party service provider shall certify that it has an adequate identity theft prevention program in place that is applicable to such payments.
3. Account receipts for covered accounts shall include only the last four digits of the credit or debit card.

Utility Account Procedures_____ (see attached copy of procedure – Attachment A)

Fire Department Ambulance Billing Procedures__ (see attached copy of procedure – Attachment B)

PART 3

IDENTIFICATION OF RELEVANT RED FLAGS

After careful examination of our accounts, including the methods by which we open an account, access an account and past experience with identity theft, the following events/occurrences reasonably indicate the potential for identity theft and should be considered "Red Flags" for purposes of this Program:

A. Alerts, notifications, or other warnings received from service providers.

Examples of alerts include but are not limited to:

1. A fraud or active duty alert is included with an unauthorized transaction (credit card transaction, ACH payment, returned check).
2. A service provider provides a notice of credit freeze in response to an unauthorized transaction.
3. A service provider provides a notice of address discrepancy.
4. A service provider indicates a pattern of activity that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
 - a. A recent and significant increase in the volume of inquiries;
 - b. An unusual number of recently established credit relationships;
 - c. A material change in the use of credit, especially with respect to recently established credit relationships; or
 - d. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.

B. The presentation of suspicious documents, such as:

5. Documents provided for identification appear to have been altered or forged.
6. The photograph or physical description on the identification is not consistent with the appearance of the applicant or customer presenting the identification.
7. Other information on the identification is not consistent with information provided by the person opening a new covered account or customer presenting the identification.
8. Other information on the identification is not consistent with readily accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check.
9. An application appears to have been altered or forged, or gives the appearance of having been destroyed and reassembled.

C. The presentation of suspicious personal identifying information, such as a suspicious address changes:

10. Personal identifying information provided is inconsistent when compared against external information sources used by the City. For example: a) The name does not match any name in the County Tax Records for a property; or the name is different from third party billing for an ambulance bill; b) The mailing address is not the property address, or the mailing address is not listed on the County Tax Records for the property.
11. Personal identifying information provided by the customer is not consistent with the additional identifying information provided by the customer. For example, the name on one identification card is not consistent with the name on the second form of identification presented.
12. Personal identifying information provided is associated with known fraudulent activity as indicated by internal or third-party sources used by the City. For example:
 - a. The address on an application is the same as the address provided on a fraudulent application; or
 - b. The phone number on an application is the same as the number provided on a fraudulent application.
13. Personal identifying information provided is of a type commonly associated with fraudulent activity as indicated by internal or third-party sources used by the financial institution or creditor. For example:
 - a. The address on an application is fictitious, a mail drop, or a prison; or
 - b. The phone number is invalid, or is associated with a pager or answering service.
14. The person opening the covered account or the customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
15. Personal identifying information provided is not consistent with personal identifying information that is on file with the City.

D. The unusual use of, or other suspicious activity related to, a covered account:

16. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's utility account.
17. The City is notified that the customer is not receiving paper account statements.
18. The City is notified of unauthorized charges or transactions in connection with a customer's account.

E. Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identity theft in connection with covered accounts held by City:

19. City is notified by a customer, a victim of identity theft, a law enforcement authority, or any other person that it has opened a fraudulent account for a person engaged in identity theft.

PART 4

DETECTION, PREVENTION AND MITIGATION

A. Detection

In an effort to ensure proper detection of any Red Flags, all customers (consumers) must provide at least the following information/documentation before any new covered account will be opened:

1. Full Name;
2. Personal Identifying Information, (government issued identification);
3. Address, (a residential or business street address for an individual; or for a person other than an individual (such as a corporation, partnership, or trust), a principal place of business, local office, or other physical location; Complete documentation for the property indicating the owner for which the account is being established; and
4. Identification number, which shall be: (i) For a U.S. person, a taxpayer identification number; or (ii) For a non-U.S. person, one or more of the following: a taxpayer identification number; passport number and country of issuance; alien identification card number; or number and country of issuance of any other government-issued document evidencing nationality or residence and bearing a photograph or similar safeguard.
5. If for utility accounts not through service provider, Deed of Trust for the property must be provided.

