



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. Public Works Week Proclamation
 - B. Citizen Fire Academy Program of the Year Award Proclamation
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. Master Lease Equipment Financing
 - B. Pressure Zone 14 Booster Pump Station Construction Contract
 - C. McStain / 98th & Sheridan Sanitary Sewer Construction Contract
 - D. 2008 Wastewater Collection System Improvement Project/Point Repairs
 - E. Second Reading Councillor's Bill No. 18 re CLUP Amendment re Huron Park PUD
 - F. Second Reading Councillor's Bill No. 19 re Economic Development Agreement with Atrato, Inc.
 - G. Second Reading Councillor's Bill No. 20 re Amending Title VI of the W.M.C. Concerning Graffiti Vandalism
9. Appointments and Resignations
 - A. Resolution No. 29 re Appointments to Boards and Commissions
10. Public Hearings and Other New Business
 - A. Resolution No. 30 re IGA with State re Certified Local Government Grant for Historic Resources Survey and Training
 - B. Resolution No. 31 re Revision of the City of Westminster's Investment Policy
 - C. Councillor's Bill No. 21 re 2007 Final Budget Supplemental Appropriation
 - D. Councillor's Bill No. 22 re 2008 1st Quarter Budget Supplemental Appropriation
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, MAY 12, 2008 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 Mark Kaiser, Mary Lindsey, Scott Major, and Faith Winter were present at roll call. Councillor Bob Briggs was attending another function on Council's behalf and was expected, but excused if unable to arrive before the meeting adjourned. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Mayor Pro Tem Dittman moved, seconded by Kaiser, to approve the minutes of the regular meeting of April 28, 2008, as presented. The motion passed unanimously.

CITY MANAGER'S REPORT

Mr. McFall reported that Community Pride Day on Saturday, May 10, had been slightly weather challenged, but in excess of 1,000 volunteers had faced the elements and successfully picked up and bagged hundreds pounds of trash from public parks, trails, and rights-of-way throughout the City. As a result, the City was much more attractive and better prepared for the summer months ahead. Additionally, he reminded the public that the second regular meeting of the month had been rescheduled to May 19 due to the Memorial Day holiday, which would fall on Council's normal meeting day—the fourth Monday of May.

CITY COUNCIL COMMENTS

Councillor Major echoed Mr. McFall's comments about Community Pride Day. The participation of volunteers and staff's organization of the event were very appreciated by and noticeable to the entire community.

Councillor Lindsey reported that the Mother/Daughter Tea was held at the Westin on Saturday, too. The event was well attended and enjoyed by all. Staff had done an excellent job organizing the event.

Mayor McNally reported that Covenant Village had their annual Mother/Daughter Tea on Friday, May 9, and had opened the event to the public for the first time. Organizers had been overwhelmed and pleased by the turnout.

Councillor Kaiser reported that he and his grandchildren enjoyed the Open House at Fire Station 5. The children had a wonderful time riding on the fire truck and learning about the fire station and equipment.

Mayor Pro tem Dittman reminded everyone that the Armed Forces Tribute Garden would be dedicated May 17 at 10:00 a.m. and the public was welcome to attend. The dedication would be followed by a lunch, proceeds from which would be used to help with Phase II construction. At 2:00 p.m. the same day, the Bowles House Open House would begin. Once again, the public was encouraged to attend.

PRESENTATIONS

Councillor Winter read a proclamation declaring the week of May 18 to 24, 2008, to be Public Works Week. Accepting the proclamation were Lead Street Operator Rick Dietz, Utilities Operations Manager Rick Clark, Water Resources Engineer Bob Krugmire, and Senior Engineer Stephanie Bleiker. Councillor Winter thanked all Public Works employees for the jobs they performed daily to maintain the quality of life that Westminster residents enjoyed.

Mayor McNally read a proclamation recognizing the Citizen Fire Academy as the Fire and Life Safety Educators of Colorado 2007 Program of the Year. As a graduate of the 2007 Academy, Mayor McNally knew the effort that had gone into the curriculum and the value that participation in the class was to a citizen. She presented the proclamation to Sherri Leeka, Public Education Specialist, who had developed the program, and congratulated her on the much-deserved award.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: authority for the City Manager to enter into a Master Lease/Purchase Agreement with SunTrust Equipment Finance and Leasing Corporation for an initial three-year term with an option to renew for two additional one-year terms; authority for the City Manager to execute a contract with J-2 Contracting Company in the amount of \$1,058,965 for construction of the Pressure Zone 14 Booster Pump Station and associated waterline work, authority for a ten percent construction contingency of \$105,897, authority for a change order of \$55,555 with the project designer, Farnsworth Group, Inc., authority to transfer funds in the amount of \$500,000 from the Water Pressure Zone Enhancement CIP account and \$440,502 from the Open Cut Waterline Replacement to the Pressure Zone 14 Booster Pump Station CIP account; authority for the City Manager to execute a \$427,810 contract with Twin Peaks Utilities and Infrastructure, Inc. for construction of the McStain/98th and Sheridan Sanitary Sewer Project, authority for a \$55,615 construction contingency, and authority to transfer \$356,070 from the Open-Cut Sewer Replacement CIP to the Hyland Village Sewer Upsizing – McStain/98th and Sheridan Sanitary Sewer Project; authority for the City Manager to execute a contract with Quick's Hoe and Landscape Services, Inc. to complete the 2008 Wastewater Collection System Improvement Project/Point Repairs, and authority for a project budget of \$126,500 with a ten percent contingency of \$12,650; final passage of Councillor's Bill No. 18 approving the Comprehensive Land Use Plan amendment changing the designation from Business Park to District Center for the northeast corner of Huron Street and 128th Avenue; final passage of Councillor's Bill No. 19 authorizing the City Manager to execute an Economic Development Agreement with Atrato, Inc. in substantially the same form as Exhibit A attached thereto; and final passage of Councillor's Bill No. 20 amending Title VI of the Westminster Municipal Code to establish a graffiti vandalism ordinance.

Mayor McNally asked if Councillors wished to remove any items from the consent agenda for discussion purposes or separate vote. There was no request.

It was moved by Councillor Kaiser, seconded by Councillor Lindsey, to approve the consent agenda, as presented. The motion passed unanimously.

RESOLUTION NO. 29 MAKING APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved by Councillor Major, seconded by Mayor Pro Tem Dittman to adopt Resolution No. 29 to fill vacancies on the Board of Adjustment, the Board of Building Code Appeals, the Election Commission, the Environmental Advisory Board, the Personnel Board, and the Planning Commission. At roll call, the motion passed unanimously.

RESOLUTION NO. 30 RE IGA WITH STATE FOR CLG GRANT FUNDING

Upon a motion by Councillor Major, seconded by Councillor Kaiser, the Council voted unanimously at roll call to adopt Resolution No. 30 authorizing the City Manager to execute an Intergovernmental Agreement with the State of Colorado concerning a Certified Local Government grant to the City for survey of historic resources in Jefferson County and for training of the Historic Landmark Board and City staff.

RESOLUTION NO. 31 REVISING THE CITY'S INVESTMENT POLICY

Mayor Pro Tem Dittman moved, seconded by Councillor Major, to adopt Resolution No. 31 approving a revised Investment Policy to direct the investment of public funds. At roll call, the motion passed unanimously.

COUNCILLOR’S BILL NO. 21 RE 2007 FINAL BUDGET SUPPLEMENTAL APPROPRIATION

It was moved by Councillor Major and seconded by Councillor Winter to pass Councillor’s Bill No. 21 as an emergency ordinance to provide for supplementary appropriations to the 2007 budget of the POST, General Capital Improvement, and Debt Service Funds. On roll call vote, the motion passed with all Council members voting affirmatively.

COUNCILLOR’S BILL NO. 22 RE 2008 1ST QUARTER BUDGET SUPPLEMENTAL APPROPRIATION

It was moved by Councillor Lindsey, seconded by Councillor Kaiser, to pass Councillor’s Bill No. 22 on first reading providing for supplementary appropriations to the 2008 budget of the General, Water, and General Capital Improvement Funds. The motion carried unanimously at roll call.

ADJOURNMENT

There being no further business to come before the City Council, upon motion duly made by Councillor Kaiser and seconded by Councillor Major, the Council voted unanimously to adjourn. The time was 7:20 p.m.

ATTEST:

Mayor

City Clerk

Summary of Proceedings

Summary of proceedings of the City of Westminster City Council meeting of Monday, May 12, 2008. Mayor McNally, Mayor Pro Tem Dittman, and Councillors Kaiser, Lindsey, Major, and Winter were present at roll call. Councillor Briggs was attending another function on Council's behalf and was excused.

The minutes of the regular meeting of April 28, 2008, were approved as presented.

Council issued proclamations in observance of Public Works Week, May 18-24, and to recognize the 2007 Citizen Fire Academy, which received the Program of the Year Award from the Fire and Life Safety Educators of Colorado.

Council approved the following: Master Lease Equipment Financing agreement; Pressure Zone 14 Booster Pump Station construction contract; McStain/98th & Sheridan Sanitary Sewer construction contract; 2008 Wastewater Collection System Improvement Project/Point Repairs; final passage of Councillor's Bill No. 18 re CLUP Amendment for Huron Park PUD; final passage of Councillor's Bill No. 19 re Atrato, Inc. EDA; and final passage of Councillor's Bill No. 20 amending Title VI of the W.M.C. concerning graffiti vandalism.

Council adopted the following resolutions: Resolution No. 29 making appointments to Board and Commissions; Resolution No. 30 concerning an IGA with the State for a Certified Local Government Grant for survey of historic resources in Jefferson County and for training; and Resolution No. 31 revising the City's Investment Policy.

The following Councillor's Bill was passed as an emergency ordinance:

A BILL FOR AN EMERGENCY ORDINANCE AMENDING THE 2007 BUDGETS OF THE POST, GENERAL CAPITAL IMPROVEMENT, AND DEBT SERVICE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2007 ESTIMATED REVENUES IN THE FUNDS. Purpose: 2007 final supplemental appropriation.

The following Councillor's Bill was passed on first reading.

A BILL FOR AN ORDINANCE AMENDING THE 2008 BUDGETS OF THE GENERAL, WATER, AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2008 ESTIMATED REVENUES IN THE FUNDS. Purpose: 2008 1st quarter supplemental appropriation.

The meeting adjourned at 7:20 p.m.

By order of the Westminster City Council
Linda Yeager, City Clerk
Published in the Westminster Window on May 22, 2008

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner(s) of the properties described in Exhibit A, incorporated herein by reference, requesting a change in the land use designations from "Business Park" to "District Center" for the property generally located at the northeast corner of Huron Street and 128th Avenue and approximately 86.28 acres in size.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on April 22, 2008, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. §11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly to provide residential development near the North I-25 District Center as desired for District Centers.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designation of the property more particularly described on attached Exhibit A to "District Center", as depicted on the map attached as Exhibit B.

Section 3. Severability: 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 deemed unenforceable shall not affect any of the remaining provisions.

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

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of April, 2008. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2008.

Exhibit A

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;

THENCE NORTH 89°58'36" WEST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 200.00 FEET TO A POINT ON THE WEST LINE OF INTERSTATE 25 AS DESCRIBED IN BOOK 473 AT PAGE 201;

THENCE SOUTH 00°53'18" EAST ALONG SAID WEST LINE, A DISTANCE OF 830.00 FEET TO A POINT ON THE SOUTH LINE OF THAT PARCEL DESCRIBED IN BOOK 4790 AT PAGE 161 AND THE POINT OF BEGINNING;

THENCE SOUTH 00°53'18" EAST CONTINUING ALONG THE WEST LINE OF SAID BOOK 473 AT PAGE 201, A DISTANCE OF 1714.17 FEET TO A POINT ON THE NORTH LINE OF THAT PARCEL DESCRIBED IN BOOK 970 AT PAGE 76;

THENCE NORTH 89°58'14" WEST ALONG SAID NORTH LINE, A DISTANCE OF

898.40 FEET TO THE NORTHWEST CORNER OF SAID PARCEL;
THENCE SOUTH 00°01'46" WEST ALONG THE WEST LINE OF SAID PARCEL, A
DISTANCE OF 15.00 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND
DESCRIBED AS PARCEL B IN BOOK 4790 AT PAGE 164;
THENCE ALONG THE NORTH AND EAST LINES OF SAID PARCEL THE
FOLLOWING THREE (3) COURSES:

1) NORTH 89°58'14" WEST A DISTANCE OF 1,411.78 FEET TO A POINT OF
CURVATURE;
2) ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE
OF 89°16'42", A RADIUS OF 60.00 FEET AND AN ARC LENGTH OF 93.49 FEET (THE
CHORD OF WHICH BEARS NORTH 45°19'53" WEST, 84.32 FEET);
3) NORTH 00°41'32" WEST A DISTANCE OF 1,213.92 FEET TO A POINT ON THE
SOUTH LINE OF THAT PARCEL DESCRIBED IN BOOK 4790 AT PAGE 161;
THENCE ALONG THE SOUTH LINE OF SAID PARCEL THE FOLLOWING TWO (2)
COURSES:

1) NORTH 71°28'13" EAST A DISTANCE OF 1,379.90 FEET;
2) NORTH 89°07'08" EAST A DISTANCE OF 1,050.00 FEET TO THE POINT OF
BEGINNING.

CONTAINING 3,758,541 SQUARE FEET OR 86.28 ACRES, MORE OR LESS.
BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF
SECTION 27, T.1 S., R. 68 W. OF THE 6TH P.M., AS MONUMENTED AT THE
SOUTHWEST CORNER BY A 3" ALUMINUM CAP ILLEGIBLE IN RANGE BOX AND
REFERENCED AT THE SOUTH QUARTER CORNER BY TWO 3" BRASS CAPS
ILLEGIBLE ON BRIDGE ABUTMENTS, AS BEARING SOUTH 89°58'14" EAST.

(Exhibit B, a map, was not published and is available for public review in the City Clerk's Office.)

A BILL FOR AN ORDINANCE AUTHORIZING THE ECONOMIC DEVELOPMENT AGREEMENT WITH ATRATO, INC.

WHEREAS, the successful attraction and retention of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, Atrato, Inc (Atrato) plans to lease 50,000 square feet in Westmoor Technology Park in Westminster; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of April, 2008. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2008.

EXHIBIT A

ECONOMIC DEVELOPMENT AGREEMENT FOR
ATRATO, INC. IN THE CITY OF WESTMINSTER

THIS ECONOMIC DEVELOPMENT AGREEMENT is made and entered into this _____ day of _____, 2008, between the CITY OF WESTMINSTER (the "City"), and ATRATO, INC., a Delaware corporation ("Atrato").

WHEREAS, the City wishes to provide assistance to Atrato to aid in the relocation of this company in the City; and

WHEREAS, Atrato plans to lease and furnish 50,000 square feet of office space in Westmoor Technology Park, thus providing primary job growth within the City; and

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

In consideration of the mutual promises set forth below, the City and Atrato agree to the following:

1. Building Permit Fee Rebates. The City shall rebate to Atrato 80% of the building permit fees, which are otherwise required under W.M.C. Section 11-10-3 (E). This rebate excludes water and sewer tap fees. The permit fee rebate will be approximately \$1,407.

2. Construction Use Tax Rebate. The City shall rebate to Atrato 80% of the City's Building Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax), paid by Atrato, on the construction materials, otherwise required under W.M.C. Sections 4-2-9 and 4-2-3. The rebate will be approximately \$480.

3. Use Tax Rebate- Furniture and Equipment. The City will rebate to Atrato 40% of the City's Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) paid by Atrato on furnishings and equipment purchased by Atrato during the period commencing three months prior to the date that Atrato obtains a final Certificate of Occupancy and/or final inspection for their new facility, and ending 63 months (5 years and 3 months) after the date of final Certificate of Occupancy. This rebate will be approximately \$61,200.

4. Payments of Rebates. The rebates to Atrato by the City shall be paid in quarterly installments from revenue actually collected and received by the City in connection with the move by Atrato into the new facility. Payments of each quarterly installment shall be paid to Atrato by the City within twenty

(20) days following the end of each calendar quarter. All payments by the City shall be submitted by check payable to Atrato, Inc. and sent to Atrato, Inc., Suite 300, 10955 Westmoor Drive Westminster, Colorado, 80021; Attention: Tax Department.

5. Entire Agreement. This Agreement shall constitute the entire agreement between the City and Atrato and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

6. Termination. This Agreement shall terminate and become void and of no force or effect upon the City if Atrato has not moved into the Westmoor offices by August 1, 2008 or should Atrato not comply with the City regulations or code following written notice of non-compliance from the City.

