



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 (item 7) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed 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. Employee Service Awards
 - B. Presentation of Historic Preservation Award to Gary Shea
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 citizen wishes to have an item discussed. Citizens then may request that the subject item be removed from the Consent Agenda for discussion separately.

8. Consent Agenda
 - A. Financial Report for April 2004
 - B. IGA with City of Lakewood re Processing of Pawn Transaction Data
 - C. IGA with Jefferson County re Mosquito Control
 - D. Award for Design of the England Waterline
 - E. Award for Design of Treated Water System Pressure Reducing Valves
 - F. CB No. 23 re Community Lease with Community Reach Center (Kauffman-Hicks)
 - G. CB No. 30 re Comprehensive Land Use Plan Amendment for Hyland Office Park (Dittman-Dixon)
9. Appointments and Resignations
 - A. Resolution No. 35 re Modification of Appointments to the Historic Landmark Board
10. Public Hearings and Other New Business
 - A. Councillor's Bill No. 31 re Obstruction of the Seeking of Emergency Assistance
 - B. Councillor's Bill No. 32 re Supplemental Appropriation for The Shops at Walnut Creek Waterlines
 - C. Councillor's Bill No. 33 re Concrete Replacement Program Amendment
 - D. Resolution No. 36 re Water Quality Staffing for the Big Dry Creek Wastewater Laboratory
 - E. IGA with WHA re Loan Relative to 73rd Avenue/Lowell Boulevard Redevelopment
 - F. Councillor's Bill No. 34 re Supplemental Appropriation from reassignment of WHA loan
11. Business and Passage of Ordinances on Second Reading
12. Citizen Presentations (longer than 5 minutes) and Miscellaneous Business
 - A. City Council
 - B. Executive Session
 1. Land Use Matter
13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, MAY 24, 2004 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Moss Mayor Pro-Tem McNally, Councillors Dittman, Hicks, and Price were present at roll call. Matt Lutkus, Acting City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent were Dixon and Kauffman.

CONSIDERATION OF MINUTES

Councillor Dittman moved, seconded by McNally to approve the minutes of the meeting of May 10, 2004 as corrected. The motion carried unanimously.

ACTING CITY MANAGER COMMENTS

Matt Lutkus, Acting City Manager, commented on Ron Hellbusch retiring on June 4, 2004.

CITY COUNCIL COMMENTS

Mayor Moss commented on the retirement party for Ron Hellbusch at City Park Recreation Center on June 1 from 3:30-6:30.

Mayor Pro-Tem McNally commented on the Standley Lake High School recognition showcase of Veterans.

EMPLOYEE SERVICE AWARDS

Council presented service pins and certificates of appreciation to the following employees celebrating 20 years of service with the City: Theresa Dauenaugh, Bill Hall, Roger Harshman, Connie Hopper, Carla Koeltzow, Deb Larsen, Thomas Scribner, and Chris Williams; for 30 year of service to Bob Booze, Art Corney and Steve Schuyler, and provide special recognition to the City's 25-year employee with the presentation of a \$2,500 bonus, service pin and certificate to Mark Schmidt.

PRESENTATION OF HISTORIC PRESERVATION AWARD TO GARY SHEA

Councillor Dittman, and Westminster Historical Society Members Bill Cherringon, and Kay Michaelson presented Gary Shea with a Historic Preservation Award for his restoration of 3801 West 76th Avenue.

CONSENT AGENDA

The following items were considered as part of the consent agenda: Financial Report for April 2004; IGA with City of Lakewood re Processing of Pawn Transaction Data; IGA with Jefferson County re Mosquito Control; Award for Design of the England Waterline with McLaughlin Water Engineers for \$140,510; Award for Design of Treated Water System Pressure Reducing Valves with Tetra Tech Engineers Inc., for \$51,094; CB No. 23 re Lease with Community Reach Center; and CB No. 30 re Comprehensive Land Use Plan Amendment for Hyland Office Park.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. There was no request.

Mayor Pro-Tem McNally moved, seconded by Hicks to adopt the consent agenda items as presented. The motion carried unanimously.

RESOLUTION NO. 35 MODIFICATION OF APPOINTMENTS TO HISTORIC LANDMARK BOARD

Councillor Price moved, seconded by Hicks to adopt Resolution No. 35 modifying the appointment of four Historic Landmark Board members April Lubber, Henry Sand, Bill Teter and Kaaren Hardy for their term of office will expire December 31, 2004. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 31 RE OBSTRUCTION OF SEEKING EMERGENCY ASSISTANCE

Councillor Dittman moved, seconded by Price to pass Councillor's Bill No. 31 on first reading amending the Westminster Municipal Code to make it unlawful for a person to knowingly obstruct another person from seeking emergency assistance. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 32 RE SUPPLEMENTAL APPROPRIATION FOR WATER LINES

Mayor Pro-Tem McNally moved, seconded by Hicks to pass Councillor's Bill No. 32 on first reading providing for a supplementary appropriation to the 2004 budget of the Utility Fund and General Fund for the Shops at Walnut Creek water lines. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 33 RE CONCRETE REPLACEMENT PROGRAM AMENDMENT

Councillor Hicks moved, seconded by Price to pass Councillor's Bill No. 33 on first reading amending the Concrete Replacement Program adding a \$.50 per month fee to commercial utility accounts. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 36 WATER QUALITY STAFFING FOR BIG DRY CREEK WASTEWATER LAB

Councillor Dittman moved, seconded By Price to adopt Resolution No. 36 approving the addition of one full-time employee (FTE) to the Water Resources and Treatment Division of the Department of Public Works and Utilities in 2004 to perform required laboratory analysis. Upon roll call vote, the motion carried unanimously.

IGA WITH WHA AND WEDA RE 73RD AVE/LOWELL BLVD REDEVELOPMENT

Councillor Price moved, seconded by Dittman to authorize the Mayor to enter into an Intergovernmental Agreement with the Westminster Housing Authority (WHA) and the Westminster Economic Development Authority (WEDA) reassigning an obligation to repay a WHA advance of \$1,085,512 from the City to WEDA, and authorizing related revenue proceeds from development-related fees and construction use tax to be applied towards repayment of such advance. The motion carried unanimously.

COUNCILLOR'S BILL NO. 34 SUPPLEMENTAL APPROPRIATION REASSIGNMENT WHA LOAN

Councillor Price moved, seconded by Hicks to pass Councillor's Bill No. 34 on first reading providing for a supplemental appropriation to the 2004 budget of the General Fund recording revenue from reassignment of the WHA loan. Upon roll call vote, the motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 7:39 P.M.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 24, 2004



Subject: Presentation of Employee Service Awards

Prepared by: Michele Kelley, City Clerk

Recommended City Council Action:

Present service pins and certificates of appreciation to employees celebrating 20, 25, and 30 years of service with the City, and provide special recognition to the City's 25-year employees with the presentation of a \$2,500 bonus.

Summary Statement:

- City Council is requested to present service pins and certificates of appreciation to those employees who are celebrating their 20th, 25th and 30th anniversary of employment with the City.
- In keeping with the City's policy of recognition for employees who complete increments of five years of employment with the City, and City Council recognition of employees with 20 years or more of service, the presentation of City service pins and certificates of appreciation has been scheduled for Monday night's Council meeting.
- In 1986, City Council adopted a resolution to award individuals who have given 25 years of service to the City with a \$2,500 bonus to show appreciation for such a commitment. Under the program, employees receive \$100 for each year of service, in the aggregate, following the anniversary of their 25th year of employment. The program recognizes the dedicated service of those individuals who have spent most, if not all, of their careers with the City.
- There is one employee celebrating 25 years of service, and he will be presented with a check for \$2,500, less income tax withholding.