To assist with detection of Red Flags, the City will implement the appropriate security in the computer programs tailored to the City business needs to help authenticate customers, monitor transactions, and make change-of-ownership requests. The following procedures are being used and the City's continued use thereof is incorporated and made part of this Program: (See Attachment A, B, and C).

B. Preventing and Mitigating Identity Theft

1. In the event that any City employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the proper authority. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to their Department Director, who may in his or her discretion determine that no further action is necessary. If the Department Director in his or her discretion determines that further action is necessary, a City employee shall perform one or more of the following responses, as determined to be appropriate by the Department Director:
 1. Monitor a covered account for evidence of identity theft;
 2. Contact the customer;
 3. Change any passwords, security codes, or other security devices that permit access to the secured portion of the covered account;
 4. Notify law enforcement; or
 5. Determine that no response is warranted under the particular circumstances.

For the protection of our customers, all service providers hired by the City to perform any activity in connection with any covered account must also take appropriate steps to prevent identity theft. To this end, the City will only contract with service providers that have implemented and follow a similar identity theft prevention policy.

PART 5 PROGRAM UPDATES

The City is committed to maintaining an Identity Theft Prevention Program that is current with the ever-changing crime of identity theft. To that end, the City will reassess this Program on a periodic (annual) basis. In reassessing this Program, the City will add/delete Red Flags in Part 3, as necessary, to reflect changes in risks to customers or to the safety and soundness of the City from identity theft. The determination to make changes to this Program will be within the discretion of the responsible parties, identified in Part 7 of this Program, but after careful consideration of the following:

1. The City's past experience(s) with identity theft;
2. Changes in methods of identity theft;
3. Changes in methods to detect, prevent, and mitigate identity theft;
4. Changes in the types of accounts that the City offers or maintains: and
5. Changes in service provider arrangements.

PART 6 ADDITIONAL LEGAL REQUIREMENTS

Pursuant to 16 CFR § 681.1, this section applies to users of consumer reports that are subject to administrative enforcement of the Federal Credit Reporting Act by the Federal Trade Commission pursuant to 15 U.S.C. 1681§(a)(1) (users). The City does not use a consumer report agency for verification of address discrepancy.

PART 7 ADMINISTRATION

The City's Utility Billing Supervisor is responsible for oversight of the program and for program implementation. The Treasury Manager is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Treasury Manager, to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the City Council for consideration and adoption.

1. The Treasury Manager will report to the Finance Director at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:
 - a. The effectiveness of the policies and procedures of the City in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
 - b. Service provider arrangements;
 - c. Significant incidents involving identity theft and management's response; and
 - d. Recommendations for material changes to the Program.
2. The appropriate supervisor (based on function) is responsible for providing training to all employees responsible for or involved in opening a new covered account or accepting payment

for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The Supervisor shall exercise his or her discretion in determining the amount and substance of training necessary.

PART 8 PROGRAM APPROVAL

This will be by resolution.

Utility Account Procedures

Policy & Procedures: Release of Utility Account Information/March 2008

Procedures:

Beginning Monday March 24, 2008 the only person that can request information over the phone on an account is the property owner, or the property management company shown on the account. Everyone else needs to request the information in writing.

The Utility Billing Department has a form that can be emailed or faxed to a Title Company or Property Management Company for information.

A person can request information on an account by sending an email to Utility Billing (ub@cityofwestminster.us).

If a person comes in to request information, they will need to fill out a form before the City releases the information. This form is at the Front Desk in Finance.

Remember: Names, Addresses, Telephone Numbers, and Personal Financial Information on the account shall NOT be released.