7. Business Termination. In the event Atrato ceases business operations within the City at any time prior to May 1, 2013, then Atrato shall pay to the City the total amount of fees and taxes that were paid by or for Atrato to the City and were subsequently rebated by the City to Atrato pursuant to this Agreement.

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

9. Annual Appropriation. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

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

Major - Dittman

A BILL FOR AN ORDINANCE AMENDING TITLE VI OF THE WESTMINSTER MUNICIPAL CODE BY THE ADDITION OF A NEW CHAPTER 16 CONCERNING GRAFFITI

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VI, W.M.C., is hereby amended BY THE ADDITION OF A NEW CHAPTER 16 to read as follows:

CHAPTER 16
GRAFFITI

6-16-1: LEGISLATIVE INTENT

6-16-2: DEFINITIONS

6-16-3: PROHIBITED ACTS

6-16-4: ACCESSIBILITY TO CERTAIN PROHIBITED GRAFFITI MATERIALS

6-16-5: ENFORCEMENT

6-16-1: LEGISLATIVE INTENT: The City Council finds and declares that defacing of public or private property by painting, drawing, writing, etching, scratching or carving, by use of paint, spray paint, ink, knife or any similar method, commonly referred to as "graffiti vandalism," constitutes a serious and growing menace, injurious to the public health, safety, morals, and general welfare of the residents of the City; that graffiti vandalism contributes substantially to the spread of gang activity, violence and crime; and that prompt eradication of graffiti vandalism is necessary to control the spread of graffiti vandalism, and promote the public health, safety, morals and general welfare of the residents of the City. It is the intent of the City Council in enacting this Chapter to prevent the destruction of public or private property by graffiti vandalism and to recover the costs associated with the cleanup thereof. Furthermore, given the substantial challenges in controlling graffiti vandalism, the City Council enlists, and places responsibility upon parents, legal guardians, retail businesses, and property owners to aid the City in preventing and cleaning up graffiti vandalism.

6-16-2: DEFINITIONS: When used in this Chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

(A) CITY MANAGER: The City Manager of the City of Westminster.

(B) DEFACE: To alter the appearance of something by removing, distorting, etching, writing, painting, adding to, or covering all or a part of the property.

(C) ETCHING EQUIPMENT: Any tool, device or substance that can be used to make permanent marks on any natural or man-made surface.

(D) GRAFFITI VANDALISM: Any unauthorized inscription, word, figure, painting or symbol that defaces public or private property created by means of painting, drawing, writing, etching, scratching or carving, by use of paint, spray paint, ink, knife, or any similar method.

(E) MARKER PEN: A felt-tip marker, permanent marker, or similar implement containing a fluid that is not water soluble.

(F) MINOR: Any person who has not yet attained the age of 18 years.

(G) OWNER or PROPERTY OWNER: Any person having a legal or equitable interest in any real or personal property located within the City boundaries.

(H) PAINT PEN: A tube, marker, or other pen-like instrument with a tip of one-quarter inch in diameter or less that contains paint or a similar fluid and an internal paint agitator.

(I) PROHIBITED GRAFFITI MATERIAL: Any implement capable of creating graffiti vandalism including, but not limited to, spray paint, spray paint nozzle/tip, marker pen, paint pen, glass-cutting tool, or etching equipment.

(J) SPRAY PAINT: Any aerosol container that is made or adapted for the purpose of applying paint or other substance capable of defacing property.

(K) SPRAY PAINT NOZZLE or SPRAY PAINT TIP: A nozzle/tip designed to deliver a spray of paint of a particular width or flow from a can of spray paint.

6-16-3: PROHIBITED ACTS:

(A) DEFACEMENT:

1. It shall be unlawful for any person to deface any property with graffiti vandalism except with the written consent of the owner.

2. It shall be unlawful for any person to aid, abet, or advise another to deface any property with graffiti vandalism except with the written consent of the owner.

(B) PURCHASE AND POSSESSION OF GRAFFITI MATERIALS:

1. Purchase and Possession by Any Person: It shall be unlawful for any person to purchase, procure or possess, or attempt to purchase, procure or possess any prohibited graffiti material with the intent to use such material in the commission of graffiti vandalism.

2. Purchase and Possession by Minor: It shall be unlawful for any minor, except a minor under the direct supervision of the person's parent, legal guardian, school teacher, or a law enforcement officer in the performance of duty, to purchase, procure or possess, or attempt to purchase, procure or possess any prohibited graffiti material. It shall be an affirmative defense to a charge of possession under this subsection that the minor possessing the prohibited graffiti material was:

- (a) Within their home;
- (b) While at school or enrolled in a class at school that formally required the possession of such material;
- (c) At their place of employment; or
- (d) Upon real property with permission from the owner to possess such materials.

3. Contributing to Unlawful Possession: It shall be unlawful for any person, except a law enforcement officer, school teacher or public official in the performance of their duty, to knowingly allow a minor to possess prohibited graffiti materials upon any property except with the written consent of the owner. It shall be an affirmative defense to charges under this subsection that the minor possessing the prohibited graffiti material was:

- (a) Within their home;
- (b) While at school or enrolled in a class at school that formally required the possession of such material;
- (c) At their place of employment; or
- (d) Upon real property with permission from the owner to possess such materials.

6-16-4: ACCESSIBILITY TO CERTAIN PROHIBITED GRAFFITI MATERIALS:

(A) SALE AND FURNISHING: It shall be unlawful for any person, other than a parent, legal guardian, school teacher, or law enforcement officer in the performance of duty, to sell, exchange, give, deliver, loan, or otherwise furnish or cause or permit to be sold, exchanged, given, delivered, loaned or otherwise furnished marker pens, spray paint, and/or shoe polish to any minor unless the minor is accompanied by their parent or legal guardian and provides written documentation demonstrating the consent of their parent or legal guardian. It shall be an affirmative defense to charges under this subsection that such materials were necessary for the minor to perform an essential job function.

(B) DISPLAY AND STORAGE: It shall be unlawful for any person who owns, conducts, operates or manages a retail commercial establishment selling marker pens, spray paint, and/or shoe polish to fail to store such materials in an area continuously observable, through direct visual observation or surveillance equipment, by employees of the retail establishment during the regular course of business. In the event that a retail commercial establishment is unable to store the marker pens, spray paint, and/or shoe polish in an area that is continuously observable, it shall be unlawful for the establishment to fail to store such material in an area not accessible to the public in the regular course of business without employee assistance.

(C) SIGNS REQUIRED: It shall be unlawful for any person who sells or offers to sell any marker pens, spray paint, and/or shoe polish to fail to display at all times in a prominent place a printed card to be a minimum height of fourteen (14) inches and a width of eleven (11) inches, with each letter to be a minimum of one-half inch in height, which shall read as follows:

WARNING

GRAFFITI VANDALISM IS AGAINST THE LAW. IT IS ILLEGAL TO SELL MARKER PENS, SPRAY PAINT, AND/OR SHOE POLISH TO ANY PERSON UNDER EIGHTEEN YEARS OF AGE UNLESS ACCOMPANIED BY THEIR PARENT OR LEGAL GUARDIAN AND, IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN YEARS OF AGE TO POSSESS OR TO ATTEMPT TO PURCHASE THE SAME.

FINES AND/OR IMPRISONMENT MAY BE IMPOSED BY THE COURT FOR VIOLATION OF THESE PROVISIONS.

6-16-5: ENFORCEMENT:

(A) PENALTIES:

1. Criminal Violations. The following provisions of this Chapter are hereby deemed criminal violations of this Code punishable by a fine or by confinement in jail, or by both, as provided in Section 1-8-1 of this Code:

Section 6-16-3(A) - Defacement

2. Civil Violations. All violations of this Chapter not listed in paragraph (1) above are hereby deemed civil infractions of this Code, and upon conviction thereof shall be punished by a fine pursuant to Section 1-8-1 of this Code. Each day that a violation of any of the provisions of this Chapter continues to exist shall be deemed to be a separate and distinct violation.

3. Restitution. In addition to any punishment specified in this Section, the Court shall order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the violator's offense when such restitution can be determined by the Court.

4. Community Service. In lieu of, or as part of, the penalties specified in this Section, a person may be required to perform community service as described by the Court based on the following guidelines:

(a) If convicted of committing graffiti vandalism, the defendant should perform at least thirty (30) hours of community service, or should remove at least five thousand (5000) square feet of graffiti vandalism.

(b) In the case of a minor living with his/her parent(s) or legal guardian(s) and convicted of committing graffiti vandalism, at least one parent or legal guardian of that minor should be in attendance a minimum of fifty percent (50%) of the period of assigned community service. Participation of a parent or legal guardian is not required for any reason deemed appropriate by the Court including, but not limited to, if such participation is detrimental to the minor, or if the parent or legal guardian is a single parent who must care for young children.

(c) Reasonable effort should be made to assign the defendant to a type of community service that is reasonably expected to have the most rehabilitative effect on the minor or adult, including community service that involves graffiti removal.

5. Recommended Fines. Recommended minimum fines upon conviction may be imposed as listed below:

Section 6-16-3(A) – Defacement:

First offense – Two hundred dollars (\$200);

Second offense – Five hundred dollars (\$500); and

Third and subsequent offenses – One thousand dollars (\$1,000)

(B) PARENTAL RESPONSIBILITY:

1. In the case of a minor living with his/her parent(s) or legal guardian(s) and convicted of a violation under this Chapter, the minor's parents or legal guardian shall be jointly and severally liable with the minor for payment of all fines, damages, restitution and costs, including attorney's fees and court costs, ordered by the Court because graffiti vandalism is a deliberate, willful and malicious act, provided that such liability shall not exceed two thousand five hundred dollars (\$2,500).

2. The Court may not enter an order for payment of all fines, damages, restitution and costs, including attorney's fees and court costs, against the minor's parent or legal guardian unless the Court, prior to entering such order for payment, holds a hearing at which the minor's parent or legal guardian is present.

3. If the Court finds, after the hearing, that the minor's parent or legal guardian has made diligent, good faith efforts to prevent or discourage the minor from engaging in delinquent activity prohibited by this Chapter or that such order for payment would cause serious hardship to the minor's parent or legal guardian, the Court may reduce or eliminate the parent's or legal guardian's responsibility for fines, damages, restitution and costs, including attorney's fees and court costs.

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

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of April, 2008. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2008.

A BILL FOR AN EMERGENCY ORDINANCE AMENDING THE 2007 BUDGETS OF THE POST, GENERAL CAPITAL IMPROVEMENT, AND DEBT SERVICE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2007 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2007 appropriation for the POST, General Capital Improvement, and Debt Service Funds, initially appropriated by Ordinance No. 3316 are hereby increased in aggregate by \$754,458. This appropriation is due to the receipt of grants and bond issuance proceeds.

Section 2. The \$754,458 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item #10C dated May 12, 2008 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

| | |
|----------------------------------|------------------|
| POST Fund | \$749,307 |
| General Capital Improvement Fund | (3,000) |
| Debt Service Fund | <u>8,151</u> |
| Total | <u>\$754,458</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. As a result of the intervening Memorial Day holiday and amended sequence of City Council meetings during the month of May, and the immediate need to preserve the financial well-being of the City through timely acceptance of the 2007 Comprehensive Annual Financial Report at the June 9, 2008 City Council meeting, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on May 12, 2008, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is enacted.

Section 5. This ordinance shall be published in full within ten days after its enactment.
INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY
ORDINANCE this 12th day of May, 2008.



Agenda Item 6 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2008



SUBJECT: Proclamation re Public Works Week

Prepared By: Ray Porter, Street Operations Manager

Recommended City Council Action

Proclaim the week of May 18-24, 2008 as Public Works Week in the City of Westminster. Councillor Winter will present the proclamation to Rick Dietz, Lead Street Operator, Street Operations Division Rick Clark, Utilities Operations Manager, Utilities Operations Division, Bob Krugmire, Water Resources Engineer, Water Resources and Treatment Division, and Stephanie Bleiker, Sr. Engineer, Capital Projects and Budget Management Division for the City of Westminster.

Summary Statement

- National Public Works Week is a celebration of the tens of thousands of men and women across America who provide and maintain the infrastructure and services collectively known as public works.
- The American Public Works Association and State Chapters dedicate the third full week in May each year to inform and educate citizens of the importance of Public Works.
- The theme this year is “The Future is Now.”
- Poster displays and brochures will be available at City Hall, City Recreation Centers, and City Libraries.
- An e-mail invitation will be extended to all Public Works and Utilities employees, City Council, City Manager Brent McFall and Assistant City Manager Steve Smithers to stop by the City Park Recreation Center on Thursday, May 22, between 10 a.m. and 2:00 p.m. to enjoy a BBQ Lunch.
- Lead Street Operator Rick Dietz, Utilities Operations Manager Rick Clark, Water Resources Engineer Bob Krugmire, and Sr. Engineer Stephanie Bleiker will be in attendance to receive the proclamation on behalf of the Department of Public Works and Utilities.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

Public Works professionals throughout the United States and Canada will celebrate National Public Works Week, May 18-24, 2008.

Since 1960, the annual observance has been an opportunity to increase public awareness of the role that Public Works plays in all of our daily lives. The 2008 events are being coordinated in the State by the Colorado Chapter of the American Public Works Association. The week seeks to enhance the prestige of the often-unsung hero's of our society – the professionals who serve the public good every day with quiet dedication.

Through National Public Works Week the Colorado Chapter of the American Public Works Association seeks to raise the public's awareness of public works issues and to increase confidence in Public Works employees who are dedicated to improving the quality of life for present and future generations.

Below is the graphic that was created for National Public Works Week.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Proclamation

WHEREAS, Public Works and Utilities services provided in our community are an integral part of our citizens' lives; and

WHEREAS, support of an understanding and informed citizenry is vital to the efficient operation of Public Works and Utilities and programs concerning the maintenance of water, sewers, streets and highways, public buildings, solid waste collection, and snow removal operations; and

WHEREAS, the health, safety, and comfort of this community greatly depends on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction, are vitally dependent upon the efforts and skill of Public Works officials; and

WHEREAS, the efficiency of the qualified and dedicated personnel who staff Public Works and Utilities departments is materially influenced by the people's attitude and understanding of the importance of the work they perform.

NOW, THEREFORE, I, Nancy McNally, Mayor of the City of Westminster, on behalf of the entire City Council and Staff, do hereby proclaim the week of May 18 through 24, 2008, as

PUBLIC WORKS WEEK

in the City of Westminster and call upon all citizens and civic organizations to acquaint themselves with the challenges and opportunities involved in providing our Public Works and Utilities and to recognize the contributions that Public Works and Utilities officials make every day to our health, safety, comfort and quality of life.

Signed this 12th day of May, 2008.

Nancy McNally, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2008



SUBJECT: Proclamation re Citizen Fire Academy (2007) Program of the Year Award

Prepared By: Doug Hall, Deputy Fire Chief - Administration

Recommended City Council Action

Mayor McNally to present the proclamation recognizing the Citizen Fire Academy as the 2007 Program of the Year by the Fire and Life Safety Educators of Colorado.

Summary Statement

- The 2007 Citizen Fire Academy was designated as Program of the Year by the Fire And Life Safety Educators of Colorado. The award was presented at the annual awards luncheon held at the Denver Fire Museum on March 14, 2008.
- Taking note of the long-term success of the Police Department's citizen academy, Sherri Leeka, Public Education Specialist, developed an entirely new curriculum for a citizen fire academy to educate Westminster residents about program and services offered by the Fire Department. The program was truly successful due to the support offered by many City Staff members.
- The goals of the citizen fire academy are to (1) give participants a "big picture" view of the department, (2) demonstrate the various firefighting tasks with hands-on activities, (3) relate the topics back to participants' lives, and (4) provide a good knowledge base in a fun way. These goals result in graduates improving fire safety in their lives, create positive community relations, and volunteering for the department in non-firefighting activities.
- Through this well received community outreach education program the citizen fire academy enhances the City of Westminster's goal to provide a safe and secure community.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

The Westminster Fire Department (WFD) Citizen Academy is a 13-week long course offering citizens the opportunity for a hands-on educational experience about their local fire department. Every Thursday evening from 6-10 p.m. participants learn about department organization, operations, fire and life safety, and get the chance to do an active component related to the evenings' topics. In addition, every participant is required to do an 8 hour ride-along. From donning haz-mat gear and SCBA, trying the firefighter job specific performance assessment, climbing aerials, and learning CPR – the citizen academy gives citizens an idea of the extensive training, skills, and knowledge firefighters need to do their job well and gives them information about fire and life safety to use in their everyday lives.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Proclamation

WHEREAS, a goal of the City of Westminster is to maintain a safe and secure community with safe public gathering places and ensuring citizens are safe anywhere in the City, particularly in their homes; and

WHEREAS, one of the most effective ways to accomplish a safe and secure community is educating citizens about their role in being better prepared for personal unexpected emergencies; and,

WHEREAS, the Fire Department seeks to expand opportunities to improve community safety, public education, prevention and outreach; and,

WHEREAS, the Fire Department initiated the Citizens Fire Academy in 2007; and

WHEREAS, the Fire and Life Safety Educators of Colorado have declared the 2007 Citizens Fire Academy as the Program of the Year for 2007;

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

City of Westminster Citizen Fire Academy

as a valued contribution in maintaining a safe and secure community, and encourage all Westminster residents to take advantage of the educational opportunities presented by the Citizen Fire Academy.