Expenditure Required: \$2,500

Source of Funds: Fire Department Budget in the General Fund

Policy Issue

Should the City continue to provide bonuses to employees who achieve 25 years of service with the organization?

Alternative

Provide Staff with direction with regard to any changes Council would like to see in the bonus program.

Background Information

The following 20-year employees will be presented with a certificate and service pin:

Theresa Dauenbaugh	Parks, Rec & Libraries Dept	Library Associate
Bill Hall	Police Department	Traffic Accident Investigator
Roger Harshman	Public Works & Utilities	Foreman
Connie Hopper	Community Development	Housing Inspector
Carla Koeltzow	General Services	Deputy Court Clerk
Deb Larsen	Parks, Rec & Libraries	Recreation Supervisor/Westview
Thomas Scribner	Public Works & Utilities	Lead Plant Operator
Chris Williams	Information Technology	Systems Analyst III

The following 25-year employee will be presented with a certificate, service pin and check for \$2,500, minus amounts withheld for Federal and State income taxes:

Mark Schmidt	Fire Department	Fire Engineer
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- Fire Engineer Mark Schmidt began his career in 1979 as a Firefighter Trainee II, he was promoted to Firefighter in 1980, Firefighter II in 1981 and he was promoted again in March of 1982 to his current position as Fire Engineer.
- Mark has served as a member of the Department’s Dive Team for the past 17 years and is also an active member on the Department Fitness Committee.
- Mark was instrumental in developing the Fire Department’s “Combat Team,” and as a member competed in several local and national firefighter fitness competitions. The Fire Department took 2nd place in the World Combat Challenge in 1994.
- Mark has “traveled around the world in 55 days,” visiting several cities and countries such as Australia, Hong Kong, Thailand, Nepal, Greece, Italy, Copenhagen and Denmark.
- Mark, with assistance from his friends and co-workers built his current log home in Coal Creek Canyon. The house took 4-1/2 years to complete and he enjoys mountain living with Joni, his wife of 14 years and their two daughters.
- Mark spends his off-duty time with his family, and enjoys golf and skiing.

The following 30-year employees will be presented with a certificate and service pin:

Bob Booze	Public Works & Utilities	Utility Supervisor
Art Corney	Public Works & Utilities	Plant Operator IV
Steve Schuyler	Public Works & Utilities	Senior Maintenance Worker

On May 26, the City Manager will host an employee awards luncheon at which time 7 employees will receive their 15 year service pin, 9 employees will receive their 10 year of service pin, and 10 employees will receive their 5 year service pin, while recognition will also be given to those who are celebrating their 20th, 25th and 30th anniversary. This is the second luncheon for 2004 to recognize and honor City employees for their service to the public.

The aggregate City service represented among this group of employees is 520 years of City service. The City can certainly be proud of the tenure of each of these individuals and of their continued dedication to City employment in serving Westminster citizens.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 24, 2004



SUBJECT: Presentation of Historic Preservation Award to Gary Shea

Prepared By: Michele Kelley, City Clerk

Recommended City Council Action:

Present a Historic Preservation Award to Gary Shea in recognition of his restoration of 3801 West 76th Avenue.

Summary Statement

- The Westminster Historical Society recently presented an Historic Preservation award to Gary Shea to recognize his efforts in the restoration of the Shipman Home, located at 3801 West 76th Avenue.
- Gary Shea and member of the Westminster Historical Society will be present at Monday night's meeting.

Expenditure Required: \$ 0

Source of Funds: N/A

Policy Issues

No policy issue identified

Alternatives

No alternatives identified.

Background Information

The Westminster Historical Society presented their Historic Preservation Award to Gary Shea on May 15, 2004.

This award was presented for his commitment to the restoration and the historic integrity of the Shipman House, located at 3801 West 76th Avenue.

This home was built in 1923.

Because of Gary Shea's dedication to the restoration of this home, future generations will be able to see this historic home, not just read about it in history books.

Gary moved to Westminster when he was 3 months only, and was raised at 7830 Meade Street, where his parents still live. Gary attended Holy Trinity Grade School, Shaw Heights Junior High School and graduated from Westminster High School in 1978.

He purchased his first home in Westminster at 7591 Wolff Street in 1981 and still lives there while restoring the Shipman Home.

Gary has worked for the Aurora Fire Department since 1981.

Gary wanted to live in the Shipman House since he was a small child going by it to and from school. This is a dream come true for him to now own the house.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 24, 2004



SUBJECT: Financial Report for April 2004

Prepared By: Mary Ann Parrot, Finance Director

Recommended City Council Action

Accept the Financial Report for April 2004 as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement and monthly revenue report. The Shopping Center Report is also attached to this monthly financial report.

- Across all shopping centers, total sales & use tax receipts are up 9% over the one-month period from last year (Sales and Use Taxes). Last month this figure was positive 1%.
- The Westminster Mall is up 7% for April, compared to April of last year. Last month this figure (adjusted for a late return) was positive 0.6%. Year-to-date the Mall is down 5%; last month this adjusted figure was down 5%.
- Public Safety Tax receipts for the month of April were \$871,755. Last month this figure was \$688,002.

Key features of the monthly financial report for April are as follows:

- At the end of April, four months of the year have passed, or one-third (or 33.3%) of the calendar year.
- The Sales and Use Tax Fund revenues are currently \$789,549 over pro-rated budget for the year. The April figures reflect the sales in March, tax receipts received in April. This is due, in part, to receipt of PST taxes, but is also due to excess revenues as Business Assistance Packages are retired, as well as a general upturn in the economy.
- Without the new PST, Sales Tax Returns (only) are up for April 2004 compared to April 2003 by 8.9%, an increase of \$269,625 over April 2003.
 - Retired business assistance packages accounted for \$31,919 of this increase.
 - Economic upturn is responsible for the remaining \$237,706. Increases are across the board in various sectors and store types, again this month, as with past months.
- Again, looking at year-to-date figures without the PST, analysis shows the following:
 - For the four months ending in April, Sales Tax Returns (only) are 6.2% ahead of 2003 year-to-date, or an increase of \$839,509. These figures are adjusted for early and late returns.
 - For the month of April, the entire fund is 13.0% ahead of April 2003. Last month this figure was 4.9%. This is significantly good news and is due to several factors:
 - Sales Tax Returns (only) are up \$262,306 compared to last month's increase of \$222,192. Several stores are reporting significant increases. City Center Marketplace, Northwest Plaza and Standley Lake Market place are all showing double-digit increases for the month.
 - Use taxes are up \$51,998 over April 2003, with several large companies reporting purchases. Auto use taxes are also up \$106,775 over April 2003.
 - For the four months ending in April, the fund is 4.0% ahead of 2003 year-to-date. Last month this figure was 1.4%.
- The General Fund revenue is currently 103% of pro-rated budget for four months.

Policy Issues

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

Alternatives

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

Background Information

This section is broken down into a discussion of highlights of each fund presented.

For revenues, a positive indicator is a pro-rated budget percentage at or above 100%. For expenditures, a positive indicator is a pro-rated budget percentage that is below 100%.