Policy:

- 1. Under the Colorado Open Records Act (CORA), CRS 24-72-204(3)(a)(IX) (the text of that provision is provided below), the City may release consumption and payment information for utility accounts;**
- 2. The request for such information should be in writing and made pursuant to CORA;**
- 3. Names, addresses, telephone numbers, and personal financial information of the user shall NOT be released;**
- 4. The same rules apply regardless of who the requesting party is (e.g., tenant, realtor, title company, etc.); and**
- 5. CORA does NOT require notice to the owner that such information is being released.**

CORA (Colorado Open Records Act): CRS 24-72-204(3) (a) (IX)

(3) (a) The custodian shall deny the right of inspection of the following records, unless otherwise provided by law; except that any of the following records, other than letters of reference concerning employment, licensing, or issuance of permits, shall be available to the person in interest under this subsection (3):

(IX) Names, addresses, telephone numbers, and personal financial information of past or present users of public utilities, public facilities, or recreational or cultural services that are owned and operated by the state, its agencies, institutions, or political subdivisions; except that nothing in this subparagraph (IX) shall prohibit the custodian of records from transmitting such data to any agent of an investigative branch of a federal agency or any criminal justice agency as defined in section [24-72-302](#) (3) that makes a request to the custodian to inspect such records and who asserts that the request for information is reasonably related to an investigation within the scope of the agency's authority and duties. Nothing in this subparagraph (IX) shall be construed to prohibit the publication of such information in an aggregate or statistical form so classified as to prevent the identification, location, or habits of individuals.

Procedures for Utility Account Setup

Utility Accounts are created from two sources:

Sale of the Property

When a property is in the process of being sold, the Title Company handling the closing of the property will request in writing an Account Status by completing our Final Request Form.

The new owner information is supplied by the Title Company at the time the request for the Final Reading Request is sent.

After verification of the sale of the property through the Title Company, transfer of the account to the new owner(s) through the CIS Utility Billing System is made through the move current owner out and move new owner(s) in function.

Change in Tenant of the Property

When a property has a tenant moving out, we only will take the information from the owner or the property management company the owner has designated. We will not take information from the tenant as the City has no contractual agreement with the tenant in regards to the water service.

The owner of the property must supply the City of Westminster with the information about the tenant moving in and information as to where the utility bill is to be sent.

Westminster Municipal Code 8-7-9 (C): The City shall have as security for the collection of such water utility rates, penalties and charges a lien upon real property served by such water service, which lien shall become effective immediately upon the supplying of such water and shall not be discharged until the payment is made of all the water service bills, penalties and charges as herein provided. Such liens shall be governed by Title I, Chapter 31 of the Westminster Municipal Code.

Verification of Owners

The Utility Billing department uses the County Tax Records as verification as to the owner of said property served by the City of Westminster. The two counties are Adams County and Jefferson County.



City of Westminster Utility
4800 W 92nd Avenue
Westminster, CO 80031
303-658-2405
Fax# 303-706-3929
Email: ub@cityofwestminster.us

Final Reading Request

Property/Service address: _____
Name currently on account: _____
Title Company / Agency requesting Final: _____
Requestor Phone Number: () Fax Number: () _____
Requestor Name: Requestor Email : _____
Closing/Transfer Date: / / _____
Mailing Address for **Final**: _____
Buyers First Name: Last Name: _____
Co-Buyer First Name: Last Name: _____
 Buyer will occupy
 Buyer will not occupy: _____
Mailing Address , *if Different from Property/Service Address*: _____

There is a \$15.00 transfer fee that is included on the Final.
AFTER closing has occurred please resend this form as confirmation of the final closing.

Procedures for PIE (Payment Issued Electronically) Setup

The customer must submit a completed form along with a voided check to setup an automatic withdrawal from the designated bank account. This documentation is filed in a secure place.

The bank account information used for payment of the covered account is limited to authorized City personnel.