Signed this 12th day of May, 2008.

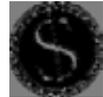
Nancy McNally, Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2008



SUBJECT: Master Lease Equipment Financing

Prepared By: Robert Byerhof, Senior Financial Analyst
Rachel Kammerzell, Financial Analyst

Recommended City Council Action

Authorize the City Manager to enter into a Master Lease/Purchase Agreement with SunTrust Equipment Finance and Leasing Corporation (SunTrust) for an initial 3-year term with an option to renew for two additional 1-year terms.

Summary Statement

- The City has been purchasing large dollar equipment through a Master Lease program since Council first approved it in February 2001.
- In order to maintain a competitive Capital Lease program, Staff issued a Request for Proposal (RFP) for the City's Master Lease.
- Staff recommends continuing the Master Lease financing program with a new provider, SunTrust Equipment Finance and Leasing Corporation.

Expenditure Required: Varies

Source of Funds: Varies

Policy Issue

Should the City continue its Master Lease equipment purchasing program?

Alternative

Do not approve continuing the Master Lease finance program and bid lease purchase financing contracts on an individual and as needed basis. This is not recommended as the Master Lease finance program has proven to be a financially and operationally efficient financing mechanism to lease purchase various capital equipment items.

Background Information

The City of Westminster has lease purchased capital equipment since 1999 for capital items such as fire trucks, golf course equipment and carts, and computers. Leasing provides the City a financing tool to purchase capital equipment without the cash-flow variability that comes with an outright purchase. Equipment is purchased by this means to help smooth the budgeting of expenditures as the lease payments are aligned with the anticipated expected life of the asset purchased and budgeted within respective lease payment accounts.

Prior to the Master Lease program as equipment purchase requests came to Finance, the City solicited bids from lease financing providers on an as needed basis in order to obtain the most financially advantageous interest rate under the then prevailing market conditions. Although this provided the City with favorable financing rates, the process was operationally inefficient. After evaluating bids, Staff would write agenda memos on each leasing request and the City Attorney’s Office would review individual leasing documents, all of which was very time consuming. Additionally, for smaller item purchases, some vendors would not participate in the bidding since it was not efficient for them to engage in a lease for small ticket items.

The Master Lease program was pursued to mitigate the operationally inefficient process to bid, review, and report multiple lease financing purchases. The City has utilized this program since 2001, which has proven to provide the City not only with operational efficiencies, but favorable financing terms since Staff checks on the reasonableness of the Master Lease rates by continuing to bid rates as needed. The favorable financing terms are in part due to the selected provider being a consistent lease financing agent for the City’s continuous leasing needs. Currently the City has more than \$3 million in assets financed through Capital leases. From an operational standpoint, the Master Lease streamlines the process to add equipment to the Master Lease since all of the paperwork has been previously reviewed and the City simply adds schedules to the existing lease agreement.

The original Master Lease agreement expired in February 2006. Finance was able to continue to utilize the existing provider beyond the 5-year period due to the favorable rates offered compared to rates offered by other banks. The only exception to this was when the City entered into a lease with SunTrust for the Energy Audit lease financing in December 2006.

Recently Staff was able to formally issue the Master Lease RFP, which led to two bid responses. In addition to SunTrust, UMB Bank made a proposal. The bids are as follows:

| | Benchmark | 3-Year Term | 5-Year Term | 7-Year Term |
|----------|------------------------------------|---|---|---|
| SunTrust | Federal Reserve Interest Rate Swap | 67% of 2-yr Fixed Rate Payer Swap plus 1.000% | 67% of 3-yr Fixed Rate Payer Swap plus 0.935% | 67% of 4-yr Fixed Rate Payer Swap plus 0.985% |
| UMB | 5-Year Treasury | Plus 1.035% | Plus 1.235% | Plus 1.435% |

Follow-up was made to providers that did not respond, including the current lease financing agent. The City's current provider did not respond due to internal miscommunication within their organization as to who was to respond and the other providers mentioned their:

- desire for a cost structure that would include a pooled amount of assets in order to create a minimum lease payment
- concern over the City's potential fluctuations between a bank qualified or non-bank qualified rating
- requirement of a shorter lease term
- inability to comply with Colorado regulations that require them to be the titleholder of emergency vehicles
- policy to provide individual leases only

Analysis of the two proposals resulted in the selection of SunTrust Equipment Finance and Leasing Corporation as the recommended provider for the City's Master Lease program as the lower cost provider. It should be noted that the City is not engaging in an interest rate swap, rather the City's lease rates will be based on the benchmark reported by the Federal Reserve.

Similar to the existing Master Lease Agreement, each of the respondents proposed that the City's interest rates be factored from a base benchmark or index, such as a Treasury Bill rate or an established interest swap rate reported by the Federal Reserve. The City's actual rate will vary depending on the market conditions at the time of the financing request and the leasing term length. Interest rate stress tests were done on each of the base rates offered assuming interest rate fluctuations and SunTrust's proposal provided the most advantageous rate of the two providers, regardless of assumed market conditions. It should be noted that although the interest rate will vary with each lease, the rate is fixed for the duration of the respective lease term.

Staff recommends that the City maintain the Master Lease agreement program given the financial and operational efficiencies it provides over individual lease agreements. Furthermore, based on analysis of the proposals reviewed and also comparing them to the existing provider's lease terms, Staff recommends that the City engage in a Master Lease Agreement with SunTrust Equipment Finance and Leasing Corporation for a three-year period with the possibility of 2 one-year extensions. Extensions will be considered based on quality service provided by the provider and rate comparison analysis from other providers. All payments on the leases will be subject to City Council authorized annual appropriations.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2008



SUBJECT: Pressure Zone 14 Booster Pump Station Construction Contract

Prepared By: Stephanie Bleiker, Senior Engineer, P.E.

Recommended City Council Action

Authorize the City Manager to execute a contract with J-2 Contracting Company in the amount of \$1,058,965 for construction of the Pressure Zone 14 Booster Pump Station and associated waterline work, authorize a ten percent construction contingency in the amount of \$105,897 for a total construction budget of \$1,164,862; authorize a change order with the project designer Farnsworth Group, Inc., in the amount of \$55,555; and authorize the transfer of funds from the Water Pressure Zone Enhancement CIP account in the amount of \$500,000 and Open Cut Waterline Replacement in the amount of \$440,502 to the Pressure Zone 14 Booster Pump Station CIP account.

Summary Statement

- The design of the Pressure Zone 14 Booster Pump Station Project has been completed under a contract with Farnsworth Group, Inc. (FGI) approved by City Council in 2007.
- The project includes a booster pump station consisting of four pumps housed in an 18' x 24' building that will be located on the southeast portion of Faversham Park, and approximately 2,100 linear feet of open-cut waterline work. The open-cut waterline work will provide a water distribution system that is compatible with the increased water pressure that the booster pump station will generate.
- In combination the pump station and associated waterlines will provide increased residual water pressures to 199 homes.
- The City advertised the construction phase project bids on March 21, 2008 and received five qualified bids on April 11, 2008. J-2 Contracting Company presented the lowest responsible bid in the amount of \$1,058,965.
- Construction is tentatively scheduled to begin in June, 2008 and project completion is anticipated to occur in November, 2008.
- In order to accommodate the construction schedule, a change order with FGI is necessary to ensure adequate construction observation.

Expenditure Required: \$1,220,417

Source of Funds: Utility Fund Capital Improvements - Zone 14 Pump Station

Policy Issue

Should the City proceed with the construction of the Pressure Zone 14 Booster Pump Station Project?

Alternatives

The City could choose from the following alternatives:

1. Construct the Pressure Zone 14 Booster Pump Station Project at a later date; however, this will delay the City in providing water pressures and fire flow improvements for the residents in this neighborhood.
2. Award the contract to another bidder, however this would only unnecessarily increase the project costs since the low bidder is responsible and qualified to perform this work.
3. Re-bid the project as currently designed; however, the cost proposal received is within the Engineer's estimated range.
4. Modify the scope of work to accommodate the authorized budget. This is not recommended since a reduced scope of work will not achieve the City's objectives for this community.

Staff does not recommend any of these alternatives.

Background Information

The Utilities System Infrastructure Master Plan, conducted by URS Corporation, evaluated the City's water distribution system. The Infrastructure Master Plan completed in 2006 recommended a booster pump station be provided for residents living in the Farms and Marin subdivisions to supplement their residual water pressures. The City's water system performance criteria call for a recommended minimum residual water pressure of 50 psi and a maximum residual water pressure of 100 psi. Historically these subdivisions have experienced low residual water pressures that fall short of the recommended range. The shortfall in their residual water pressure is due to their proximity and elevation within the water distribution system. This low pressure area was also confirmed during the City's 2007-2008 budget process, when City Council received a request from concerned citizens to address their low residual water pressures.

The Farms and Marin subdivisions are fully developed subdivisions located in the southwest part of the City. The City's Faversham Park is located on the east side of the Farms and Marin Subdivisions. An alternatives analysis was performed to select a pump station site and the recommended alternative located the pump station in Faversham Park near the east parking lot and behind some existing trees where the pump station would be partially obscured. In identifying the pump station location, Staff worked with the Public Information Office, Community Development and Parks Recreation and Libraries to address community involvement concerns. Three public meetings were held which addressed noise mitigation, park aesthetics and park use considerations. Noise mitigation was also identified as a critical aspect of the design work. As part of the internal review, staff made a field visit to a booster pump station of comparable size located in the City of Aurora to evaluate the noise that could be expected from the new pump station. To enhance the aesthetics and to further screen the building a few additional trees will be planted to obscure the pump station building from view. To further enhance overall aesthetics, the building exterior was designed to complement existing park architectural features.

The Infrastructure Master Plan only planned for the pump station construction, which is how the budget was developed. Several additions were made to the scope of the work that increased the overall scope of the construction work beyond the budgeted \$500,000. These items included a back-up generator, an additional 1,500 feet of water distribution system piping necessary to enhance the existing water distribution system, additional pump station equipment, a fire flow pump, providing 480-volt 3-phase electrical service necessary to power the facility, and the architectural features associated with the existing park structures.

Corresponding with the increased scope of the project, engineering construction services were also increased, adding \$38,055 to the project. In order to ensure adequate construction observation services from FGI for this project, it is necessary to increase their services contract which will provide new full-time construction observation services. The increase for this service amounts to \$38,055.

Geotechnical testing services were not originally included in the engineering proposal since staff had not planned on including the geotechnical testing services under the consulting engineer services. However, since the City contracted with FGI, City staff in consulting with the City Attorney’s Office has determined that it is most appropriate to have geotechnical and other specialty testing services under the engineering contract for all capital projects. The increase to FGI’s contract is \$17,500. The combined increase for the two additional items mentioned above is \$55,555, which staff is proposing for FGI’s contract.

The City received five qualified construction bids on April 11, 2008. The following is a summary of the bids received:

| <u>Contractor Name</u> | <u>Base Bid Amount</u> |
|--------------------------------|------------------------|
| J-2 Contracting Co. | \$1,058,965 |
| Farner Enterprises, Inc. | \$1,074,080 |
| Levi Contractors, Inc. | \$1,092,435 |
| Duran Excavating, Inc. | \$1,160,585 |
| Glacier Construction Co., Inc. | \$1,175,000 |

At the Bid Opening the apparent low bidder was Levi Contractors, Inc. followed by Farner Enterprises, Inc. However, during the bid tabulation process formula errors were identified in both Levi Contractors, Inc. and Farner Enterprises, Inc. bids. As such Staff elected to reject the bids from Farner Enterprises, Inc. and Levi Contractors, Inc. Consequently J-2 Contracting Company was later determined to be the low bidder. After thoroughly reviewing the bids and checking references, Staff is recommending award to J-2 Contracting Company who has successfully completed several projects in the area and was the lowest responsible bidder.

The approximate breakdown of current funding for the project is as follows:

| Item | Amount |
|--|---------------|
| Design/Construction Management Services | \$79,529 |
| Design/Construction Management Contingency | \$10,000 |
| Construction | \$1,058,965 |
| Construction Contingency | \$105,897 |
| Xcel Energy | \$27,556 |
| Street Cut Impact Fees | \$95,000 |
| Engineering Construction Services | \$38,055 |
| Geotechnical Testing Services | \$17,500 |
| Easement Acquisition | \$8,000 |
| Total | \$1,440,502 |

The timely completion of the Pressure Zone 14 Booster Pump Station Project will assist the City in meeting the City Council’s Strategic Plan goals of providing a “Safe and Secure Community” and “Vibrant Neighborhoods.” The Farms and Marin subdivisions will be enhanced by providing residents with higher residual water pressures consistent with industry standards. The subdivisions’ safety will also be improved by providing increased fire flow capacity to the neighborhood.

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

Pressure Zone 14 Booster Pump Station Project



500 250 0 500 Feet



4-2



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2008



SUBJECT: McStain / 98th & Sheridan Sanitary Sewer Construction Contract

Prepared By: Stephanie Bleiker, Senior Engineer, P.E.

Recommended City Council Action

Authorize the City Manager to execute a contract with Twin Peaks Utilities and Infrastructure, Inc. in the amount of \$427,810 for construction of the McStain / 98th and Sheridan Sanitary Sewer Project, authorize a construction contingency in the amount of \$55,615 for a total construction budget of \$483,425; and authorize the transfer of \$356,070 from the Open-Cut Sewer Replacement CIP to the Hyland Village Sewer Upsizing – McStain / 98th and Sheridan Sanitary Sewer Project.

Summary Statement

- The sanitary sewer for this project will be tying into the Hyland Village off-site sanitary sewer that was constructed under a public improvement agreement with the Hyland Village subdivision. The Hyland Village off-site sanitary sewer project will collect flows from the Hyland Village subdivision, 94th and Quitman Lift Station Elimination, and other existing sewer flows on Sheridan Boulevard.
- Approximately 2,160 linear feet of sanitary sewer pipe has been identified as requiring upsizing. The existing sanitary sewer system is approximately 25-years old. The existing sanitary sewer requires upsizing in order to collect flows from the 94th & Quitman Lift Station Elimination Project, scheduled to be constructed later this year.
- The majority of the sewer replacement project will extend from the City Center Drive and Sheridan Boulevard intersection to the 98th Avenue and Sheridan Boulevard intersection, consisting of approximately 1,520 linear feet of pipe.
- Farther downstream another 640 linear feet of existing sanitary sewer pipe was also identified as requiring upsizing. This pipe is located in City open space and comes within close proximity of some private residences. Staff has collaborated with Parks and Open Space on measures to protect and re-establish the open space vegetation.
- The City advertised the construction phase project bids on April 8, 2008 and received four qualified bids on April 25, 2008. Twin Peaks Utilities and Infrastructure, Inc. presented the lowest responsible bid in the amount of \$427,810.
- Adequate funds are available from the Open-Cut Sewer Replacement Project for the recommended transfer (\$356,070) to the Hyland Village Sewer Upsizing Project.

Expenditure Required: \$483,425

Source of Funds: Utility Fund Capital Improvements - Hyland Village Sewer Upsizing

Policy Issue

Should the City proceed with the construction of the McStain / 98th and Sheridan Sanitary Sewer Project?

Alternatives

The City could choose from the following alternatives:

1. Construct the McStain / 98th and Sheridan Sanitary Sewer Project at a later date; however, this could potentially delay the 94th and Quitman Lift Station Elimination Project.
2. Award the contract to another bidder, however this would only unnecessarily increase the project costs since the low bidder is responsible and qualified to perform this work.
3. Re-bid the project as currently designed; however, the cost proposal received is within the Engineer's estimated range.