General Fund

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

At the end of April, the General Fund is in the following position regarding both revenues and expenditures:

- Revenues over pro-rated budget by \$717,790, (102.8% of pro-rated budget). This is due to excess revenues on a pro-rated basis in Taxes, Licenses and Permits, Intergovernmental Revenues, Fines and Other Services.
- Expenditures under budget by \$6.2 million (77% of pro-rated budget), due to under-spending in several departments. Spending does not occur evenly throughout the year in many departments, particularly with regard to insurances in Central Charges and spending on contract services in several other departments. Public Safety Tax expenditures to date are largely reflected in the Police and Fire Department operating budgets which are 83% and 76% of pro-rated budgets, respectively. To date 8.5 police personnel and 13 fire personnel have been hired. In addition, the orders have been placed for the seventh engine and fourth ambulance in the Fire Department. It is anticipated that all of the Public Safety hirings and major equipment purchases will be complete by mid 2005.

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

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Projects Fund and the Debt Service Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space, and make park improvements on a pay-as-you-go basis. The Public Safety Tax was approved by the voters in the November 2003 election, and is a 0.6% sales and use tax to be used to fund public safety-related expenses. At the end of April, the position of these funds is as follows:

- Sales & Use Tax Fund revenues are over pro-rated budget by \$789,549 (104.3% of pro-rated budget). Total revenues of \$5.15 million for April represent an increase of \$1 million over March 2004. These numbers include \$871,755 of PST receipts, \$31,919 in income due to retired business assistance packages, and approximately \$237,706 in increased revenues due to improved economic activity in the City.
- Sales & Use Tax Fund expenditures are even with pro-rated budget because of the transfers to the General Fund, Debt Service Fund and General Capital Improvement Fund.

- Open Space Sales & Use Tax Fund revenues are over pro-rated budget by \$50,270 (103.5% of pro-rated budget).
- Open Space Sales & Use Tax Fund expenditures are over pro-rated budget by \$618,981 (143% of pro-rated budget) due to land purchases of \$877,103 finalized in March. These variances will occur throughout the year, as land purchases are unevenly distributed throughout the year.

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

This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects. At the end of April, the Enterprise is in a positive position.

- Combined Water & Wastewater revenues are under pro-rated budget by \$95,152 (99% of budget):
 - Water revenues over pro-rated budget by \$290,413 (105% of pro-rated budget). Last month, the water revenues were slightly under pro-rated budget. This month, water revenues are over pro-rated budget due primarily to the tap fee income during the month of \$809,270.
 - Wastewater revenues under pro-rated budget by \$385,564 (90% of pro-rated budget), due primarily to the reversal of the unrealized gain in interest income and due in part to revenues for monthly rates and charges being lower during this quarter than historical averages.
 - Storm water Drainage revenues slightly over pro-rated budget by \$688 (100.2% of pro-rated budget), reversing last month's position of being slightly under pro-rated budget.
- Combined Water & Wastewater expenses are under budget by \$2,682,638 (69% of budget):
 - Water expenses under pro-rated budget by \$1,927,022 (68% of budget) due to lower contracted service costs early in the year.
 - Wastewater expenses under pro-rated budget by \$755,617 (71% of budget) for the same reason – lower contracted service costs.
 - Storm water Drainage expenses under pro-rated budget by \$58,826 (26% of budget).

Golf Course Enterprise (Legacy and Heritage Golf Courses)

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

- Legacy – Revenues are under pro-rated budget by \$71,497 (77% of pro-rated budget).
- Legacy – Expenses are over pro-rated budget in expenses by \$608 (100.2% of pro-rated budget).
- Heritage – Revenues are under pro-rated budget by \$36,803 (86% of pro-rated budget).
- Heritage – Expenses are under pro-rated budget by \$24,361 (95% of pro-rated budget).

Staff will attend the May 24th City Council Meeting to address any questions.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

**City of Westminster
Financial Report
For the Four Months Ending April 30, 2004**

Description General Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-Rated	% Pro-Rated Budget
Revenues						
Taxes	4,402,309	1,479,513	(1)	1,844,856	365,343	125%
Licenses & Permits	1,725,000	617,500	(2)	747,757	130,257	121%
Intergovernmental Revenue	5,015,000	1,253,900	(3)	1,282,840	28,940	102%
Charges for Services						
Recreation Services	5,139,500	1,810,010	(4)	1,669,580	(140,430)	92%
Other Services	5,453,500	1,483,375	(4)	1,887,709	404,334	127%
Fines	1,875,000	600,000	(5)	651,594	51,594	109%
Interest Income	400,000	133,333		9,646	(123,687)	7%
Misc	269,866	89,955	(6)	121,484	31,529	135%
Leases	775,000	193,750	(7)	143,750	(50,000)	74%
Refunds	(75,000)	(25,000)	(8)	(1,755)	23,245	7%
Interfund Transfers	53,297,898	17,765,966	(9)	17,762,633	(3,333)	100%
Sub-total Revenues	<u>78,278,073</u>	<u>25,402,303</u>		<u>26,120,093</u>	<u>717,790</u>	<u>103%</u>
Carryover	2838645	0	(10)	0	0	
Revenues	<u>81,116,718</u>	<u>25,402,303</u>		<u>26,120,093</u>	<u>717,790</u>	<u>103%</u>
Expenditures						
City Council	188,260	62,753		57,372	(5,381)	91%
City Attorney's Office	902,887	300,962		252,878	(48,085)	84%
City Manager's Office	1,035,082	345,027		308,364	(36,663)	89%
Central Charges	21,886,677	7,295,559		5,454,002	(1,841,557)	75%
General Services	4,775,531	1,591,844		1,382,544	(209,299)	87%
Finance	1,555,973	518,658		457,144	(61,513)	88%
Police	17,522,873	5,840,958		4,821,952	(1,019,006)	83%
Fire Emergency Services	9,453,289	3,151,096		2,387,535	(763,561)	76%
Community Development	4,290,045	1,430,015		1,287,830	(142,185)	90%
Public Works & Utilities	6,909,037	2,303,012		1,222,986	(1,080,026)	53%
Parks Recreation & Libraries	12,597,064	4,199,021		3,163,347	(1,035,674)	75%
Total Expenditures	<u>81,116,718</u>	<u>27,038,906</u>	(11)	<u>20,795,956</u>	<u>(6,242,950)</u>	<u>77%</u>
Revenue Over(Under) Expend	<u>0</u>	<u>(1,636,603)</u>		<u>5,324,137</u>	<u>6,960,740</u>	

- (1) Property Taxes at 33%-34% in April; Admissions Taxes average 38%
Qwest at 27% by this time of year.
- (2) Licenses 34%, Comm'l Permits 36%, Res'l Permits 36%.
- (3) Cig Tax 15%, HUTF 25%, AutoOwnr 23%, Veh Regis 22%,
Road & Bridge(Adco) 33%, Road & Bridge(Jeffco) 30%.
- (4) Recreation 38% (except Ice Ctr-qtrly), PubSvc 31%, COMCAST 15%, CAM & EMS billings 25%, all others 25%.
- (5) Fines historically at 32%
- (6) Miscellaneous, General Reimbursements, Contributions, and Westminster Faire Receipts. Generally 4/12
- (7) Timing delays of lease payments can occur; billed 1st Qtr, received 2nd Qtr - recorded during 1st Qtr with no delay.
- (8) Refund payments generally apply to recreation charges in general.
- (9) Transfers from Sales Tax Fund, Sheridan Crossing GID, Water, and Waste Water.
- (10) Carryover from Year 2003 is always budgeted for the next year; included here to render correct balanced budget perspective.
Carryover (Actual) represents use of prior year fund balance, as budgeted.
- (11) Expenditures are based on even 4/12 per month or 8.33% per month.
- (12) Lease proceeds