Fire Department for Ambulance Billing Procedures

Policy & Procedures: City of Westminster Fire Department

Procedures:

The Fire Department uses a third party agency for ambulance billing. The billing agency will file with insurance agency or agencies, if applicable, for the person who was treated and or transported. The designated billing agency issues invoices on the City's behalf. The invoices go to the patient or guardian of the patient, to the mailing/home information provided to personnel on the scene of an incident.

Payment may be remitted by money order, check, credit card, or cash. Typically payment is received by check which is mailed directly to the designated billing agency. The billing agency does not take credit card payments over the telephone. To use a credit card, payment must be made at City Hall through the Cashier.

For those rare instances where cash or a check is dropped off to Fire Administration, the person is taken into the Conference Room in accordance with the HIPAA law regarding patient confidentiality. The payment is placed in a file that is kept secure and locked in a cabinet during non- business hours. These payments are sent to the billing agency three times a week by a courier provided by the billing agency.

The account is turned over to a third party collection agency after all other collection attempts have failed.



Agenda Item 10 C-E

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
April 27, 2009



SUBJECT: Councillor's Bill No. 11 re Lease/Purchase of Golf Course Carts

Prepared By: Ken Watson, Regional Parks and Golf Manger
Chris Swinhart, Golf Professional Legacy Ridge

Recommended City Council Action

1. Pass Councillor's Bill No. 11 on the first reading appropriating \$439,745 in the Golf Course Fund for the lease/purchase of replacement Legacy Ridge Golf Course and The Heritage Golf Course golf carts.
2. Authorize the City Manager to sign an agreement to add \$439,745 to the existing master lease with KeyBank. Terms of the Lease are: 4 years with an approximate finance cost of \$53,179 and a total payback of approximately \$492,924.
3. Based on the recommendation of the City Manager, City Council finds that the public interest would best served by awarding a contract for the purchase of 133 golf carts, 4 player assistant carts, 2 beverage carts, 2 range picker turf carts, 2 five-gang picker units and 2 tow bars for the amount of \$439,745 to Colorado Golf and Turf, Inc.

Summary Statement

- Approval of the lease/purchase will:
 - Fund the lease/purchase and financing costs of a replacement golf cart fleet at Legacy Ridge and The Heritage golf course;
 - Replace an aging golf cart fleet that requires increased labor and parts to allow the carts to be used as safe rental and service vehicles; and
 - Provide essential vehicles necessary to maintain Guest service, course management, food and beverage service and revenue generation at both of the City's golf courses.
- The lease/purchase and financing cost is estimated to be \$492,924, and funding adequate to cover the associated annual lease payments of \$123,295 is included in the adopted 2009 and 2010 Legacy Ridge and The Heritage budgets.
- Colorado Golf and Turf is not the low bidder. Staff will go into more detail regarding the award recommendation in the background information section of this memorandum.
- The interest rate will be determined on the date of commitment by the City as defined in the master lease agreement approved by City Council in 2001. The interest rate is projected to be between 4.5% and 5.5% percent.

Expenditure Required: Not to exceed \$439,745

Source of Funds: Proceeds from Master Lease in the General Fund

Policy Issue

Does City Council wish to follow Staff’s recommendation and award the golf course cart contract to a bidder that is not the low bidder?

Alternatives

1. Take no action and not replace the golf cart fleet at this time. This option is not recommended as this approach would jeopardize the golf courses’ abilities to generate revenue and it would also result in expensive repairs to the existing fleet to ensure they are safe to operate.
2. Do not approve the purchase of Club Car golf carts and approve a lease/purchase from the low bidder, Yamaha. Staff does not recommend this option. Staff thoroughly evaluated all three carts that were included in the bid process and Staff does not believe the Yamaha cart is of the same quality and reliability as the other carts that were bid; Club Car’s Precedent and EZ-GO’s RXV.

Background Information

The City’s two golf courses, Legacy Ridge and The Heritage at Westmoor, opened for play in 1994 and 1999, respectively. Both of these courses are recognized for their championship quality along with excellent Guest customer service. The City’s two courses have always provided full golf amenities such as 18-hole championship golf, excellent playing conditions, driving ranges, practice facilities, full service food and beverage operations, pro shop and dependable golf carts.