Staff does not recommend any of these alternatives.

Background Information

The 94th and Quitman Lift Station Elimination Project is the basis for the McStain / 98th and Sheridan Sanitary Sewer Project. The elimination of the lift station will improve the overall reliability of the sanitary sewer service for residents who currently are serviced by the lift station. Eliminating the lift station will also save the City on utility field station operational costs. As part of the 94th and Quitman Lift Station Elimination Project three conceptual alternative sanitary sewer routes were identified and evaluated. All three of the alternative alignments crossed through the Hyland Hills Golf Course. The alternative alignments were evaluated with involvement from City Staff and from the Hyland Hills Staff. The preferred alignment, approved by City Council in March of 2007, was the one that would extend the sanitary sewer to the City Center Drive and Sheridan Boulevard intersection.

Approximately 2,160 linear feet of sanitary sewer pipe has been identified as requiring upsizing. Of the 2,160 linear feet of sanitary sewer, approximately 1,520 linear feet of new 15-inch sanitary sewer will be constructed in the Sheridan Boulevard west right-of-way. This sewer will replace a 10-inch sanitary sewer that's located in the Sheridan Boulevard roadway and median. At its upstream end 340 linear feet of new sewer pipe will be bored diagonally across the City Center Drive and Sheridan Boulevard intersection. Due to the potential for the casing pipe to encounter unknown existing buried utilities or problematic sub-grade conditions, Staff recommends a 13 percent (\$55,615) contingency be allotted to the construction budget as a safety factor.

Staff is also coordinating with Community Development and McStain Neighborhoods, the developer for the Hyland Village subdivision. The new sewer alignment will be located in a landscaped portion of the Sheridan Boulevard west right-of-way, bordering Hyland Village subdivision's commercial and residential property. Considerations involved in Staff coordination included:

- Coordination of construction for the Sheridan Boulevard roadway widening
- Design of a sewer alignment that will meet the City's needs and limit impact on existing Cottonwood trees
- Development of a sewer alignment that will minimize impact to the landscaping plans
- Collaboration with McStain Neighborhoods on temporary construction easements and time sensitive construction schedules

At its downstream end 640 linear feet of sanitary sewer will be constructed in the City’s open space to replace existing 15-inch sewer pipe with new 18-inch sewer pipe. Public Works and Utilities Staff collaborated with Parks Staff and Open Space Staff in an effort to identify measures that would limit disturbance to the public and to protect and help to re-establish the open space vegetation. These measures include:

- Provide the Parks Department with new cottonwood trees that will be planted in the vicinity of the ponds
- Provide temporary irrigation to support upland seeding
- Minimize the construction area footprint
- Protect existing trees near the construction area
- Budget for a gravel trail in the vicinity of the sanitary sewer alignment
- Limit disturbance to residents through the use of low noise generators and pumps during 24-hour bypass pumping operations

The McStain / 98th and Sheridan Sanitary Sewer Project will provide a collection system sized to convey the increased sanitary sewer flows from the 94th and Quitman Lift Station Elimination Project in addition to existing flows from established commercial and residential developments.

The City received four qualified construction bids on April 25, 2008. The following is a summary of the bids received:

| <u>Contractor Name</u> | <u>Base Bid Amount</u> |
|---|------------------------|
| Twin Peaks Utilities and Infrastructure, Inc. | \$427,810 |
| BT Construction Company | \$488,575 |
| EZ Excavating Inc. | \$536,851 |
| Northern Colorado Constructors | \$544,082 |

After thoroughly reviewing the bids and checking references, Staff is recommending the award to Twin Peaks Utilities and Infrastructure, Inc. who has successfully completed several projects in the area and was the lowest responsible bidder.

The approximate breakdown of current funding for the project is as follows:

| Item | Amount |
|---|---------------|
| Hyland Village Sanitary Sewer Up-sizing | \$125,000 |
| Design/Construction Management Services | \$48,835 |
| Construction | \$427,810 |
| Construction Contingency | \$55,615 |
| Street Cut Impact Fees | \$30,000 |
| Land Acquisition Services | \$2,860 |
| Easements / License Agreements | \$10,000 |
| Sewer Markers | \$5,000 |
| New Cottonwood Trees | \$950 |
| Total | \$736,016 |

The construction contract with Twin Peaks Utilities and Infrastructure, Inc. will mark the end of the design and bidding phase. The construction is anticipated to be completed by August 15, 2008.

SUBJECT: McStain / 98th and Sheridan Sanitary Sewer Project

Page 4

The timely completion of the McStain / 98th and Sheridan Sanitary Sewer Project will assist the City in meeting the City Council's Strategic Plan goals of providing a "Safe and Secure Community" and "Vibrant Neighborhoods." The sanitary sewer collection system will be sized to support the elimination of the 94th and Quitman lift station, which will in turn improve the quality and safety of the property in the associated residential and commercial subdivisions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

McStain / 98th and Sheridan Sanitary Sewer Project





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2008



SUBJECT: 2008 Wastewater Collection System Improvement Project/Point Repairs

Prepared By: Richard A. Clark, P.E., Utilities Operations Manager
Andy Mead, Utilities Operations Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with Quick's Hoe and Landscape Services, Inc., to complete the 2008 Wastewater Collection System Improvement Project/Point Repairs; authorize a project budget of \$126,500 with a 10% contingency of \$12,650 for a total project budget of \$139,150.

Summary Statement

- This project consists of the open cut excavation of 15 sanitary sewer mains that have been found to have either significant holes, bellies, or cracks/fractures in the pipe, 11 manhole installations, and adding barrel sections to 4 other manholes. The contractor will be responsible to remove asphalt, excavate, repair, backfill and replace asphalt on each excavation.
- Formal requests for bids were issued and a bid opening took place on April 23, 2008. Nine contractors submitted bids on this project. The lowest responsive bid was submitted by Quick's Hoe and Landscape Services, Inc. This contractor has been utilized by the City in the past and has provided a satisfactory work product.
- Adequate funds were budgeted for this expenditure in the 2008 Utility Fund Capital Improvement Projects Budget.
- In addition to the contract and contingency amounts, there are also Street Cut Impact Fees of approximately \$20,000 that will be incurred by the City to complete this project.

Expenditure Required: \$139,150

Source of Funds: Utility Fund Capital Improvements – Sewer Line Trenchless Rehabilitation

Policy Issue

Should the city utilize Utilities Division funds to complete the needed sewer line rehabilitation project using an outside contractor as specified in the contract documents?

Alternative

Delay this sanitary sewer line rehabilitation project. This is not recommended as the City would risk additional sewer line failures and damages that may occur due to line collapse.

Background Information

The 2008 Wastewater Collection System Improvement Project includes the open cut excavation of 15 sanitary sewer mains that have been found to have either significant holes, bellies, or cracks/fractures in the pipe, 11 manhole installations, and adding a barrel section to 4 other manholes. The contractor will be responsible to remove asphalt, excavate, repair, backfill and replace asphalt on each excavation. These point repairs were identified as a priority through the annual wastewater collection system maintenance program that includes the televised inspection and condition rating of sanitary sewer lines throughout the city. The defects in these lines are so severe that trenchless lining alone will not provide a suitable repair.

Most of these lines will be scheduled for lining work after the required point repair has been completed. These “point repairs” include the total length of the sewer pipe up to ten feet in length and up to thirteen feet in depth. The pipe size is usually six or eight inch diameter PVC pipe. These defects in the sewer line can eventually cause the sewer’s structural support to fail and can cause a total line collapse. The selected sewer lines related to this project were identified as a priority for repair due to the severity of the defect found in relation to the specific section of sewer line. The contractor would commence work in June 2008, and would complete this project by July 31, 2008.

Street Cut Impact fees are calculated based of \$7.70 per square foot of excavated pavement. The excavations will be measured and the actual fees calculated based on the size of the excavation. The fees will be transferred from the Capital Improvement account to the Street Cut impact fee revenue account internally, without any handling by the contractor.

The project work will take place generally in the southern portion of the city. Attached is a listing of addresses/locations of the areas to be completed within the scope of this project.

The 2008 Wastewater Collection System Project was advertised for notice and bids were accepted until April 18, 2008. The project bid opening took place on Wednesday, April 24, 2008. The City has utilized the services of Quick’s Hoe and Landscape Service, Inc. in the past and has been satisfied with the quality of their work. The results of the submitted bids are as follows:

| | |
|--|------------|
| Quick’s Hoe and Landscape Service, Inc | \$126,500 |
| Quality Pipe Services Inc. | \$132,400 |
| Mile High Excavating and Constructors | \$162,900 |
| Levi Contractors, Inc. | \$166,700 |
| Brannan Construction Co. | \$169,747 |
| Northern Colorado Construction, Inc. | \$184,730 |
| Farner Enterprises, Inc. | \$ 211,930 |
| T. Lowell Construction Inc. | \$ 236,000 |
| RNR Enterprises, Inc. | \$ 296,810 |

This project helps achieve the City Council's Strategic Plan Goals of, "Financially Sustainable City Government, Safe and Secure Community and Vibrant Neighborhoods and Commercial Areas" by meeting the following objectives:

- Well-maintained City infrastructure and facilities
- Citizens are safe anywhere in the City
- Maintain and improve neighborhood infrastructure and housing

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

POINT REPAIR WORK SITE LISTING

REPAIRS WITHOUT TAPS

9330 104th Place
7510 Julian Street
7460 Newton Way (2)
8991 Judson Street
10110 Oak Street
7570 Sheridan Blvd
7530 Wolff Street

REPAIRS WITH TAPS

3843 89th Way
7595 Irving Street (2)
7425 Irving Street
7541 Julian Street
7590 Yates Street
7851 Meade Street

MANHOLE WORK

9168 Flower Court
7590 Julian Street
3355 75th Place
7490 Newton Street
3531 75th Place
4245 76th Avenue
3631 78th Avenue
7790 Newton Street
4055 78th Avenue
7811 Stuart Street
9071 Cody Street
9221 Wadsworth Blvd (2)
10801 Legacy Ridge Parkway
3537 102nd Place



WESTMINSTER
COLORADO

Agenda Item 8 E

Agenda Memorandum

City Council Meeting
May 12, 2008



SUBJECT: Second Reading of Councillor’s Bill No. 18 re the Comprehensive Land Use Plan Amendment for the Huron Park Planned Unit Development (Erickson Retirement Communities)

Prepared By: Hazel Cho, Planner II

Recommended City Council Action

Pass Councillor’s Bill No. 18 on second reading approving the Comprehensive Land Use Plan amendment changing the designation from Business Park to District Center for the northeast corner of Huron Street and 128th Avenue. This recommendation is based on a finding that the proposed amendment will be in the public good and that:

- a) There is justification for the proposed change and the Plan is in need of revision as proposed; and
- b) The amendment is in conformance with the overall purpose and intent and the goals and policies of the Plan; and
- c) The proposed amendment is compatible with existing and planned surrounding land uses; and
- d) The proposed amendment would not result in excessive detrimental impacts to the City’s existing or planned infrastructure systems.

Summary Statement

- The site is approximately 86 acres and is located at the northeast corner of Huron Street and 128th Avenue. The applicant, Erickson Retirement Communities, is proposing a Continuing Care Retirement Community (CCRC) to include independent living, assisted living, skilled nursing facilities, and accessory uses.
- The proposed Comprehensive Land Use Plan (CLUP) amendment would change the current designation of Business Park to District Center. The District Center designation allows employment uses, retail and public/quasi-public (civic center uses) as primary uses and secondary allowable uses include open space and residential uses.
- The proposed development consists of three neighborhoods and each neighborhood contains independent living units clustered around a multi-purpose community center building. Assisted living and skilled nursing facilities will also be provided in a separate complex. Approximately 18.8 acres of public land dedication/open space are designated for the east portion of the property with the remaining public land dedication requirement to be provided as cash-in-lieu. A maximum density of 18.8 du/ac (1620 units) is proposed.
- This Councillor’s Bill was approved on first reading by City Council on April 28, 2008.

Expenditure Required: \$ 0
Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager
Attachments

BY AUTHORITY

ORDINANCE NO. **3413**

COUNCILLOR'S BILL NO. **18**

SERIES OF 2008

INTRODUCED BY COUNCILLORS
Dittman - Major

**A BILL
FOR AN ORDINANCE AMENDING THE WESTMINSTER
COMPREHENSIVE LAND USE PLAN**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City Council finds:

a. That an application for an amendment to the Westminster Comprehensive Land Use Plan has been submitted to the City for its approval pursuant to W.M.C. §11-4-16(D), by the owner(s) of the properties described in Exhibit A, incorporated herein by reference, requesting a change in the land use designations from "Business Park" to "District Center" for the property generally located at the northeast corner of Huron Street and 128th Avenue and approximately 86.28 acres in size.

b. That such application has been referred to the Planning Commission, which body held a public hearing thereon on April 22, 2008, after notice complying with W.M.C. §11-4-16(B) and has recommended approval of the requested amendments.

c. That notice of the public hearing before Council has been provided in compliance with W.M.C. § 11-4-16(B) and the City Clerk has certified that the required notices to property owners were sent pursuant to W.M.C. §11-4-16(D).

d. That Council, having considered the recommendations of the Planning Commission, has completed a public hearing and has accepted and considered oral and written testimony on the requested amendments.

e. That the owners have met their burden of proving that the requested amendment will further the public good and will be in compliance with the overall purpose and intent of the Comprehensive Land Use Plan, particularly to provide residential development near the North I-25 District Center as desired for District Centers.

Section 2. The City Council approves the requested amendments and authorizes City Staff to make the necessary changes to the map and text of the Westminster Comprehensive Land Use Plan to change the designation of the property more particularly described on attached Exhibit A to "District Center", as depicted on the map attached as Exhibit B.

Section 3. Severability: 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 deemed unenforceable shall not affect any of the remaining provisions.

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

Section 5. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of April, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2008.

ATTEST:

Mayor

APPROVED AS TO LEGAL FORM

City Clerk

City Attorney's Office

Exhibit A

LEGAL DESCRIPTION:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 1 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, COUNTY OF ADAMS, STATE OF COLORADO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 27;
THENCE NORTH 89°58'36" WEST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 200.00 FEET TO A POINT ON THE WEST LINE OF INTERSTATE 25 AS DESCRIBED IN BOOK 473 AT PAGE 201;
THENCE SOUTH 00°53'18" EAST ALONG SAID WEST LINE, A DISTANCE OF 830.00 FEET TO A POINT ON THE SOUTH LINE OF THAT PARCEL DESCRIBED IN BOOK 4790 AT PAGE 161 AND THE POINT OF BEGINNING;
THENCE SOUTH 00°53'18" EAST CONTINUING ALONG THE WEST LINE OF SAID BOOK 473 AT PAGE 201, A DISTANCE OF 1714.17 FEET TO A POINT ON THE NORTH LINE OF THAT PARCEL DESCRIBED IN BOOK 970 AT PAGE 76;
THENCE NORTH 89°58'14" WEST ALONG SAID NORTH LINE, A DISTANCE OF 898.40 FEET TO THE NORTHWEST CORNER OF SAID PARCEL;
THENCE SOUTH 00°01'46" WEST ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 15.00 FEET TO THE NORTHEAST CORNER OF A PARCEL OF LAND DESCRIBED AS PARCEL B IN BOOK 4790 AT PAGE 164;
THENCE ALONG THE NORTH AND EAST LINES OF SAID PARCEL THE FOLLOWING THREE (3) COURSES:
1) NORTH 89°58'14" WEST A DISTANCE OF 1,411.78 FEET TO A POINT OF CURVATURE;
2) ALONG THE ARC OF SAID CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 89°16'42", A RADIUS OF 60.00 FEET AND AN ARC LENGTH OF 93.49 FEET (THE CHORD OF WHICH BEARS NORTH 45°19'53" WEST, 84.32 FEET);
3) NORTH 00°41'32" WEST A DISTANCE OF 1,213.92 FEET TO A POINT ON THE SOUTH LINE OF THAT PARCEL DESCRIBED IN BOOK 4790 AT PAGE 161;
THENCE ALONG THE SOUTH LINE OF SAID PARCEL THE FOLLOWING TWO (2) COURSES:
1) NORTH 71°28'13" EAST A DISTANCE OF 1,379.90 FEET;
2) NORTH 89°07'08" EAST A DISTANCE OF 1,050.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,758,541 SQUARE FEET OR 86.28 ACRES, MORE OR LESS.