**City of Westminster
Financial Report
For the Four Months Ending April 30, 2004**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Sales and Use Tax Fund						
Revenues						
Sales Tax						
Sales Tax Returns	38,439,143	13,684,920	(1)	14,280,578	595,658	104%
Sales Tx Audit Revenues	545,000	207,335		237,658	30,323	115%
S-T Rev. STX	<u>38,984,143</u>	<u>13,892,255</u>		<u>14,518,236</u>	<u>625,981</u>	105%
Use Tax						
Use Tax Returns	8,900,000	2,438,000	(1)	2,384,664	(53,336)	98%
Use Tax Audit Revenues	500,000	195,500		114,461	(81,039)	59%
S-T Rev. UTX	<u>9,400,000</u>	<u>2,633,500</u>		<u>2,499,125</u>	<u>(134,375)</u>	95%
Total STX and UTX	<u>48,384,143</u>	<u>16,525,755</u>		<u>17,017,361</u>	<u>491,606</u>	103%
Public Safety Tax						
PST Tax Returns	8,433,000	1,933,561	(3)	2,233,388	299,827	116%
PST Audit Returns	0	0		11195	11195	
Total Rev. PST	<u>8,433,000</u>	<u>1,933,561</u>		<u>2,244,583</u>	<u>311,022</u>	116%
Total Interest Income	<u>50,000</u>	<u>16,667</u>		<u>3,587</u>	<u>(13,080)</u>	22%
Carryover	<u>0</u>		(2)			
Total Revenues	<u>56,867,143</u>	<u>18,475,983</u>		<u>19,265,531</u>	<u>789,549</u>	104%
Expenditures						
Central Charges	<u>56,867,143</u>	<u>18,955,714</u>	(4)	<u>18,955,714</u>	<u>(0)</u>	100%
Revenues Over(Under) Expenses	<u>0</u>	<u>(479,731)</u>		<u>309,817</u>	<u>789,549</u>	

- (1) At end of April, historical averages are as follows: Returns 35.6%, Audit 34.7%,
Use Tax Returns 34.7%, Building Use Tax 33.3%, Auto Use Tax 21.9%, Use Tax Audit 31.9%.
- (2) Carryover from prior year is always budgeted for the next year; included here to render correct
balanced budget perspective.
Carryover (Actual) represents use of prior year fund balance, as budgeted.
- (3) Public Safety Sales Tax returns 22.5%, Use tax returns 20.8%, Bldg tax returns 33.3%, Auto returns 21.9%.
- (4) Expenditures are fund transfers to General Fund, GCIP, and Debt Service.

**City of Westminster
Financial Report
For the Four Months Ending April 30, 2004**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Open Space Fund						
Revenues						
Sales & Use Tax	4,280,828	1,448,687	(1)	1,461,105	12,418	101%
Intergovernmental Revenue	0	0		0	0	
Interest Income	25,000	8,333	(3)	285	(8,048)	3%
Miscellaneous	0	0		45,900	45,900	
Sub-total Revenues	<u>4,305,828</u>	<u>1,457,021</u>		<u>1,507,291</u>	<u>50,270</u>	<u>103%</u>
Carryover	0	0	(2)	0	0	
Total Revenues	<u>4,305,828</u>	<u>1,457,021</u>		<u>1,507,291</u>	<u>50,270</u>	<u>103%</u>
Expenditures						
Central Charges	<u>4,305,828</u>	<u>1,435,276</u>		<u>2,054,257</u>	<u>618,981</u>	<u>143%</u>
Revenues Over(Under) Expend	<u>0</u>	<u>21,745</u>		<u>(546,966)</u>	<u>(568,711)</u>	

(1) Open Space Sales Taxes 35.2%; Open Space Use Tax 27.8%.

(2) Carryover from prior year is budgeted for the next year; included here to render correct balanced budget perspective.

Carryover (Actual) represents use of prior year fund balance, as budgeted.

(3) These numbers reflect the reversal of the unrealized gain recorded for FYE 2003, as required by the Governmental Accounting Standards Board.

**City of Westminster
Financial Report
For the Four Months Ending April 30, 2004**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Water and Wastewater Fund-Combined						
Revenues						
License & Permits	70,000	23,333		33,270	9,937	143%
Charges for Services						
Rates and Charges	30,715,275	7,192,296	(1)	6,823,641	(368,655)	95%
Tap Fees	6,050,000	2,201,750	(1)	2,904,774	703,024	132%
Interest Income	1,590,000	503,940	(2)	38,859	(465,081)	8%
Miscellaneous	410,000	136,667	(3)	162,290	25,623	119%
Sub-total Water/Wastewater Revenues	<u>38,835,275</u>	<u>10,057,986</u>		<u>9,962,834</u>	<u>(95,152)</u>	<u>99%</u>
Carryover	-	-		-		
Total Revenues	<u>38,835,275</u>	<u>10,057,986</u>		<u>9,962,834</u>	<u>(95,152)</u>	<u>99%</u>
Expenditures						
Central Charges	11,674,593	1,823,566	(4)	1,452,361	(371,205)	80%
Finance	545,285	181,762		139,639	(42,123)	77%
Public Works & Utilities	17,548,654	5,849,551		3,765,697	(2,083,854)	64%
Information Technology	2,348,599	782,866		597,410	(185,456)	76%
Total Operating Expenses	<u>32,117,131</u>	<u>8,637,745</u>		<u>5,955,107</u>	<u>(2,682,638)</u>	<u>69%</u>
Revenues Over(Under) Expenses	<u>6,718,144</u>	<u>1,420,241</u>		<u>4,007,727</u>	<u>2,587,486</u>	

- (1) (a) Water: Res Sales 17%, Commr Sales 18.4%, Wholesale Sales 22.3%, Meter Svc Fees 32.9%, Reclaimed Charges projected at 4/12, until more data is available, Res Taps 34.9%, Commr Taps 47.9%.
(b) Res'l Sales 32.8%, Comm'l Sales 32.2%, Res'l Taps 35.6%, Comm'l Taps 29.5%.
- (2) Interest Income historically is at 31% for water and 32.6% for wastewater at this time of year; current variance is due to reversal of FYE unrealized gain from 2003, required per the Governmental Accounting Standards Board.
- (3) Includes Misc Income only.
- (4) Debt Service is due June 1 (Interest only) and Dec 1 (Prin + Int) and has been pro-rated in the Budget Pro-Rated column.