The golf courses offer rental carts available for year-round play. In 2008, the golf cart rental fleet generated \$491,812 in cart rental revenue.

For the past ten years, the City has used Club Car golf carts. For the past five years, the City has used Club Car’s 48-Volt Precedent electric carts. Staff has determined these carts to be reliable, quality featured and environmentally friendly. Environmentally friendly is an important factor given that both of the City’s golf courses are Audubon-certified golf courses and it fits with the City’s “Green” goals.

The existing golf cart fleet was scheduled for replacement in 2008. However, due to exceptional maintenance by Golf Staff and warranty assistance from Club Car’s local representatives, Colorado Golf and Turf, and to assist with the golf course budgets, it was decided to delay the replacement until the 2009 season. However, in the future, Staff does not recommend a five-year replacement schedule due to increasing repair costs after four years of almost daily use.

Bids were received from the following companies and include a trade-in allowance for the City’s existing golf cart fleet.

Club Car/Colorado Golf & Turf, Inc.	\$439,745
Yamaha/Masek Golf Cars	\$359,417
EZ-GO (EZ-GO withdrew its bid due to bid error)	\$350,461

Staff thoroughly researched Club Car, EZ-GO and Yamaha golf carts. All three cart companies provided demo carts for the City to use. All three carts were driven and compared by golfers, City Staff and Golf Maintenance Staff.

Club Car and EZ-GO carts rated at the top of the demo driver's survey forms. Yamaha was a distant third on the rating sheets. The ratings were based on features such as ride and comfort, ease of operation, braking, steering and safety features. Yamaha's 2009 cart did appear to have slight improvements from previous year's models, but the 2009 Yamaha cart did not compare favorably with Club Car or EZ-GO. The demo rider's feedback and scoring forms clearly chose Club Car and EZ-GO over Yamaha. After a thorough evaluation of all three carts, Staff does not recommend purchasing the Yamaha cart due to the belief it is not of the same quality as the other two golf carts. According to the demo driver surveys, the Yamaha cart scored low marks in steering, brakes, metal noise, rattles in the dash, less storage room, poor handling/drivability, cup holders in bad locations and the cart was underpowered on hills. Staff believes the 2009 Yamaha cart runs and responds much the same as the Yamaha cart that was considered ten years ago. The golf course mechanics do not have experience servicing Yamaha carts and they also gave it low marks regarding reliability issues.

Staff also contacted references from Club Car, EZ-GO and Yamaha. Club Car rated very high marks from the golf courses staff contacted. Other than one local golf course, EZ-GO also received good ratings. Yamaha received mixed reports. Club Car's Precedent model has been used by numerous golf courses for the past five-plus years. Club Car provided a list of 92 facilities using their cart. EZ-GO's RXV cart has been used at golf courses for approximately 14 months. EZ-GO provided a list of 10 references and Yamaha provided a list of 11 references. The EZ-GO regional representative, however, asked that his bid for the cart fleet be withdrawn due to a significant bid error in his bid proposal. After further explanation, it was discovered that the EZ-GO bid was based on 2006 fleet trade-in values when in actuality, the vast majority of the City's cart fleet was purchased in 2004. City Staff had actually purchased six additional golf carts in 2006 and the EZ-GO representative happened to randomly take the registration number off one of the 2006 models to determine trade-in value. That made his trade in bid for the cart fleet much higher than either Club Car or Yamaha's bids. When questioned, the EZ-GO representative indicated that his bid, if done correctly, would have come in at about the same price as the Club Car bid. Because of this mistake on the part of EZ-GO, Staff believed in all fairness that it would be appropriate to allow the EZ-GO bid to be withdrawn at the request of the bidder.