BASIS OF BEARINGS:

BEARINGS ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST QUARTER OF SECTION 27, T.1 S., R. 68 W. OF THE 6TH P.M., AS MONUMENTED AT THE SOUTHWEST CORNER BY A 3" ALUMINUM CAP ILLEGIBLE IN RANGE BOX AND REFERENCED AT THE SOUTH QUARTER CORNER BY TWO 3" BRASS CAPS ILLEGIBLE ON BRIDGE ABUTMENTS, AS BEARING SOUTH 89°58'14" EAST.

PREPARED BY: GEORGE G. SMITH, JR., P.L.S.

P.L.S. 19003

ON BEHALF OF: HARRIS KOCHER SMITH

1391 SPEER BLVD., SUITE 390
DENVER, COLORADO 80204
(303) 623-6300



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
May 12, 2008



SUBJECT: Second Reading of Councillor's Bill No. 19 re Economic Development Agreement with Atrato, Inc.

Prepared By: John Hall, Business Development Officer

Recommended City Council Action

Pass Councillor's Bill No. 19 on second reading authorizing the City Manager to execute an Economic Development Agreement with Atrato, Inc. in substantially the same form as the Agreement attached as Exhibit A.

Summary Statement

- Councillor's Bill No. 19 was passed on first reading on April 28, 2008.
- Atrato, Inc. (Atrato) is a City of Westminster based company that develops and produces high-speed, high-volume data storage systems.
- The company is leasing approximately 50,000 square feet in Westmoor Technology Park located northeast of 108th Avenue and Simms Street.
- Their employment at move-in is expected to be about 75 people, with average salaries above \$100,000 annually.
- The proposed assistance is based on the City's desire to fill existing office space and to attract basic employers to Westminster. The Economic Development Agreement (EDA) totals \$63,087, which includes \$1,407 in permit fee rebates, \$480 in construction use tax rebates and \$61,200 in equipment use tax rebates. These rebates will be paid entirely from revenues derived from this building project.
- Should Atrato relocate outside of Westminster within 5 years of approval of this EDA, the assistance would have to be paid back to the City by the company.
- Atrato also considered sites in Broomfield and Fort Collins.

Expenditure Required: Estimated at \$63,087 (Rebates)

Source of Funds: The EDA with Atrato will be funded through revenue received from permit fees, construction use tax, use tax on furniture, fixtures, and equipment at move-in, and subsequent equipment purchases during the first five years of operation.

Respectfully submitted,

J. Brent McFall
City Manager
Attachments

BY AUTHORITY

ORDINANCE NO. **3414**

COUNCILLOR'S BILL NO. **19**

SERIES OF 2008

INTRODUCED BY COUNCILLORS
Lindsey - Major

**A BILL
FOR AN ORDINANCE AUTHORIZING
THE ECONOMIC DEVELOPMENT AGREEMENT WITH ATRATO, INC.**

WHEREAS, the successful attraction and retention of high quality development to the City of Westminster provides employment opportunities and increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for high quality development to locate in the City; and

WHEREAS, Atrato, Inc (Atrato) plans to lease 50,000 square feet in Westmoor Technology Park in Westminster; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of April, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2008.

ATTEST:

Mayor

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

EXHIBIT A
ECONOMIC DEVELOPMENT AGREEMENT FOR
ATRATO, INC. IN THE CITY OF WESTMINSTER

THIS ECONOMIC DEVELOPMENT AGREEMENT is made and entered into this _____ day of _____, 2008, between the CITY OF WESTMINSTER (the "City"), and ATRATO, INC., a Delaware corporation ("Atrato").

WHEREAS, the City wishes to provide assistance to Atrato to aid in the relocation of this company in the City; and

WHEREAS, Atrato plans to lease and furnish 50,000 square feet of office space in Westmoor Technology Park, thus providing primary job growth within the City; and

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

In consideration of the mutual promises set forth below, the City and Atrato agree to the following:

1. Building Permit Fee Rebates. The City shall rebate to Atrato 80% of the building permit fees, which are otherwise required under W.M.C. Section 11-10-3 (E). This rebate excludes water and sewer tap fees. The permit fee rebate will be approximately \$1,407.

2. Construction Use Tax Rebate. The City shall rebate to Atrato 80% of the City's Building Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax), paid by Atrato, on the construction materials, otherwise required under W.M.C. Sections 4-2-9 and 4-2-3. The rebate will be approximately \$480.

3. Use Tax Rebate- Furniture and Equipment. The City will rebate to Atrato 40% of the City's Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) paid by Atrato on furnishings and equipment purchased by Atrato during the period commencing three months prior to the date that Atrato obtains a final Certificate of Occupancy and/or final inspection for their new facility, and ending 63 months (5 years and 3 months) after the date of final Certificate of Occupancy. This rebate will be approximately \$61,200.

4. Payments of Rebates. The rebates to Atrato by the City shall be paid in quarterly installments from revenue actually collected and received by the City in connection with the move by Atrato into the new facility. Payments of each quarterly installment shall be paid to Atrato by the City within twenty (20) days following the end of each calendar quarter. All payments by the City shall be submitted by check payable to Atrato, Inc. and sent to Atrato, Inc., Suite 300, 10955 Westmoor Drive Westminster, Colorado, 80021; Attention: Tax Department.

5. Entire Agreement. This Agreement shall constitute the entire agreement between the City and Atrato and supersedes any prior agreements between the parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.

6. Termination. This Agreement shall terminate and become void and of no force or effect upon the City if Atrato has not moved into the Westmoor offices by August 1, 2008 or should Atrato not comply with the City regulations or code following written notice of non-compliance from the City.

7. Business Termination. In the event Atrato ceases business operations within the City at any time prior to May 1, 2013, then Atrato shall pay to the City the total amount of fees and taxes that were paid by or for Atrato to the City and were subsequently rebated by the City to Atrato pursuant to this Agreement.

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

9. Annual Appropriation. Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20, and the City's obligations hereunder are expressly conditional upon annual appropriation by the City Council.

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

ATRATO, INC.

CITY OF WESTMINSTER

By: Dan McCormick, President and CEO
Print Name: _____

J. Brent McFall
City Manager

ATTEST:

Linda Yeager
City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

Adopted by Ordinance No. 3414



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
May 12, 2008



SUBJECT: Second Reading of Councillor’s Bill No. 20 Amending Title VI of the Westminster Municipal Code Concerning Graffiti Vandalism

Prepared By: Lee Birk, Chief of Police
Eugene Mei, Assistant City Attorney

Recommended City Council Action

Pass Councillor’s Bill No. 20 on second reading establishing a graffiti vandalism ordinance.

Summary Statement

- Graffiti vandalism is a high priority issue for the City because of its pervasive social impact that respects no geographic or political boundaries.
- Staff presented information to City Council at the April 7, 2008, Study Session regarding options designed to combat this complex issue. Council concurred with Staff’s recommendations, and directed Staff to return with a proposed ordinance for further action.
 - The proposed graffiti vandalism ordinance rests on the premise that the best way for the City to successfully address the crime of graffiti vandalism is through a community partnership of shared responsibility with property owners, parents, and retail businesses.
 - The proposed ordinance criminalizes the act, or aiding and abetting the commission, of graffiti vandalism.
 - The proposed ordinance creates proactive measures designed to restrict the purchase and possession of graffiti vandalism tools.
 - The proposed ordinance imposes stiff penalties for those convicted of graffiti vandalism-related violations, and holds parents liable if their child is convicted of graffiti vandalism-related violations.
 - The proposed ordinance would be one of the most comprehensive graffiti vandalism laws in the Denver Metro region, and would send the clear message that Westminster has taken an aggressive stand against graffiti.
 - Councillor’s Bill No. 20 was passed on first reading by City Council on April 28, 2008.

Expenditure Required: \$0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Councillor’s Bill re graffiti vandalism

BY AUTHORITY

ORDINANCE NO. **3415**

COUNCILLOR'S BILL NO. **20**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

Major - Dittman

**A BILL
FOR AN ORDINANCE
AMENDING TITLE VI OF THE WESTMINSTER MUNICIPAL CODE
BY THE ADDITION OF A NEW CHAPTER 16 CONCERNING GRAFFITI**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VI, W.M.C., is hereby amended BY THE ADDITION OF A NEW CHAPTER 16 to read as follows:

CHAPTER 16

GRAFFITI

6-16-1: LEGISLATIVE INTENT

6-16-2: DEFINITIONS

6-16-3: PROHIBITED ACTS

6-16-4: ACCESSIBILITY TO CERTAIN PROHIBITED GRAFFITI MATERIALS

6-16-5: ENFORCEMENT

6-16-1: LEGISLATIVE INTENT: The City Council finds and declares that defacing of public or private property by painting, drawing, writing, etching, scratching or carving, by use of paint, spray paint, ink, knife or any similar method, commonly referred to as “graffiti vandalism,” constitutes a serious and growing menace, injurious to the public health, safety, morals, and general welfare of the residents of the City; that graffiti vandalism contributes substantially to the spread of gang activity, violence and crime; and that prompt eradication of graffiti vandalism is necessary to control the spread of graffiti vandalism, and promote the public health, safety, morals and general welfare of the residents of the City. It is the intent of the City Council in enacting this Chapter to prevent the destruction of public or private property by graffiti vandalism and to recover the costs associated with the cleanup thereof. Furthermore, given the substantial challenges in controlling graffiti vandalism, the City Council enlists, and places responsibility upon parents, legal guardians, retail businesses, and property owners to aid the City in preventing and cleaning up graffiti vandalism.

6-16-2: DEFINITIONS: When used in this Chapter, the following words and terms, unless the context indicates a different meaning, shall be interpreted as follows:

(A) CITY MANAGER: The City Manager of the City of Westminster.

(B) DEFACE: To alter the appearance of something by removing, distorting, etching, writing, painting, adding to, or covering all or a part of the property.

(C) ETCHING EQUIPMENT: Any tool, device or substance that can be used to make permanent marks on any natural or man-made surface.

(D) GRAFFITI VANDALISM: Any unauthorized inscription, word, figure, painting or symbol that defaces public or private property created by means of painting, drawing, writing, etching, scratching or carving, by use of paint, spray paint, ink, knife, or any similar method.

(E) MARKER PEN: A felt-tip marker, permanent marker, or similar implement containing a fluid that is not water soluble.

(F) MINOR: Any person who has not yet attained the age of 18 years.

(G) OWNER or PROPERTY OWNER: Any person having a legal or equitable interest in any real or personal property located within the City boundaries.

(H) PAINT PEN: A tube, marker, or other pen-like instrument with a tip of one-quarter inch in diameter or less that contains paint or a similar fluid and an internal paint agitator.

(I) PROHIBITED GRAFFITI MATERIAL: Any implement capable of creating graffiti vandalism including, but not limited to, spray paint, spray paint nozzle/tip, marker pen, paint pen, glass-cutting tool, or etching equipment.

(J) SPRAY PAINT: Any aerosol container that is made or adapted for the purpose of applying paint or other substance capable of defacing property.

(K) SPRAY PAINT NOZZLE or SPRAY PAINT TIP: A nozzle/tip designed to deliver a spray of paint of a particular width or flow from a can of spray paint.

6-16-3: PROHIBITED ACTS:

(A) DEFACEMENT:

1. It shall be unlawful for any person to deface any property with graffiti vandalism except with the written consent of the owner.

2. It shall be unlawful for any person to aid, abet, or advise another to deface any property with graffiti vandalism except with the written consent of the owner.

(B) PURCHASE AND POSSESSION OF GRAFFITI MATERIALS:

1. Purchase and Possession by Any Person: It shall be unlawful for any person to purchase, procure or possess, or attempt to purchase, procure or possess any prohibited graffiti material with the intent to use such material in the commission of graffiti vandalism.

2. Purchase and Possession by Minor: It shall be unlawful for any minor, except a minor under the direct supervision of the person's parent, legal guardian, school teacher, or a law enforcement officer in the performance of duty, to purchase, procure or possess, or attempt to purchase, procure or possess any prohibited graffiti material. It shall be an affirmative defense to a charge of possession under this subsection that the minor possessing the prohibited graffiti material was:

- (a) Within their home;
- (b) While at school or enrolled in a class at school that formally required the possession of such material;
- (c) At their place of employment; or
- (d) Upon real property with permission from the owner to possess such materials.

3. Contributing to Unlawful Possession: It shall be unlawful for any person, except a law enforcement officer, school teacher or public official in the performance of their duty, to knowingly allow a minor to possess prohibited graffiti materials upon any property except with the written consent of the owner. It shall be an affirmative defense to charges under this subsection that the minor possessing the prohibited graffiti material was:

- (a) Within their home;
- (b) While at school or enrolled in a class at school that formally required the possession of such material;
- (c) At their place of employment; or
- (d) Upon real property with permission from the owner to possess such materials.

6-16-4: ACCESSIBILITY TO CERTAIN PROHIBITED GRAFFITI MATERIALS:

(A) SALE AND FURNISHING: It shall be unlawful for any person, other than a parent, legal guardian, school teacher, or law enforcement officer in the performance of duty, to sell, exchange, give, deliver, loan, or otherwise furnish or cause or permit to be sold, exchanged, given, delivered, loaned or otherwise furnished marker pens, spray paint, and/or shoe polish to any minor unless the minor is accompanied by their parent or legal guardian and provides written documentation demonstrating the consent of their parent or legal guardian. It shall be an affirmative defense to charges under this subsection that such materials were necessary for the minor to perform an essential job function.

(B) **DISPLAY AND STORAGE:** It shall be unlawful for any person who owns, conducts, operates or manages a retail commercial establishment selling marker pens, spray paint, and/or shoe polish to fail to store such materials in an area continuously observable, through direct visual observation or surveillance equipment, by employees of the retail establishment during the regular course of business. In the event that a retail commercial establishment is unable to store the marker pens, spray paint, and/or shoe polish in an area that is continuously observable, it shall be unlawful for the establishment to fail to store such material in an area not accessible to the public in the regular course of business without employee assistance.

(C) **SIGNS REQUIRED:** It shall be unlawful for any person who sells or offers to sell any marker pens, spray paint, and/or shoe polish to fail to display at all times in a prominent place a printed card to be a minimum height of fourteen (14) inches and a width of eleven (11) inches, with each letter to be a minimum of one-half inch in height, which shall read as follows:

WARNING

GRAFFITI VANDALISM IS AGAINST THE LAW. IT IS ILLEGAL TO SELL MARKER PENS, SPRAY PAINT, AND/OR SHOE POLISH TO ANY PERSON UNDER EIGHTEEN YEARS OF AGE UNLESS ACCOMPANIED BY THEIR PARENT OR LEGAL GUARDIAN AND, IT IS ILLEGAL FOR ANY PERSON UNDER EIGHTEEN YEARS OF AGE TO POSSESS OR TO ATTEMPT TO PURCHASE THE SAME.

FINES AND/OR IMPRISONMENT MAY BE IMPOSED BY THE COURT FOR VIOLATION OF THESE PROVISIONS.

6-16-5: ENFORCEMENT:

(A) **PENALTIES:**

1. **Criminal Violations.** The following provisions of this Chapter are hereby deemed criminal violations of this Code punishable by a fine or by confinement in jail, or by both, as provided in Section 1-8-1 of this Code:

Section 6-16-3(A) - Defacement

2. **Civil Violations.** All violations of this Chapter not listed in paragraph (1) above are hereby deemed civil infractions of this Code, and upon conviction thereof shall be punished by a fine pursuant to Section 1-8-1 of this Code. Each day that a violation of any of the provisions of this Chapter continues to exist shall be deemed to be a separate and distinct violation.

3. **Restitution.** In addition to any punishment specified in this Section, the Court shall order any violator to make restitution to the victim for damages or loss caused directly or indirectly by the violator's offense when such restitution can be determined by the Court.

4. **Community Service.** In lieu of, or as part of, the penalties specified in this Section, a person may be required to perform community service as described by the Court based on the following guidelines:

- (a) If convicted of committing graffiti vandalism, the defendant should perform at least thirty (30) hours of community service, or should remove at least five thousand (5000) square feet of graffiti vandalism.
- (b) In the case of a minor living with his/her parent(s) or legal guardian(s) and convicted of committing graffiti vandalism, at least one parent or legal guardian of that minor should be in attendance a minimum of fifty percent (50%) of the period of assigned community service. Participation of a parent or legal guardian is not required for any reason deemed appropriate by the Court including, but not limited to, if such participation is detrimental to the minor, or if the parent or legal guardian is a single parent who must care for young children.

- (c) Reasonable effort should be made to assign the defendant to a type of community service that is reasonably expected to have the most rehabilitative effect on the minor or adult, including community service that involves graffiti removal.