**City of Westminster
Financial Report
For the Four Months Ending April 30, 2004**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-Rated	% Pro-Rated Budget
Water Fund						
Revenues						
License & Permits	70,000	23,333		33,270	9,937	143%
Charges for Services						
Rates and Charges	21,295,676	4,128,380	(1)	3,947,922	(180,458)	96%
Tap Fees	4,275,000	1,592,725	(1)	2,281,653	688,928	143%
Interest Income	900,000	279,000	(2)	22,374	(256,626)	8%
Miscellaneous	400,000	133,333	(3)	161,965	28,632	121%
Sub-total Water Revenues	<u>26,940,676</u>	<u>6,156,771</u>		<u>6,447,184</u>	<u>290,413</u>	<u>105%</u>
Carryover	1,781,514	-	(4)	-	-	
Total Revenues	<u>28,722,190</u>	<u>6,156,771</u>		<u>6,447,184</u>	<u>290,413</u>	<u>105%</u>
Expenses						
Central Charges	9,595,809	1,261,183	(5)	978,176	(283,007)	78%
Finance	545,285	181,762		139,639	(42,123)	77%
Public Works & Utilities	11,422,497	3,807,499		2,391,063	(1,416,436)	63%
Information Technology	2,348,599	782,866		597,410	(185,456)	76%
Total Operating Expenses	<u>23,912,190</u>	<u>6,033,310</u>		<u>4,106,288</u>	<u>(1,927,022)</u>	<u>68%</u>
Revenues Over(Under) Expenses	<u>4,810,000</u>	<u>123,461</u>		<u>2,340,896</u>	<u>2,217,435</u>	

- (1) Res Sales 17%, Commr Sales 18.4%, Wholesale Sales 22.3%, Meter Svc Fees 32.9%, Reclaimed Charges projected at 4/12, until more data is available, Res Taps 34.9%, Commr Taps 47.9%.
- (2) Interest Income historically at 31% at this time of year; current variance is due to reversal of FYE unrealized gain from 2003, required per the Governmental Accounting Standards Board.
- (3) Includes Misc Income only.
- (4) Carryover from prior year is included to present total budget perspective;
Carryover (Actual) represents use of prior year retained earnings, as budgeted.
- (5) Debt Service is due June 1 (Interest only) and Dec 1 (Prin + Int) and has been pro-rated.

**City of Westminster
Financial Report
For the Four Months Ending April 30, 2004**

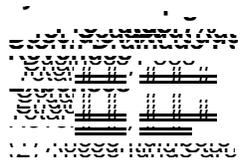
Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Wastewater Fund						
Revenues						
Charges for Services						
Rates and Charges	9,419,599	3,063,917	(1)	2,875,720	(188,197)	94%
Tap Fees	1,775,000	609,025	(1)	623,121	14,096	102%
Interest Income	690,000	224,940	(2)	16,485	(208,455)	7%
Miscellaneous	10,000	3,333		325	(3,008)	10%
Sub-total Water Revenues	<u>11,894,599</u>	<u>3,901,215</u>		<u>3,515,651</u>	<u>(385,564)</u>	<u>90%</u>
Carryover	(1,781,514)	-	(3)	-	-	
Total Revenues	<u>10,113,085</u>	<u>3,901,215</u>		<u>3,515,651</u>	<u>(385,564)</u>	<u>90%</u>
Expenditures						
Central Charges	2,078,784	562,384	(4)	474,185	(88,199)	84%
Public Works & Utilities	<u>6,126,157</u>	<u>2,042,052</u>		<u>1,374,634</u>	<u>(667,418)</u>	<u>67%</u>
Total Operating Expenses	<u>8,204,941</u>	<u>2,604,436</u>		<u>1,848,819</u>	<u>(755,617)</u>	<u>71%</u>
Revenues Over(Under) Expenses	<u>1,908,144</u>	<u>1,296,779</u>		<u>1,666,832</u>	<u>370,053</u>	

(1) Res'l Sales 32.8%, Comm'l Sales 32.2%, Res'l Taps 35.6%, Comm'l Taps 29.5%.

(2) Interest Income historically at 32.6% at this time of year; current variance is due to reversal of FYE unrealized gain from 2003, required per the Governmental Accounting Standards Board.

(3) Carryover from prior year is budgeted for the next year; included here to render correct balanced budget perspective. Carryover (Actual) represents use of prior year retained earnings, as budgeted.

(4) Debt Service is due June 1 (Interest only) and Dec 1 (Prin + Int) and has been pro-rated in the Budget-Pro-rated column.



**City of Westminster
Financial Report
For the Four Months Ending April 30, 2004**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Golf Courses Combined						
Revenues						
Charges for Services	3,934,702	584,908	(1)	477,567	(107,341)	82%
Interest Income	0	0		(959)	(959)	
Miscellaneous	0	0		0	0	
Refunds	0	0		0	0	
Total Revenues	<u>3,934,702</u>	<u>584,908</u>		<u>476,608</u>	<u>(108,300)</u>	<u>81%</u>
Expenses						
Central Charges	191,441	53,496	(2)	52,308	(1,188)	98%
Recreation Facilities	2,752,379	761,244	(2)	738,679	(22,565)	97%
Total Expenses	<u>2,943,820</u>	<u>814,740</u>		<u>790,987</u>	<u>(23,753)</u>	<u>97%</u>
Operating Income (Loss)	990,882	(229,832)		(314,379)	(84,547)	
Debt Service Expense	<u>990,882</u>	<u>164,576</u>	(3),(4)	<u>164,576</u>	<u>0</u>	<u>100%</u>
Revenues Over(Under) Expenditur	<u>0</u>	<u>(394,408)</u>		<u>(478,955)</u>	<u>(84,547)</u>	

(1) Revenues pro-rated based on a 6 yr history of revenues per month. Based on this history, Charges for Services are projected at 16.5% for Legacy and 13.3% for Heritage for April.

(2) Expenses are pro-rated per month based on a 4 yr history, excluding year-end entries. Based on this history, "Central Charges" is projected at 29.6% for Legacy and 26.4% for Heritage, "Recreation Facilities" is projected at 23.6% for Legacy and 31.5% for Heritage for April.

(3) Legacy's scheduled debt service payments due in Year 2004 are \$493,729. For Legacy, 1/12 of the debt service is transferred to the Debt Service fund each month. This transfer is reflected in the budget figures above.

Heritage's debt service is \$497,153 for the year. For Heritage, the debt service is payable in June and December and will be reflected in the pro-rated budget at that time. This presentation should give the reader a clearer picture of the results of operations.

(4) Because the 1997A Sales and Use Tax Revenue Bonds are not a legal liability of the Golf Course Fund, Long Term Debt Account Group. However, Legacy is making monthly transfers to the Debt Service Fund as noted above to assist in the payment of principal and interest. In order for the reader to get a clear a clear picture of golf course operation without the Debt Service Fund transfers, the report will show Operating Income (without the

**City of Westminster
Financial Report
For the Four Months Ending April 30, 2004**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Legacy Ridge Fund						
Revenues						
Charges for Services	1,924,776	317,588	(1)	246,811	(70,777)	78%
Interest Income	0	0		(720)	(720)	0%
Miscellaneous	0	0		0	0	
Total Revenues	<u>1,924,776</u>	<u>317,588</u>		<u>246,091</u>	<u>(71,497)</u>	<u>77%</u>
Expenses						
Central Charges	92,376	27,343	(2)	26,890	(453)	98%
Recreation Facilities	1,338,671	315,926	(2)	316,987	1,061	100%
Sub-Total Expenses	<u>1,431,047</u>	<u>343,269</u>		<u>343,877</u>	<u>608</u>	<u>100%</u>
Operating Income(Loss)	493,729	(25,681)		(97,786)	(72,105)	
Debt Svc STX Bonds Expense	493,729	164,576	(3)(4)	164,576	0	100%
Revenues Over(Under) Expenditures	<u>0</u>	<u>(190,257)</u>		<u>(262,362)</u>	<u>(72,105)</u>	

(1) Revenues pro-rated based on a 6 yr history of revenues per month. Based on this history, "Charges for Services" is projected at 16.5% for April.