Staff toured each company's local, factory authorized repair/warranty shops. Colorado Golf and Turf is the local Club Car Dealer and Service Center. They offer full-service maintenance and parts operation with a minimum of \$250,000 parts inventory in stock. For the past 10+ years, Colorado Golf and Turf, Inc. have provided exceptional service to the City's golf cart fleet. Golf Maintenance Staff are Club Car Certified and both of the City's golf courses currently stock diagnostic and repair parts for Club Car golf carts. The Club Car carts include an extended four-year warranty on the cart components, body panels, electric power train, underbody, canopy, electronics, pedal group, seats and suspension. Club car also provided a four-year warranty on batteries for four years that would also be valid if the City chooses to add a satellite Global Positioning System (GPS) on the golf carts at a later date. The Club Car warranty was not duplicated by the other bidders.

Masek Golf Cars is the authorized dealer and service/warranty shop for Yamaha Golf Cars in Colorado. The Masek staff stated they have approximately \$250,000 in their parts inventory. Staff also checked references on Yamaha. Yamaha provided a listing of 11 agencies that use their gas or electric golf carts. Overall, most courses were satisfied with the Yamaha carts. However, several stated they knew the Yamaha carts were not of the quality as Club Car, but they purchased Yamaha purely based on their bid amount.

When Staff asked the other golf courses to rate the service of the Yamaha local shop, the average score was six out of a high score of ten. Three facilities owned by one golf course agency, rated the Yamaha shop service a two out of ten points. These courses stated they had received very poor service over the years due to the local shop not following up on orders and charging high prices for services provided. One golf course reported Yamaha staff picked up and took all of the trade-in carts but did not deliver the new carts until a week later. That course did not have rental carts available during that entire week.

More than one of the references stated that they “were not fans of the carts, but purchased from Yamaha due to the price.” The bid from Yamaha did not include an option for a quick -fill battery watering system. Both of the other bidders offered that option at a retail cost of \$20,000 to \$25,000. Club Car has included the water system at no charge. If Yamaha carts were chosen, Staff would need to determine what Yamaha would charge for a similar system or if they even offer one.

Therefore, Staff recommends purchasing 133-Club Car Precedent 48-Volt electric carts, 4-player assistant carts, 2-food and beverage carts, 2-range picker turf carts, 2-five gang range picker units and 2-tow bars at a cost of \$439,745 as a four-year lease/purchase.

This appropriation will amend General Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Note Proceeds	2200.46000.0225	\$0	\$219,873	\$219,873
	2300.46000.0225	\$0	\$219,872	\$219,872
Total Change to Revenues			<u>\$439,745</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Equipment - Legacy Ridge Golf Course-Clubhouse	22050720.76000.0249	\$0	\$219,873	\$219,873
Other Equipment - Heritage Golf Course-Clubhouse	23050720.76000.0249	\$0	\$219,872	\$219,872
Total Change to Expenses			<u>\$439,745</u>	

This meets the City Council Strategic Plan goals “Financially Sustainable City Government Providing Exceptional Services” and “Beautiful and Environmentally Sensitive City.”

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **11**

SERIES OF 2009

INTRODUCED BY COUNCILLORS

A BILL

**FOR AN ORDINANCE INCREASING THE 2009 BUDGET OF THE GOLF COURSE FUND
AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2009 ESTIMATED
REVENUES IN THIS FUND**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2009 appropriation for the Golf Course Fund, initially appropriated by Ordinance No. 3432 is hereby increased by \$439,745. This appropriation is due to an increase in the master lease for the Golf Course Fund.

Section 2. The \$439,745 increase in the Golf Course Fund shall be allocated to City revenue and expense accounts as described in the City Council Agenda Item 10 C-E, dated April 27, 2009 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Golf Course Fund	<u>\$439,745</u>
Total	<u>\$439,745</u>

Section 3 – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance. The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

Section 5. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 27th day of April, 2009.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 11th day of May, 2009.

ATTEST:

Mayor

City Clerk