5. Recommended Fines. Recommended minimum fines upon conviction may be imposed as listed below:

Section 6-16-3(A) – Defacement:

- First offense – Two hundred dollars (\$200);
- Second offense – Five hundred dollars (\$500); and
- Third and subsequent offenses – One thousand dollars (\$1,000)

(B) PARENTAL RESPONSIBILITY:

1. In the case of a minor living with his/her parent(s) or legal guardian(s) and convicted of a violation under this Chapter, the minor’s parents or legal guardian shall be jointly and severally liable with the minor for payment of all fines, damages, restitution and costs, including attorney’s fees and court costs, ordered by the Court because graffiti vandalism is a deliberate, willful and malicious act, provided that such liability shall not exceed two thousand five hundred dollars (\$2,500).

2. The Court may not enter an order for payment of all fines, damages, restitution and costs, including attorney’s fees and court costs, against the minor’s parent or legal guardian unless the Court, prior to entering such order for payment, holds a hearing at which the minor’s parent or legal guardian is present.

3. If the Court finds, after the hearing, that the minor’s parent or legal guardian has made diligent, good faith efforts to prevent or discourage the minor from engaging in delinquent activity prohibited by this Chapter or that such order for payment would cause serious hardship to the minor’s parent or legal guardian, the Court may reduce or eliminate the parent’s or legal guardian’s responsibility for fines, damages, restitution and costs, including attorney’s fees and court costs.

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

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of April, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of May, 2008.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney’s Office



Agenda Item 9 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2008



SUBJECT: Resolution No. 29 re Appointments to Boards and Commissions

Prepared By: Linda Yeager, City Clerk

Recommended City Council Action

Adopt Resolution No. 29 to fill vacancies on the Board of Adjustment, the Board of Building Code Appeals, the Election Commission, the Environmental Advisory Board, the Personnel Board, and the Planning Commission.

Summary Statement

- City Council action is requested to appoint citizens to fill vacancies in alternate and regular memberships on six of the City's established Boards and Commissions. The vacancies are the result of resignations received in recent months or the ineligibility of previous appointees to continue service due to the residency requirement.
- Having interviewed interested applicants, City Council's action will be to appoint nine individuals to fill existing vacancies on the Board of Adjustment, the Board of Building Code Appeals, the Election Commission, the Environmental Advisory Board, the Personnel Board, and the Planning Commission.
- These appointments will exhaust the pool of reserve applicants eligible to fill vacancies that might occur during the remainder of the year. Steps will be taken to recruit applications from interested citizens to reestablish a pool of candidates should additional vacancies occur.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council want to fill vacancies on Boards and Commissions so a full complement of members can fulfill the duties established for each Board or Commission?

Alternative

None identified

Background Information

Samuel Biller, a regular member on the Board of Adjustment, recently submitted his resignation citing increased professional responsibilities that limit his ability to continue serving. Earlier this year, Tom Roemersberger, who was serving as the alternate member of the Board, was appointed a regular member to fill a vacancy created when Raymond Selix resigned and moved from the City. Mr. Roemersberger's appointment created a vacancy in the alternate membership. The attached resolution names Daniel Noreen to fill Mr. Biller's unexpired term as a regular member and Robert Schalk to fill the alternate member position. Both gentlemen's terms of office will expire on December 31, 2009.

The Board of Building Code Appeals has an alternate member vacancy due to a lack of qualified, interested applicants. The attached resolution names Jacob Starkovich the alternate member through December 31, 2009.

Delbert Lennie recently resigned from the Election Commission, as he is retiring and moving from the community. If adopted, the attached resolution names Jeremy James to fill Mr. Lennie's unexpired term that ends December 31, 2009.

In April, Deidre Rothery resigned from the Environmental Advisory Board citing additional job responsibilities that preclude her full participation on the Board. Accordingly, the attached resolution appoints the alternate member, Denise Dillinger, as a regular member to fill the balance of Ms. Rothery's unexpired term that will end December 31, 2008; and Steve Breitzka to fill the alternate vacancy to a term that will expire December 31, 2009.

An alternate member vacancy exists on the Personnel Board due to John Brann's appointment to fill the unexpired term of David Jones, who moved from the City. The attached resolution appoints Julie Marino an alternate member to the Board with a term that will expire on December 31, 2009.

Joseph Burt had to resign from the Planning Commission when he moved from the City recently. If adopted, the attached resolution names Donna Alengi, currently serving as an alternate member of the Commission, as a regular member to fill Mr. Burt's unexpired term that will end December 31, 2008; and further names Richard Mayo an alternate member of the Commission to a term that will expire December 31, 2009.

The duties of each of the City's Boards and Commissions support Council's strategic goals in many ways. The Board of Adjustment, the Board of Building Code Appeals, and the Planning Commission support the goals of vibrant neighborhoods and commercial areas, of beautiful City, of a balanced and sustainable local economy, and of financially sustainable City government in their decision-making capacities to uphold the City's adopted codes in mitigating neighborhood complaints of violations and requests for variances, as well as through recommendations advanced to City Council concerning proposed annexations and development projects that include a sustainable mix of residential and commercial development. The Environmental Advisory Board supports Council's goal of a safe and secure community by supporting staff in managing disaster mitigation and the goals of a beautiful City and vibrant neighborhoods and commercial areas by supporting increased recycling efforts throughout the

community. The appeals heard by the Personnel Board contribute to a financially sustainable City government by minimizing liability through objective arbitration of employee grievances in a fair environment.

These appointments deplete the pool of 2008 applicants whom have been interviewed by City Council. Staff will immediately begin the recruitment process to create a pool of interested applicants who can be interviewed and considered for appointment to fill vacancies should they occur during the remainder of the year.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **29**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

CITY OF WESTMINSTER BOARD AND COMMISSION APPOINTMENTS

WHEREAS, Vacancies exist on six of the City's Boards and Commissions because of resignations received in recent months or the ineligibility of previous appointees to continue serving due to residency requirement; and

WHEREAS, It is important to have each City Board or Commission working with its full complement of authorized members to carry out the business of the City of Westminster with citizen representation; and

WHEREAS, City Council has interviewed citizens who had applied for appointment to Boards and Commissions of interest to them personally.

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby appoint the following individuals to regular membership on the City of Westminster Board or Commission with terms of office to expire as listed.

| BOARD/COMMISSION | APPOINTEE | TERM EXPIRES |
|------------------------------|------------------|---------------------|
| Board of Adjustment | Daniel Noreen | December 31, 2009 |
| Election Commission | Jeremy James | December 31, 2009 |
| Environmental Advisory Board | Denise Dillinger | December 31, 2008 |
| Planning Commission | Donna Alengi | December 31, 2008 |

The following individuals are appointed to alternate memberships as listed.

| BOARD/COMMISSION | APPOINTEE | TERM EXPIRES |
|--------------------------------|------------------|---------------------|
| Board of Adjustment | Robert Schalk | December 31, 2009 |
| Board of Building Code Appeals | Jacob Starkovich | December 31, 2009 |
| Environmental Advisory Board | Steve Breitzka | December 31, 2009 |
| Personnel Board | Julie Marino | December 31, 2009 |
| Planning Commission | Richard Mayo | December 31, 2009 |

PASSED AND ADOPTED this 12th day of May, 2008.

ATTEST:

Mayor

City Clerk



Agenda Item 10 A

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2008



SUBJECT: Resolution No. 30 re Intergovernmental Agreement with the State of Colorado re Certified Local Government Grant for Historic Resources Survey and Training

Prepared By: Vicky Bunsen, Community Development Programs Coordinator

Recommended City Council Action

Adopt Resolution No. 30 authorizing the City Manager to execute an Intergovernmental Agreement with the State of Colorado concerning a Certified Local Government grant to the City for survey of historic resources in Jefferson County and for training of the Historic Landmark Board and City Staff.

Summary Statement

- The City has applied for and has been awarded a Certified Local Government grant in the amount of \$28,966 from the Colorado Historical Society for survey of historic resources in the Jefferson County side of the City and for training of the Historic Landmark Board and City staff.
- No cash match is required for the City to accept this grant.
- To regulate the use and accounting of the funds the State of Colorado requires intergovernmental agreements (IGAs) to be executed before funds are disbursed.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should City Council authorize an Intergovernmental Agreement with the State of Colorado to provide the City with a Certified Local Government Grant for historic resources survey work and training for the Historic Landmark Board and City Staff?

Alternative

Do not enter into the IGA with the State of Colorado and decline the grant money for historic resources survey and training. This alternative is not recommended because there is no local match required to receive this grant and the funding supports historic preservation work.

Background Information

Since 2002 and including the grant described in this memo, the City has received approximately \$500,000 in grants from the State Historical Fund and the Colorado Historical Society Certified Local Government program. These grants have funded archeological and structure assessments, the exterior restoration of the Westminster Grange Hall and the Semper Farmhouse, and historical resource surveys in various parts of the City.

Most recently, the Colorado Historical Society notified the City of its award of \$20,816 for survey of thirty historic resources in Jefferson County and for \$8,150 for training for members of the Historic Landmark Board and City staff. The training funds are expected to be used for National Alliance of Preservation Commissions conference in New Orleans. The total grant award is \$28,966.

The IGA consists of a State-prescribed format that is used with all grant-funded projects and it has been reviewed by the City Attorney's Office. The grant requires no cash match from the City.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment - Resolution

RESOLUTION

RESOLUTION NO. **30**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

**A RESOLUTION
AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF
COLORADO CONCERNING THE USE OF A
GRANT FOR HISTORIC RESOURCES SURVEY AND TRAINING**

WHEREAS, the City of Westminster has been awarded the following grant from the Colorado Historical Society in support of historic resources survey work and training:

Historic Resource Survey and Training \$28,966

WHEREAS, the State of Colorado requires IGAs to be executed before funds are disbursed, which contracts regulate the use of funds and for the grant award.

NOW, THEREFORE, the City Council of the City of Westminster resolves that the City Manager is authorized to execute and carry out the provisions of this IGA with the State of Colorado concerning the use of a grant for historic resources survey and training awarded to the City.

PASSED AND ADOPTED this 12th day of May, 2008.

Mayor

ATTEST:

City Clerk

APPROVED AS TO LEGAL FORM:

City Attorney's Office

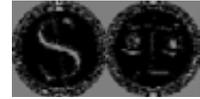


Agenda Item 10 B

WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2008



SUBJECT: Resolution No. 31 re Revision of the City of Westminster's Investment Policy

Prepared By: Tammy Hitchens, Director of Finance
Robert Smith, Treasury Manager
Robert Byerhof, Senior Financial Manager

Recommended City Council Action

Adopt Resolution No. 31 approving the revised Investment Policy directing the investment of public funds.

Summary Statement

- Council approved the current Investment Policy on April 12, 1999. Since the City of Westminster follows the investment policy guidelines established by the State of Colorado, revisions to the City's existing policy are necessary to incorporate changes to CRS 24-75-601 that went into effect on August 7, 2006.
- Since Westminster is a home-rule City, following state statutes is not required; however, the City has chosen to follow this standard as a course of prudent and conservative investment practice.
- Although none of the changes materially impact the City's current Investment Policy, under the guidance of the City's Investment Advisor, the City's Investment Policy has been rewritten to not only include changes made in the State statutes, but to make a more clear and concise Investment Policy document.
- Staff and personnel from the City's Investment Advisor, met with the Council on May 5, 2008 to review the revisions to the City's Investment Policy.
- The adoption of the updated Investment Policy dated May 2008, supports Council's goal of Financially Sustainable City Providing Exceptional Service.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issue

Should the City Council adopt the revised Investment Policy dated May 2008?

Alternative

Do not adopt the proposed Investment Policy and adhere to the existing policy language. This is not recommended as the City follows the State's statutes for the investment of public funds. If the Council does not adopt the revised Investment Policy, the language in City's current Investment Policy would be outdated. The actual practice the City currently adheres to recognizes changes to State statutes "immediately upon being enacted." Revising the City's Investment Policy language to reflect changes in State statutes provides the City and an Investment Advisor with a clear and consistent policy with respect to the investment of public funds.

Background Information

The City has a portfolio of investable funds in the order of \$160 million. Total value fluctuates based on cash-flow demands such as debt service payments, major capital improvements, and working capital requirements. The investment of these public funds is conservative by law and follows the "prudent investor" standard. The "prudent investor" standard is an industry recognized term which applies the following mandate to investments: a fiduciary "shall exercise the judgment and care, under circumstances then prevailing, which men of prudence, discretion, and intelligence exercise in the management of the property of another, not in regard to speculation but in regard to the permanent disposition of funds, considering the probable income as well as the probable safety of capital." This language is embedded in Colorado Revised Statute 15-1-304, Standard for Investments and adhered to by the City of Westminster. It is important to note that the City is not required to follow the State statutes but has chosen to adhere to the State's standards as a prudent and conservative policy for the investment of public funds.

The City's Investment Policy provides Staff and any investment advisor with a sound reference tool for prudent and lawful guidance for the investment of public funds. The goals of the Investment Policy, in order of importance, are Safety, Liquidity, and Yield. The preservation of capital is maintained by following very conservative investment guidelines that are structured in the State statutes not only in regards to the types of securities permissible for investment but the importance of diversification when investments are purchased that are not direct U.S. Government securities. The flexibility to invest in securities outside of U.S. Treasuries allows the City to capture a higher yield of investment earnings; however, the statutes mandate portfolio minimum and maximum levels within investment instruments as well as limits by issuer and maturity length as a means to protect entities from bearing unnecessary risk by not being adequately diversified. Page 9 of the City's Investment Policy (See attached Exhibit A) outlines the guidelines that the city follows regarding the composition of the portfolio. The Investment Advisor maintains a constant watch on the securities purchased and sold within the portfolio to ensure compliance.

The last time Council reviewed and adopted the Investment Policy was on April 12, 1999. Since then, the Colorado legislature adopted changes to the CRS 24-75-601 with House Bill 06-1287 that went into effect on August 7, 2006. Although the City has maintained a prudent conservative investment strategy since the passage of the statute revisions as well as adhered to these enacted changes since then, the City's Investment Advisor recommended that the Investment Policy be updated to reflect the changes in the statutes.

SUBJECT: Resolution re Investment Policy

Page 3

The Investment Advisor wrote a summary of changes incorporated into the revised Investment Policy that was attached to a Staff Report and reviewed during the May 5, 2008 Study Session. The summary provided the Council and Staff a clear and concise understanding of the changes incorporated in the May 2008 Investment Policy. This summary provided readers with a reference guideline with which to see that changes were technical in nature and did not compromise the safety mechanisms in place to maintain a prudent and conservative Investment Policy.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

RESOLUTION

RESOLUTION NO. **31**

INTRODUCED BY COUNCILLORS

SERIES OF 2008

APPROVAL OF THE REVISED CITY OF WESTMINSTER INVESTMENT POLICY

WHEREAS, the City of Westminster has an existing Investment Policy that governs the investment decisions of public funds that has been in effect since April 12, 1999; and

WHEREAS, the Investment Policy is tailored after the State of Colorado statutes regarding the investment of public funds; and

WHEREAS, revisions to C.R.S. section 24-75-601 require the Investment Policy to be updated to reflect changes within the statute; and

WHEREAS, Staff utilizes the Investment Policy as the guiding document for the investment of public funds; and

WHEREAS, the attached Investment Policy, dated May 2008, supports the City Council's Strategic Plan Goals and Objectives.

NOW, THEREFORE, the City Council of the City of Westminster hereby adopts the attached revised Investment Policy dated May 2008.

PASSED AND ADOPTED this 12th day of May, 2008.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

City of Westminster Investment Policy May 2008

I. POLICY

The City of Westminster (“the City”) is a Colorado home rule municipality operating under its City Charter. The City functions under the direction of a City Manager who is appointed by a seven member City Council. Colorado Statutes provide home rule municipalities with legal authority to promulgate and implement local standards for cash and investment management operations.

It is the policy of the City to invest public funds in a manner that will provide preservation of capital, meet the daily liquidity needs of the City, diversify the City’s investments, conform to all local rules and state statutes governing the investment of public funds, and generate market rates of return.

This Investment Policy addresses the methods, procedures and practices which must be exercised to ensure effective and judicious fiscal and investment management of the City’s funds. It replaces any previous Investment Policy or investment procedures of the City.

This Investment Policy was adopted by the City Council of the City of Westminster on _____.