(2) Expenses are pro-rated per month based on a 4 yr history, excluding year-end entries. Based on this history, "Central Charges" is projected at 29.6% and "Recreation Facilities" is projected at 23.6% for April.

(3) Legacy's debt service for the year is \$493,729. 1/12 of the total debt service is transferred to the Debt Service Fund each month.

(4) Because the 1997A Sales and Use Tax Revenue Bonds are not a legal liability of the Golf Course Fund, Long Term Debt Account Group. However, Legacy is making monthly transfers to the Debt Service Fund picture of golf course operation without the Debt Service Fund transfers, the report will show Operating Income a clear picture of golf course operation without the Debt Service Fund transfers, the report will show Operating Income (without the budgeted debt service) and Revenues Over (Under) Expenditures (with debt service as budgeted).

**City of Westminster
Financial Report
For the Four Months Ending April 30, 2004**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Heritage at Westmoor Fund						
Revenues						
Charges for Services	2,009,926	267,320	(1)	230,756	(36,564)	86%
Interest Income	0	0		(239)	(239)	
Miscellaneous	0	0		0	0	
Total Revenues	2,009,926	267,320		230,517	(36,803)	86%
Expenses						
Central Charges	99,065	26,153	(2)	25,418	(735)	97%
Recreation Facilities	1,413,708	445,318	(2)	421,692	(23,626)	95%
Sub-Total Expenses	1,512,773	471,471		447,110	(24,361)	95%
Operating Income	497,153	(204,151)		(216,593)	(12,442)	
Debt Service Expense	497,153	0	(3)	0	0	0%
Revenues Over(Under) Expenses	0	(204,151)		(216,593)	(12,442)	

(1) Revenues pro-rated based on a 6 yr history of revenues per month. Based on this history, Charges for services is projected at 13.3% for April.

(2) Expenses are pro-rated per month based on a 4 yr history, excluding year-end entries. Based on this history, "Central Charges" is projected at 26.4% and "Recreation Facilities" is projected at 31.5% for April.

(3) Heritage's debt service is \$497,153 for the year. For Heritage, the debt service is payable in June and December and will be reflected in the pro-rated budget at that time. This presentation should give the reader a clearer picture of the results of operations.



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 24, 2004



SUBJECT: Intergovernmental Agreement with City of Lakewood re Processing of Pawn Transaction Data

Prepared By: Matt Raia, Commander, Investigation Services

Recommended City Council Action

Authorize the City Manager to sign an Intergovernmental Agreement between the cities of Lakewood and Westminster for processing of pawn transaction data.

Summary Statement

- Both the police departments of Lakewood and Westminster process pawn transaction data.
- Lakewood currently has computer programs in place that processes pawn transactions from the same chain of pawn stores that are in Westminster.
- Lakewood and Westminster desire to enter into an agreement for the purpose of sharing their expertise in data base management.
- Lakewood will provide processing of pawn transactions from Westminster on Lakewood's mainframe computer.

Expenditure Required: \$0

Source of Funds: N/A

SUBJECT: Intergovernmental Agreement with City of Lakewood re Processing Pawn Transaction Data
Page 2

Policy Issues

Should the City of Westminster enter into an Intergovernmental Agreement with the City of Lakewood for the processing of pawn transaction data by the Lakewood Police Department on behalf of the Westminster Police Department?

Alternatives

Do not enter into an Intergovernmental Agreement with the City of Lakewood, which would result in the Westminster Police Department maintaining the responsibility for computer entry of Westminster pawn transaction data.

Background Information

Police agencies within the State of Colorado enter pawn transaction data into the Colorado Bureau of Investigation (CBI) computer database to enable police agencies throughout the state to cross reference stolen property entries with pawned property. This enables recovery of stolen property and assists in identifying individuals who pawned the property. Pawn shops are required by state law to provide pawn transaction data to police departments in order to facilitate this process.

Currently the Westminster Police Department utilizes the services of a volunteer to perform the data entry function, and as a result, entry of this information is not accomplished in a timely manner resulting in several months worth of backlog. Timely data entry is one of the key elements to the success of the program.

Lakewood and Westminster police departments process pawn transactions provided to the police departments by pawn shops within their respective cities, and Lakewood currently has computer programs in place that process pawn transaction data from the same chain of pawn shops that Westminster has in our jurisdiction.

Lakewood has agreed to provide processing of pawn transaction data from Westminster on Lakewood's mainframe computer at no cost to Westminster, as a cooperative effort for the development of an improved pawn transaction database system for both police departments. Lakewood currently has a similar agreement with the City of Wheat Ridge.

Should Lakewood or Westminster elect to terminate this agreement either may do so with no obligation.

Respectfully submitted,

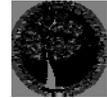
J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 24, 2004



SUBJECT: Intergovernmental Agreement with Jefferson County and the Jefferson County Department of Health and Environment

Prepared By: Richard Dahl, Park Services Manager

Recommended City Council Action

City Council action is requested to authorize the Mayor to sign the attached Intergovernmental Agreement (IGA) between the City of Westminster, Jefferson County and the Jefferson County Department of Health and Environment to reimburse the City for mosquito control expenses within Jefferson County for the year 2004.

Summary Statement:

- In order to deal effectively with the continuing threat of mosquito-borne transmission of the West Nile Virus and other arboviral diseases, Jefferson County is contracting with Colorado Mosquito Control, Inc. (CMC) for integrated mosquito management services within certain areas of Jefferson County during the year 2004.
- On April 8, 2002, City Council approved a three-year agreement with CMC to manage and control mosquitoes within the boundaries of the City of Westminster.
- The City of Westminster 2004 expenditure budget for mosquito control with CMC is \$39,253.30.
- Because the City is currently under contract to CMC, Jefferson County, as part of a program to control the transmission of West Nile Virus through mosquito control, will reimburse the City for 50 percent of the treatment costs of mosquito habitat areas within Jefferson County boundaries up to \$9,467.82 for 2004.

Expenditure Required: \$ 0

Source of Funds: None

Policy Issue

Should the City of Westminster enter into an Intergovernmental Agreement with Jefferson County and the Jefferson County Department of Health and Environment to receive reimbursement in the amount of \$9,467.82 for mosquito control for the portion of the City located within Jefferson County?

Alternative

City Council could choose to not approve the IGA. Staff would advise against this option, as additional funding for the program will offset future expenses in mosquito control related to the West Nile Virus.

Background Information

The Jefferson County Health Department deems the threat of West Nile Virus to be serious enough to initiate a countywide mosquito control program. As Westminster currently has a mosquito program (originally established in 1986), the county will reimburse the City for 50% of expenses for the 2004 program up to the amount of \$9,467.82.

The Department of Parks, Recreation and Libraries will be responsible to provide the county with the documentation necessary to comply with the IGA mosquito management reimbursement program.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 24, 2004



SUBJECT: Award for Design of the England Waterline

Prepared By: Diane M. Phillips, Capital Improvement Project Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with McLaughlin Water Engineers in the amount of \$122,210 to provide design and construction inspection service for the England Waterline; and authorize a 15% contingency of \$18,300.

Summary Statement

- The England Water Treatment Plant is no longer in service. Treated water from the Semper Water Treatment Facility and Northwest Water Treatment Facility is needed to serve the south part of the City for peak supply and fire flow. The new England transmission waterline will provide that supply.
- Design of the England transmission waterline was complete in 2003 but not constructed because the FasTracks transportation plan interfered with construction of the waterline in the planned alignment. A new alignment for the England waterline has been chosen.
- Request for Proposals were sent to five engineering firms for the new design of the waterline and four submitted.
- McLaughlin Water Engineers submitted the lowest cost proposal and it is recommended that the City contract with them to provide design and construction inspection service for this waterline.

Expenditure Required: \$140,510

Source of Funds: Utility Fund Capital Improvement Funds

Policy Issue

Should the City award a contract to McLaughlin Water Engineers to provide design and construction inspection services for the England Waterline in the amount of \$122,210.

Alternative

The City could delay the design and construction of this line, but high demand and fire flow supply could be compromised. In addition, future construction costs will likely increase.

Background information

The England Waterline will be a 24-inch treated waterline of approximately 1-1/2 miles in length that will provide transmission supply to the south part of the City where high demand and fire flow supply is needed. This waterline was originally designed in the Burlington Northern Santa Fe (BNSF) Railroad ROW (Right of Way), but the FasTracks transportation plan interfered with the planned alignment. A new alignment has been chosen in and along City streets using existing street ROW and new easements. The only construction that will be coordinated with BNSF Railroad is two bored crossings under the ROW.

The budget for construction of the England Waterline is \$1,300,000. Request for Proposals were sent to five engineering firms for the design and construction inspection of this line. Four firms submitted proposals and their costs are listed below.

McLaughlin Water Engineers	\$122,210
Black and Veatch Engineering	\$150,727
Burns and McDonnell Engineering	\$221,323
Sear-Brown Engineering	\$228,318

McLaughlin Water Engineers had the lowest cost. They are a qualified and capable firm and have completed previous successful projects for the City.

A contingency amount equal to 15% of the project bid is being requested for this project due to the complexities of the existing utilities in the area as well as the BNSF RR ROW casing bore.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 24, 2004



SUBJECT: Award for Design of Treated Water System Pressure Reducing Valves

Prepared By: Richard A. Clark, Utilities Operations Manager
Diane M. Phillips, Capital Improvement Projects Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with Tetra Tech Engineers, Inc., in the amount of \$46,494 along with a project contingency of 10% in the amount of \$4,600 for the design of the treated water system pressure reducing valves (PRV).

Summary Statement

- Two pressure-reducing valves are needed on the treated water system to regulate operating pressure. Requests for Proposals for the design of these valves was sent to four engineering firms and all four responded.
- Tetra Tech Engineers, Inc., presented the lowest bid and has completed successful projects for the City previously.

Expenditure Required: \$51,094

Source of Funds: Utility Fund Capital Improvement Project budget

Policy Issue

Should the City contract with Tetra Tech Engineering, Inc., to design the treated water system pressure reducing valves?

Alternative

The City could delay the design and construction of these valves but control of the system operating pressure could be compromised causing spikes in water pressure.

Background Information

Two treated water system pressure-reducing valves are needed to control water pressure. The first valve will be placed at 104th and Lowell Court and the second at 80th and Irving Street. The area around 80th and Lowell is identified in the Water Master Plan as having inadequate fire flows for current standards. The PRV in this area will alleviate that condition. The area around 104th Avenue and Lowell Court has low normal water pressures, around 45 PSI. The additional PRV and check valves will allow this pressure to be raised to 70 PSI without sacrificing fire flows or redundant feed lines into the area. Both valves will be installed in vaults with associated piping and additional system control valves.

Requests for proposals were sent to four engineering firms to design these valves and all four responded. Their costs are listed below.

Tetra Tech Engineering, Inc.	\$46,494
SA Miro Engineering	\$46,500
JF Sato Engineering	\$49,734
Merrick Engineering	\$63,795

Tetra Tech Engineering, Inc., has competed successful projects for the City before and have the lowest cost.

Respectfully submitted,

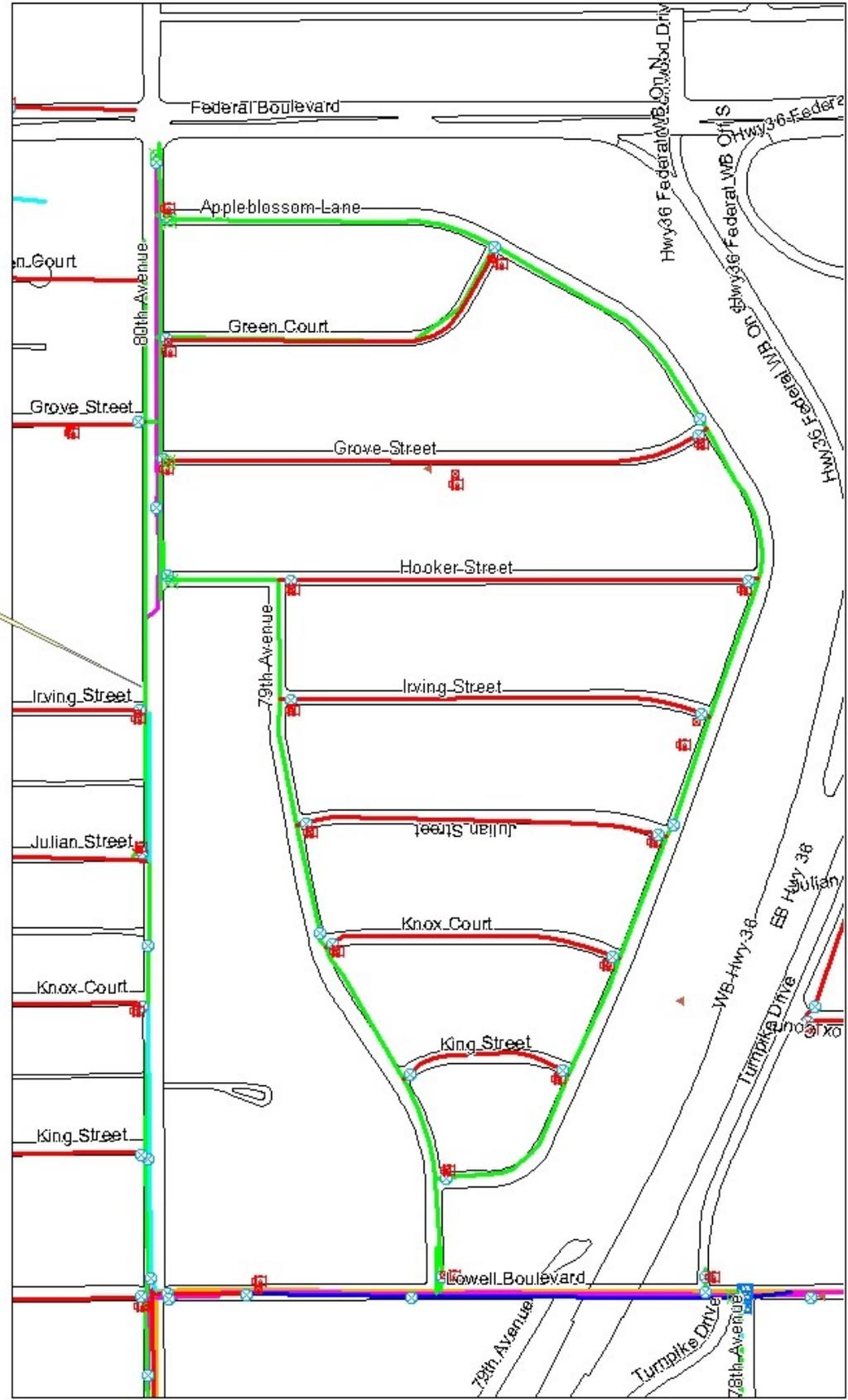
J. Brent McFall
City Manager

Attachment

80th & Irving



PRV Location





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 24, 2004



SUBJECT: Second Reading of Councillor's Bill No. 23 re Lease with Community Reach Center

Prepared By: Matt Lutkus, Deputy City Manager for Administration

Recommended City Council Action:

Pass Councillor's Bill No. 23 on second reading approving a lease with the Community Reach Center for their use of the former 76th Avenue Library Building.