II. SCOPE

This Investment Policy applies to the activities of the City with regard to investing the financial assets of all funds except for its Employee Pension Plan Funds, the Deferred Compensation Fund, and the Volunteer Firefighter Pension Fund that are organized and administered separately. The policy shall apply to any new fund that may be created unless specifically exempted from the policy. Funds collected for the City of Westminster by other government agencies shall be governed by the investment policies of that agency and are not subject to the provisions of this policy.

Cash shall be pooled for investment purposes. The investment income derived from the pooled investment account shall be allocated to the contributing funds based upon the proportion of the respective average daily balances relative to the total pooled balance in the investment portfolio.

III. INVESTMENT OBJECTIVES

The City’s principal investment objectives are:

- Preservation of capital and protection of investment principal.
- Maintenance of sufficient liquidity to meet anticipated cash flows.
- Diversification to avoid incurring unreasonable financial risks.
- Attainment of a market rate of return as defined in Section XIII of this Investment Policy.

- Conformance with all applicable City policies, State statutes and Federal regulations.

IV. DELEGATION OF AUTHORITY

Authority to manage the City's investment portfolio is derived from City Charter Section 4.12. Management responsibility for the investment program is vested with the Finance Director. The Finance Director shall maintain a list of employees of the City of Westminster who are authorized to purchase, sell, wire securities or funds, or transfer custodianship on behalf of the City.

The Finance Director shall have the discretion to appoint one or more investment advisers, registered with the Securities and Exchange Commission under the Investment Advisers Act of 1940, to assist in the management of all or a portion of the City's investment portfolio. All investments made through such investment advisers shall be within the guidelines of the City's investment policies.

The Finance Director shall establish written procedures and internal controls for the operation of the City's investment program, designed to prevent loss of public funds due to fraud, error, misrepresentation and imprudent actions.

V. PRUDENCE

The standard of prudence to be used for managing the City's assets is the "prudent investor" standard applicable to a fiduciary, which states that a prudent investor "shall exercise the judgment and care, under circumstances then prevailing, which men of prudence, discretion, and intelligence exercise in the management of the property of another, not in regard to speculation but in regard to the permanent disposition of funds, considering the probable income as well as the probable safety of capital." (Colorado Revised Statutes 15-1-304, Standard for Investments.)

The City's overall investment program shall be designed and managed with a degree of professionalism that is worthy of the public trust. The City recognizes that no investment is totally riskless and that the investment activities of the City are a matter of public record. Accordingly, the City recognizes that occasional measured losses may be desirable in a diversified portfolio and shall be considered within the context of the overall portfolio's return, provided that adequate diversification has been implemented and that the sale of a security is in the best long-term interest of the City.

Authorized investment staff acting in accordance with written policies and procedures, and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion to the Finance Director and appropriate action is taken to control adverse developments.

VI. INVESTMENT COMMITTEE

The Finance Director shall appoint an Investment Committee, chaired by the Treasury Manager and shall include at least two additional employees of the City knowledgeable in the area of governmental investments. The purpose of the Investment Committee shall be to provide advice regarding the operation of the cash management and investment program. The Committee shall meet at least once per quarter.

VII. ETHICS AND CONFLICTS OF INTEREST

City employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the City's investment program or that could impair or create the appearance of an impairment of their ability to make impartial investment decisions. Employees shall disclose to the Finance Director and to the City Manager any personal financial interests that may be related to or that may conflict with the City's investment program.

VIII. AUTHORIZED SECURITIES AND TRANSACTIONS

All investments will be made in accordance with the Colorado Revised Statutes (C.R.S.) as follows: C.R.S. 11-10.5-101, et seq. Public Deposit Protection Act; C.R.S. 11-47-101, et seq. Savings and Loan Association Public Deposit Protection Act; C.R.S. 24-75-601, et. seq. Funds - Legal Investments; C.R.S. 24-75-603, Depositories; and C.R.S. 24-75- 702, Local governments - authority to pool surplus funds. Any revisions or extensions of these sections of the statutes will be assumed to be part of this Investment Policy immediately upon being enacted.

This Investment Policy further restricts the investment of City funds to the securities and transactions listed below and summarized in Exhibit A.

1. U.S. Treasury Obligations: Treasury bills, Treasury notes, Treasury bonds and Treasury STRIPS with maturities not exceeding seven years from the date of trade settlement. At all times, the City shall maintain at least 15% of its investment portfolio in U.S. Treasury obligations.
2. Federal Agency debentures and mortgage-backed securities with a final maturity not exceeding seven years from the date of trade settlement issued by the Government National Mortgage Association (GNMA). The total investment in Federal Agency securities shall not exceed 10% of the City's investment portfolio.
3. Federal Instrumentality Securities: Debentures, discount notes, callable securities, step-up securities, collateralized mortgage obligations, and stripped principal or coupons with maturities not exceeding seven years from the date of trade settlement issued by the following only: Federal National Mortgage Association (FNMA), Federal Farm Credit Banks (FFCB), Federal Home Loan Banks (FHLB) and Federal Home Loan Mortgage Corporation (FHLMC). Federal Instrumentality securities must be rated not less than Aaa by Moody's, AAA by Standard & Poor's or AAA by Fitch at the time of purchase by at least two services that rate the securities. Not more than 30% of the City's investment portfolio may be invested in the securities of any one federal instrumentality. The total

investment in collateralized mortgage obligations shall not exceed 10% of the City's investment portfolio.

4. Repurchase Agreements or flexible repurchase agreements collateralized by U.S. Treasury obligations or Federal Instrumentality securities listed in 1. and 3. above with a final maturity not exceeding ten years. The purchased securities shall have a minimum market value including accrued interest of 102% of the dollar value of the transaction. Collateral shall be held by the City's third-party custodian bank, and the market value of the collateral securities shall be marked-to-the market daily. Repurchase agreements shall have a termination date of 180 days or less. Flexible repurchase agreements shall have a maximum term of the life of the corresponding construction project or one year, whichever is less.

Repurchase Agreements shall be entered into only with broker/dealers recognized as primary dealers by the Federal Reserve Bank of New York, or with firms that have a primary dealer within their holding company structure. Approved Repurchase Agreement counterparties shall have a short-term credit rating of at least A-1 or the equivalent and a long-term credit rating of at least A or the equivalent by a Nationally Recognized Statistical Rating Organization. Repurchase agreement counterparties shall execute a City approved Master Repurchase Agreement with the City. The Finance Director shall maintain a copy of the City's approved Master Repurchase Agreement along with a list of broker/dealers who have executed same.

5. Commercial Paper with maturities not exceeding 270 days, rated at least A-1 by Standard & Poor's, P-1 by Moody's, or F-1 by Fitch at the time of purchase by at least two services that rate the commercial paper, and rated not less by any service that rates the commercial paper. If the commercial paper issuer has senior debt outstanding, the senior debt must be rated by each service that rates the issuer at least A+ by Standard & Poor's, A1 by Moody's or A+ by Fitch by at least two services that rate the issuer, and rated not less by any service that rates it. The total investment in commercial paper shall not exceed 20% of the City's investment portfolio. The aggregate investment in commercial paper, bankers acceptances and corporate securities shall not exceed 50% of the City's investment portfolio, and no more than 5% of the City's investment portfolio may be invested in the obligations of any one issuer.
6. Eligible Bankers Acceptances with maturities not exceeding 180 days, issued by FDIC insured state or national banks with combined capital and surplus of at least \$250 million. Banker's acceptances shall be rated at least A-1 by Standard & Poor's, P-1 by Moody's, or F-1 by Fitch at the time of purchase by at least two services that rate the instrument, and rated not less by any service that rates it. If the issuing bank has senior long-term debt outstanding, it must be rated at the time of purchase A by Standard & Poor's, A2 by Moody's or A by Fitch by at least two services that rate the bank, and rated not less by any service that rates it. The total investment in bankers acceptances shall not exceed 20% of the City's investment portfolio. The aggregate investment in bankers acceptances, commercial paper, and corporate securities shall not exceed 50% of the City's investment portfolio, and no more than 5% of the City's investment portfolio may be invested in the obligations of any one issuer.
7. Corporate Securities denominated in U.S. dollars of any corporation or bank organized and operating within the United States with a net worth in excess of \$250 million. Corporate securities shall have a maximum maturity of three years from the date of trade

settlement and must be rated at least AA- by Standard and Poor's, Aa3 by Moody's or AA- by Fitch, by at least two rating services, and not less by any service that rates it. The total investment in corporate securities shall not exceed 20% of the City's investment portfolio. The aggregate investment in corporate securities, commercial paper and bankers acceptances shall not exceed 50% of the City's investment portfolio, and no more than 5% of the City's investment portfolio may be invested in the obligations of any one issuer.

8. General Obligations and Revenue Obligations of state or local governments with a maturity not exceeding three years from the date of trade settlement, rated at the time of purchase at least AA by Standard & Poor's, Aa by Moody's or AA by Fitch by at least two services that rate the obligations. The total investment in general obligations and revenue obligations shall not exceed 10% of the City's investment portfolio and not more than 3% of the City's investment portfolio may be invested in the general obligations and revenue obligations of any one issuer.
9. Non-negotiable Certificates of Deposit with a maturity not exceeding one year in any FDIC insured state or national bank, or state or federal savings bank located in Colorado that is a state approved depository per C.R.S. 24-75-603. Certificates of deposit that exceed FDIC insurance limits shall be collateralized as required by the Public Deposit Protection Act or the Savings and Loan Association Public Deposit Protection Act. The total investment in non-negotiable certificates of deposit shall not exceed 10% of the City's investment portfolio and not more than 5% of the City's investment portfolio may be invested in the certificates of any one bank.
10. Local Government Investment Pools authorized under C.R.S. 24-75-702 that: 1) are "no-load" (no commission or fee shall be charged on purchases or sales of shares); 2) have a constant net asset value of \$1.00 per share; 3) limit assets of the fund to those securities authorized by state statute; 4) have a maximum stated maturity and weighted average maturity in accordance with Rule 2a-7 of the Investment Company Act of 1940; and 5) have a rating of AAAM by Standard & Poor's, Aaa by Moody's or AAA/V1+ by Fitch. The total investment in local government investment pools shall not exceed 50% of the City's investment portfolio and not more than 30% of the City's investment portfolio may be invested in any one pool.
11. Money Market Mutual Funds registered under the Investment Company Act of 1940 that: 1) are "no-load" (no commission or fee shall be charged on purchases or sales of shares); 2) have a constant net asset value of \$1.00 per share; 3) limit assets of the fund to those securities authorized by state statute; 4) have a maximum stated maturity and weighted average maturity in accordance with Rule 2a-7 of the Investment Company Act of 1940; and 5) have a rating of AAAM by Standard & Poor's, Aaa by Moody's or AAA/V1+ by Fitch. The total investment in money market mutual funds shall not exceed 20% of the City's investment portfolio and not more than 10% of the City's investment portfolio may be invested in any one fund.

The foregoing list of authorized securities shall be strictly interpreted. Any deviation from this list must be pre-approved by the City Council.

Tests for limitations on percentages of holdings apply to the composite of the City's entire investment portfolio, not to individual portfolios maintained by the City. Percentage limitations used for measurements are based on the percentage of portfolio cost value.

If following the purchase of a security, its credit rating falls below the required minimum rating, the security may be retained by the Finance Director with the approval of the Investment Committee.

IX. INVESTMENT MATURITY AND LIQUIDITY

The investment portfolio shall remain sufficiently liquid to meet all cash requirements that may be reasonably anticipated. To the extent possible, investments shall be matched with anticipated cash flows and known future liabilities. Investments shall be limited to maturities not exceeding seven years from the date of trade settlement, unless the maturity is matched to a specific cash flow need, and the purchase is preapproved by the Investment Committee. The weighted average final maturity of the investment portfolio shall not exceed three years.

X. COMPETITIVE TRANSACTIONS

Each investment transaction shall be competitively transacted with authorized broker/dealers. At least three broker/dealers shall be contacted for each transaction and their bid and offering prices shall be recorded. If the City is offered a security for which there is no other readily available competitive offering, quotations for comparable or alternative securities will be documented.

XI. SELECTION OF BROKER/DEALERS

The Finance Director shall maintain a list of broker/dealers approved for investment purposes, and it shall be the policy of the City to purchase securities only from those authorized firms.

To be eligible, a firm must meet at least one of the following criteria:

1. Be recognized as a primary dealer by the Federal Reserve Bank of New York or have a primary dealer within its holding company structure,
2. Report voluntarily to the Federal Reserve Bank of New York,
3. Qualify under Securities and Exchange Commission (SEC) Rule 15c3-1 (Uniform Net Capital Rule).

Broker/dealers will be selected by the Finance Director on the basis of their expertise in public cash management and their ability to provide service to the City's account. Approved broker/dealer representatives and the firms they represent shall be licensed to do business in Colorado and as such are subject to the provisions of the Colorado Revised Statutes, including but not limited to C.R.S. 24-75-601. Each authorized broker/dealer shall be required to submit and annually update a City approved Broker/Dealer Information Request Form that includes the firm's most recent financial statements. Broker/dealers shall attest in writing that they have received and reviewed a copy of this Investment Policy.

The City may purchase commercial paper from direct issuers even though they are not on the approved broker/dealer list as long as they meet the criteria outlined in item 5 of the Authorized Securities and Transactions section of this Investment Policy.

XII. SAFEKEEPING AND CUSTODY

The Finance Director shall approve one or more banks to provide safekeeping and custodial services for the City. A City approved safekeeping agreement shall be executed with each custodian bank. To be eligible, a financial institution shall qualify as a depository of public funds in Colorado as defined in C.R.S. 24-75-603.

The purchase and sale of securities and repurchase agreement transactions shall be settled on a delivery versus payment basis. Ownership of all securities shall be perfected in the name of the City. Sufficient evidence to title shall be consistent with modern investment, banking and commercial practices.

All investment securities, except non-negotiable Certificates of Deposit, Local Government Investment Pools and Money Market Mutual Funds, purchased by the City will be delivered by either book entry or physical delivery and will be held in third-party safekeeping by the City approved custodian bank, its correspondent bank or the Depository Trust Company (DTC).

All Fed wireable book entry securities shall be evidenced by a safekeeping receipt or a customer confirmation issued to the City by the custodian bank stating that the securities are held in the Federal Reserve system in a Customer Account for the custodian bank which will name the City as "customer."

All DTC eligible securities shall be held in the custodian bank's Depository Trust Company (DTC) participant account and the custodian bank shall issue a safekeeping receipt evidencing that the securities are held for the City as "customer."

All non-book entry (physical delivery) securities shall be held by the custodian bank or its correspondent bank and the custodian bank shall provide evidence that the securities are held for the City as "customer."

The City's custodian will be required to furnish the City monthly reports of holdings of custodied securities as well as a report of monthly safekeeping activity.

XIII. PERFORMANCE BENCHMARKS

The City's investment portfolio shall be designed to attain a market rate of return throughout budgetary and economic cycles, taking into account prevailing market conditions, risk constraints for eligible securities, and cash flow requirements. The performance of the investment portfolio shall be compared to the average yield on the U.S. Treasury security that most closely corresponds to the investment portfolio's weighted average effective maturity. When comparing the performance of the investment portfolio, all fees involved with managing it shall be included in the computation of its rate of return net of fees.

XIV. REPORTING

Performance of the portfolio shall be reported quarterly and submitted to the City Manager. Reports shall include details of the characteristics of the portfolio as well as its performance for that period. Material deviations from projected investment strategies shall be reported immediately to the City Manager.

XV. POLICY REVISIONS

This Investment Policy shall be reviewed annually by the Investment Committee. If deemed appropriate, the Investment Committee shall recommend revisions to the City Council.

EXHIBIT A

SUMMARY OF AUTHORIZED SECURITIES THAT MAY BE PURCHASED BY THE CITY OF WESTMINSTER

| INSTRUMENT | PORTFOLIO MIN/MAX | ISSUER MAXIMUM MAXIMUM | ISSUER MAXIMUM MATURITY |
|--|--------------------------|-------------------------------|--|
| U.S. Government Securities | 15% min 100% max | 100% | Seven (7) years unless the maturity is matched to a specific cash flow need. |
| U.S. Government Agencies | 10% max | 10% | Seven (7) years unless the maturity is matched to a specific cash flow need. |
| U.S. Government Instrumentalities | 100% max | 30% | Seven (7) years unless the maturity is matched to a specific cash flow need. |
| Collateralized Mortgage Obligations (CMOs) | 10% max | 10% | Seven (7) years unless the maturity is matched to a specific cash flow need. |
| Repurchase Agreements | 100% max | 100% max | 180 days |
| Commercial Paper | 20% max | 5% | 270 days |
| Banker's Acceptances | 20% max | 5% | 180 days |
| Corporate Bonds & Medium Term Notes | 20% max | 5% | Three (3) years |
| State and Local Government debt | 10% max | 3% | Three (3) years |
| CD's (non-negotiable) | 10% max | 5% | One (1) year |
| LGIPs | 50% max | 30% | Comply with Rule 2a-7 |
| Money Market Mutual Funds | 20% max | 10% | Comply with Rule 2a-7 |



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2008



SUBJECT: Councillor's Bill No. 21 re 2007 Final Budget Supplemental Appropriation

Prepared By: Gary Newcomb, Accountant

Recommended City Council Action

Adopt Councillor's Bill No. 21 as an emergency ordinance, providing for supplementary appropriations to the 2007 budget of the POST, General Capital Improvement, and Debt Service Funds.

Summary Statement

- At the end of each quarter Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- This is the 2007 Final supplemental appropriation.
- POST Fund amendments:
 - \$749,307 Open Space grants
- General Capital Improvement Fund amendments:
 - (\$3,000) State grant un-appropriation
- Debt Service Fund amendments
 - \$8,151 Bond issuance proceeds
- This bill is proposed as an emergency ordinance due to timing requirements related to the amended May Council meeting schedule and the 2007 Comprehensive Annual Financial Report acceptance agenda planned for the June 9 City Council meeting.

Expenditure Required: \$754,458

Source of Funds: The funding sources for these expenditures include grants and bond issuance proceeds.

Policy Issue

Does City Council support amending the appropriations for the 2007 budget of the POST, General Capital Improvement, and Debt Service Funds?

Alternative

The alternative would be not to amend the 2007 budget appropriations for the POST, General Capital Improvement, and Debt Service Funds and utilize these funds for other purposes. Staff does not recommend this alternative as the various departments have already incurred expenses and covered them in their current budget in anticipation of appropriation of the funds.

Background Information

This agenda memo and attached Councillor's Bill is a routine action addressing the need to appropriate additional revenues and offset expenditures that resulted from increased activity or events that were not anticipated during the normal budget process.

POST FUND BUDGET AMENDMENTS

The City of Westminster applied to the Adams County Open Space program for funds to purchase the 29.12-acre Tanglewood Creek property located at 128th Avenue and Huron Street for open space. The City purchased this property from Adams 12 Five Star Schools to protect portions of Tanglewood Creek and the open fields that are visible from I-25. Leveraging limited open space funds is encouraged by the Open Space Advisory Board and City Council. Adams County awarded a grant of \$356,807 to the City of Westminster for this purchase. The City matched this amount of \$356,807 for a total of \$713,614 for the open space portion of the property. The City has agreed to use this property for open space purposes as consistent with the grant agreement with Adams County.

The City of Westminster applied to the Jefferson County Open Space program for funds to purchase the 5.5-acre Mormon Church property located at 100th and Simms Street for open space. The City purchased this property to prevent development on this holding within the larger Westminster Hills Open Space area. Leveraging limited open space funds is encouraged by the Open Space Advisory Board and City Council. Jefferson County awarded 50% of the purchase price or \$392,500 to the City for this purchase. The City matched this amount of \$392,500 to purchase the tract for a total of \$785,000. Jefferson County purchased the property then sold it to the City of Westminster with a reverter clause included in the deed. This reverter clause states that the property will revert back to Jefferson County if the City of Westminster does not use the property for open space and/or recreational purposes.

GENERAL CAPITAL IMPROVEMENT FUND BUDGET AMENDMENTS

At the August 08, 2005 Council meeting, Council approved the appropriation of \$76,000 for a State of Colorado; Division of Wildlife (DOW) Fishing is Fun grant for McKay Lake Fishing Improvements. The project is now complete and \$73,000 of qualifying expenses were reimbursed by the DOW. The \$3,000 appropriated and not received portion of the grant must be un-appropriated at this time.

DEBT SERVICE FUND BUDGET AMENDMENTS

As part of the 2007 D POST bond issue, funds for costs of issuance were deposited into a bank trust account. Issue costs were paid from these funds as invoices were received. Once all of the expenses were paid, there were excess funds of \$8,151 remaining. These excess funds were transferred to the debt service fund to assist with future debt service payments on the 2007 D POST issue. In order to properly reflect the transfer of the excess funds, the appropriations for the debt service fund must be amended.

Additionally, the funds were initially recorded in the POST and General Capital Improvement Fund (GCIF) as an expense - other financing use. To properly record the transfer within the POST and GCIF Funds, the expense account for other financing use is decreased and the transfer to the Debt Service account is increased. This action reallocates the budget between expense accounts and does not change total appropriations in the POST and GCIF funds.

These appropriations will amend POST Fund revenue and expense accounts as follows:

REVENUES

| Description | Account Number | Current Budget | Amendment | Revised Budget |
|--------------------------|-----------------|----------------|------------------|----------------|
| Adams County Grant | 5400.40640.0010 | \$0 | \$356,807 | \$356,807 |
| Jefferson County Grant | 5400.40640.0020 | 0 | <u>392,500</u> | 392,500 |
| Total Change to Revenues | | | <u>\$749,307</u> | |

EXPENSES

| Description | Account Number | Current Budget | Amendment | Revised Budget |
|--------------------------|---------------------|----------------|------------------|----------------|
| Land Purchases | 54010900.79400.0000 | \$1,551,186 | \$749,307 | \$2,300,493 |
| Other Exp Miscellaneous | 54010900.79400.0000 | 218,525 | (4,891) | 213,634 |
| Transfers Debt Service | 54010900.79800.0800 | 2,968,230 | 4,891 | 2,973,121 |
| Total Change to Expenses | | | <u>\$749,307</u> | |

These appropriations will amend General Capital Improvement Fund revenue and expense accounts as follows:

REVENUES

| Description | Account Number | Current Budget | Amendment | Revised Budget |
|--------------------------|-----------------|----------------|------------------|----------------|
| State Grants | 7500.40620.0000 | \$76,000 | <u>(\$3,000)</u> | \$73,000 |
| Total Change to Revenues | | | <u>(\$3,000)</u> | |

EXPENSES

| Description | Account Number | Current Budget | Amendment | Revised Budget |
|--------------------------|------------------------|----------------|------------------|----------------|
| Trails Development | 80175050135.80400.8888 | \$40,145 | <u>(\$3,000)</u> | \$37,145 |
| Other Exp Miscellaneous | 75010900.79400.0000 | 145,684 | (3,260) | 142,424 |
| Transfers Debt Service | 75010900.79800.0800 | 0 | 3,260 | 3,260 |
| Total Change to Expenses | | | <u>(\$3,000)</u> | |

These appropriations will amend Debt Service Fund revenue and expense accounts as follows:

REVENUES

| Description | Account Number | Current Budget | Amendment | Revised Budget |
|--------------------------|-----------------|----------------|----------------|----------------|
| TRF Open Space | 8000.45000.0540 | \$2,968,230 | \$4,891 | \$2,973,121 |
| TRF GCIF | 8000.45000.0750 | 0 | <u>3,260</u> | 3,260 |
| Total Change to Revenues | | | <u>\$8,151</u> | |

EXPENSES

| Description | Account Number | Current Budget | Amendment | Revised Budget |
|---------------------------|---------------------|----------------|----------------|----------------|
| Interest – 2007 POST Bond | 80010900.78400.0175 | \$0 | <u>\$8,151</u> | \$8,151 |
| Total Change to Expenses | | | <u>\$8,151</u> | |

SUBJECT: Councillor's Bill re 2007 Final Budget Supplemental Appropriation

Page 4

These adjustments will bring the City's accounting records up-to-date to reflect the various detailed transactions.

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

BY AUTHORITY

ORDINANCE NO. **3416**

COUNCILLOR'S BILL NO. **21**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

A BILL

FOR AN EMERGENCY ORDINANCE AMENDING THE 2007 BUDGETS OF THE POST, GENERAL CAPITAL IMPROVEMENT, AND DEBT SERVICE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2007 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2007 appropriation for the POST, General Capital Improvement, and Debt Service Funds, initially appropriated by Ordinance No. 3316 are hereby increased in aggregate by \$754,458. This appropriation is due to the receipt of grants and bond issuance proceeds.

Section 2. The \$754,458 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item #10C dated May 12, 2008 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

| | |
|----------------------------------|------------------|
| POST Fund | \$749,307 |
| General Capital Improvement Fund | (3,000) |
| Debt Service Fund | <u>8,151</u> |
| Total | <u>\$754,458</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. As a result of the intervening Memorial Day holiday and amended sequence of City Council meetings during the month of May, and the immediate need to preserve the financial well-being of the City through timely acceptance of the 2007 Comprehensive Annual Financial Report at the June 9, 2008 City Council meeting, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on May 12, 2008, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is enacted.

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

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 12th day of May, 2008.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 12, 2008



SUBJECT: Councillor's Bill No. 22 re 2008 1st Quarter Budget Supplemental Appropriation

Prepared By: Gary Newcomb, Accountant

Recommended City Council Action

Pass Councillor's Bill No. 22 on first reading providing for supplementary appropriations to the 2008 budget of the General, Water, and General Capital Improvement Funds.

Summary Statement

- At the end of each quarter Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- This is the 2008 1st quarter supplemental appropriation.
- General Fund amendments:
 - \$500 K-9 sale proceeds
 - \$2,280 Police Department grants
- Water Fund amendments:
 - \$1,414 Server sale proceeds
- General Capital Improvement Fund amendments:
 - \$250,000 Parks grants
 - \$119,335 Community Development grants
 - \$200,000 IGA participation funds

Expenditure Required: \$573,529

Source of Funds: The funding sources for these expenditures include sale proceeds, IGA participation funds, and grants.

Policy Issue

Does City Council support amending the appropriations for the 2008 budget of the General, Water, and General Capital Improvement Funds?

Alternative

The alternative would be not to amend the 2008 budget appropriations for the General, Water, and General Capital Improvement Funds and utilize these funds for other purposes. Staff does not recommend this alternative as the various departments have already incurred expenses and covered them in their current budget in anticipation of appropriation of the funds.

Background Information

This agenda memo and attached Councillor's Bill is a routine action addressing the need to appropriate additional revenues and offset expenditures that resulted from increased activity or events that were not anticipated during the normal budget process.

GENERAL FUND BUDGET AMENDMENTS

The Police Department had to retire a K-9 from the department's K-9 program and was able to find a suitable buyer to purchase the K-9 for \$500. The funds received from the sale are being appropriated to assist in the purchase of a new K-9.

The Police Department is participating in a new pilot program for the Nationwide "Click it or Ticket" Campaign. This grant reimburses overtime for enforcement officers to issue summonses in a zero tolerance approach to teen seat-belt and graduated driver's license violations. Claims were filed with Colorado Department of Transportation (CDOT) by the Westminster Police Department for the second and third weeks of the program; \$1,160 and \$1,120 were received respectively to reimburse the enforcement overtime.

WATER FUND BUDGET AMENDMENTS

The City of Westminster IT Department recently sold surplus decommissioned computer servers to the City of Thornton for the amount of \$1,414. These funds are being appropriated into IT's computer hardware / software account and will be used to purchase memory upgrades for the City's current computer servers.

GENERAL CAPITAL IMPROVEMENT FUND BUDGET AMENDMENTS

In January of 2008, Jefferson County Open Space awarded the City a reimbursement grant for \$250,000 of the monies spent on the Sports Center renovation. This money will be used for a new roof for the Sports Center in the amount of \$139,285, with the remaining \$110,715 to be used toward the Heritage Golf Course Restroom project.

The Colorado Historical Society awarded a grant of \$79,165 to the Rodeo Super Market façade restoration at 3915 W 73rd Avenue. \$28,000 in required matching funds will be paid with funds from the South Westminster CIP account.

The City has been awarded a Federal grant in the amount of \$30,200 from the Denver Regional Council of Governments (DRCOG) for the purchase of Ethernet communications equipment for the north Huron fiber optic system. The new equipment will upgrade the fiber optic capacity and add 3 traffic signals to the City's computerized communication system.

The State of Colorado, Colorado Historical Society awarded the City a grant for a historic structure assessment of the Bowles House at 3924 West 72nd Ave. The grant of \$9,970 does not require any matching funds and all funds will be appropriated to the historic structure assessment.

The City received \$200,000 from Urban Drainage and Flood Control District (UDFCD) as participating funds for an IGA on the Heffley property acquisition. The property will be utilized for drainage and flood control purposes as part of the South Westminster Revitalization. City funds were previously advanced and the appropriation will reimburse the project.

These appropriations will amend General Fund revenue and expense accounts as follows:

REVENUES

| Description | Account Number | Current Budget | Amendment | Revised Budget |
|--------------------------|-----------------|----------------|----------------|----------------|
| State Grants | 1000.40620.0000 | \$0 | \$2,280 | \$2,280 |
| General | 1000.43060.0000 | 360,001 | 500 | 360,501 |
| Total Change to Revenues | | | <u>\$2,780</u> | |

EXPENSES

| Description | Account Number | Current Budget | Amendment | Revised Budget |
|---------------------------|---------------------|----------------|----------------|----------------|
| Salaries – OT Traffic | 10020500.60400.0348 | \$70,000 | \$2,280 | \$72,280 |
| Other Equip – Patrol Svcs | 10020500.76000.0349 | 22,850 | 500 | 23,350 |
| Total Change to Expenses | | | <u>\$2,780</u> | |

These appropriations will amend Water Fund revenue and expense accounts as follows:

REVENUES

| Description | Account Number | Current Budget | Amendment | Revised Budget |
|--------------------------|----------------|----------------|----------------|----------------|
| 2000.43060.0000 | General | \$300,000 | <u>\$1,414</u> | \$301,414 |
| Total Change to Revenues | | | <u>\$1,414</u> | |

EXPENSES

| Description | Account Number | Current Budget | Amendment | Revised Budget |
|--------------------------|---------------------|----------------|----------------|----------------|
| Computer Soft/Hard | 20060230.75400.0000 | \$160,890 | <u>\$1,414</u> | \$162,304 |
| Total Change to Expenses | | | <u>\$1,414</u> | |

These appropriations will amend General Capital Improvement Fund revenue and expense accounts as follows:

REVENUES

| Description | Account Number | Current Budget | Amendment | Revised Budget |
|--------------------------|-----------------|----------------|------------------|----------------|
| Federal Grants | 7500.40610.0000 | \$0 | \$30,200 | \$30,200 |
| State Grants | 7500.40620.0000 | 0 | 89,135 | 89,135 |
| General | 7500.43060.0000 | 400,000 | 200,000 | 600,000 |
| OS Grant Jeffco | 7501.40630.0020 | 0 | <u>250,000</u> | 250,000 |
| Total Change to Revenues | | | <u>\$569,335</u> | |

EXPENSES

| Description | Account Number | Current Budget | Amendment | Revised Budget |
|------------------------------------|------------------------|----------------|------------------|----------------|
| South Westy Revitalization | 80175030024.80400.8888 | \$760,068 | \$200,000 | \$960,068 |
| Traffic Signal System Improvements | 80175030143.80400.8888 | 299,373 | 30,200 | 329,573 |
| BO&M Major Maintenance | 80375012312.80400.8888 | 875,108 | 139,285 | 1,014,393 |
| CD – Grants | 80675030428.80400.8888 | 146,996 | 89,135 | 236,131 |
| Golf Course Improvements | 80675050045.80400.8888 | 158,170 | <u>110,715</u> | 268,885 |
| Total Change to Expenses | | | <u>\$569,335</u> | |

These adjustments will bring the City's accounting records up-to-date to reflect the various detailed transactions.

Respectfully submitted,

J. Brent McFall
City Manager
Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **22**

SERIES OF 2008

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AMENDING THE 2008 BUDGETS OF THE GENERAL, WATER, AND
GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL
APPROPRIATION FROM THE 2008 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2008 appropriation for the General, Water, and General Capital Improvement Funds, initially appropriated by Ordinance No. 3316 are hereby increased in aggregate by \$573,529. This appropriation is due to the receipt of sale proceeds, IGA participation funds, and grants.

Section 2. The \$573,529 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item #10D dated May 12, 2008 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

| | |
|----------------------------------|------------------|
| General Fund | \$2,780 |
| Water Fund | 1,414 |
| General Capital Improvement Fund | <u>569,335</u> |
| Total | <u>\$573,529</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 12th day of May, 2008.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of June, 2008.

ATTEST:

Mayor

City Clerk