Summary Statement

- At the May 10, 2004, City Council meeting, Council approved on first reading a lease with the Community Reach Center related to its use of the former 76th Avenue Library Building as its Westminster Clinic.
- City and Mental Health Center Staff are currently in the process of selecting a contractor to recommend to City Council for the remodel project. If Council approves the proposed lease, Staff will ask Council to take formal action to approve a contractor and a project budget in the next few weeks.

Expenditure Required: \$105,000

Source of Funds: General Capital Improvement Fund and General Services Department Operating Funds

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **23**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROVING A LEASE WITH THE COMMUNITY REACH CENTER FOR USE OF THE 76TH AVENUE LIBRARY BUILDING

WHEREAS, the Community Reach Center has operated its Westminster clinic in a City-owned building since 1974; and

WHEREAS, the City and the Center desire to continue to have the Community Reach Center operate a satellite office in Westminster; and

WHEREAS, many citizens of Westminster benefit by having such a facility within close proximity; and

WHEREAS, the City and the Center desire to remodel the former 76th Avenue Library for use as the Community Reach Center Westminster office; and

WHEREAS, the final form of the lease has been agreed to by the parties; and

WHEREAS, the City Charter requires such leases to be approved by ordinance.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Lease between the City and the Community Reach Center for the lease of the 76th Avenue Library building is approved in substantially the same form as attached as Exhibit "A" and the City Manager is authorized to execute the same on behalf of the City.

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 10th day of May, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of May, 2004.

Mayor

ATTEST:

City Clerk

--EXHIBIT A--

LEASE

This **Lease** is made between the **CITY OF WESTMINSTER**, a Colorado home-rule municipality (hereinafter called "Lessor" or "City"), and **COMMUNITY REACH CENTER**, a Colorado nonprofit corporation (hereinafter called "Lessee" or "Center").

Lessor hereby agrees to lease to Lessee, and Lessee hereby agrees to lease from Lessor, the Premises described in Paragraph 1 below, subject to the terms, conditions, and agreements set forth hereinbelow:

- 1. Premises.** The Premises consist of the main level and the downstairs lounge area of the former 76th Avenue Library located at 3030 West 76th Avenue in Westminster, Colorado, County of Adams, State of Colorado.
- 2. Term and Rent.** Lessor demises the above Premises for a term of 20 years, commencing 12:00 p.m. on July 1, 2004, or upon the completion of the tenant finish work pursuant to Paragraph 23 below, whichever occurs later, and terminating 12:00 p.m. on July 1, 2024, or sooner as provided herein (hereinafter, the "Term"), for a nominal rent payment for the Term of One Dollar (\$1.00), and for other good and valuable consideration described below.
- 3. Use.** Lessee shall use and occupy the Premises for outpatient mental health services only. The Premises shall be used for no other purpose. Lessor represents that the Premises may lawfully be used for such purpose.
- 4. Care and Maintenance of Premises.**
 - a. Lessee's responsibilities: Lessee acknowledges and accepts the Premises in their as-is condition. Lessee shall, at its own expense and at all times during the Term of this Lease, maintain the Premises in good and safe condition, and shall surrender the same, at termination hereof, in as good condition as received, normal wear and tear excepted. Except as set forth in subparagraph 4.b. below, Lessee, in consideration of the nominal rent being charged for the Term of this Lease for the Premises, shall be responsible during the Term of this Lease for all interior and exterior maintenance, repairs, and replacements required to maintain the Premises as commercially competitive professional office space, meeting or exceeding all applicable local, state and federal codes, laws and regulations. Without intending to limit the generality of the foregoing, Lessee's responsibilities under this paragraph include, but are not limited to, the roofing structure, covering and related materials and components; the HVAC system (heating, ventilation and air conditioning); mold and mildew removal and prevention as necessary; sinks, toilets, bath, water fountains and all other plumbing related fixtures, lines and systems (water, sewer and wastewater); electrical service facilities, wiring, switches, fixtures, light bulbs and ballasts; all windows, glass and window coverings; all doors, locks, and door windows; drywall, baseboard, interior paint and wall coverings (including wall tile and mirrors); carpet, tiles and other floor coverings; garbage disposal devices and trash compactors; sump pumps; water heater; appliances; and any other system or equipment upon the Premises.
 - b. Lessor's responsibilities: Lessor shall be responsible only for the maintenance, repair and replacement of the sidewalks, driveways, concrete stairs, and lawn and shrubbery on the Premises, and shall provide snow removal services at the Premises comparable to the snow removal services provided by Lessor at its other public facilities.
- 5. Alterations.** Lessee shall not, without first obtaining the written consent of Lessor, make any alterations, additions, or improvements, in, to or about the Premises, provided, however, that Lessee shall have the right to increase the size of its present signage subject to the provisions of the City's sign code and regulations in effect at the time that the City's approval of the increase is requested.

- 6. Ordinances and Statutes.** Lessee shall comply with all statutes, ordinances and requirements of all municipal, state and federal authorities now in force, or which may hereafter be in force, pertaining to the Premises, occasioned by or affecting the use thereof by Lessee.
- 7. Assignment and Subletting.** Lessee shall not assign this Lease or sublet any portion of the Premises without prior written consent of the Lessor, which shall be granted or refused in Lessor's sole and unfettered discretion. Any such assignment or subletting without Lessor's consent shall be void and, at the option of the Lessor, grounds for Lessor's forthwith termination of this Lease.
- 8. Utilities.** All applications and connections for necessary utility services for the demised Premises shall be made in the name of Lessee only, and Lessee shall be solely liable for utility charges as they become due, including those for sewer, water, gas, electricity, cable, Internet and telephone services.
- 9. Entry and Inspection.** Lessee shall permit Lessor or Lessor's agents to enter upon the Premises at reasonable times and upon reasonable notice, for the purpose of inspecting the same, and will permit Lessor at any time within sixty (60) days prior to the expiration of this Lease, to place upon the Premises any usual "To Let" or "For Lease" signs, and permit persons desiring to lease the same to inspect the Premises thereafter.
- 10. Possession.** If Lessor is unable to deliver possession of the Premises at the commencement hereof, Lessor shall not be liable for any damage caused thereby. Lessee may terminate this Lease if possession is not delivered on or before September 1, 2004.
- 11. Indemnification of Lessor.** Lessor shall not be liable for any damage or injury to any person or property occurring on the demised Premises during the Term of this Lease. Lessee agrees to indemnify and save and hold Lessor harmless from any claims for such damage or injury, no matter how caused, except to the extent such damage or injury was the direct and proximate result of Lessor's negligent act or omission, provided, however, that nothing herein shall be deemed or construed as a waiver by Lessor of any of the protections or limitations against liability to which Lessor may be entitled under the Colorado Governmental Immunity Act. Lessee may satisfy its obligations pursuant to this paragraph by assuming the defense of and liability, if any, for any such claim brought against the Lessor, and retaining for such defense qualified legal counsel reasonably acceptable to the City.
- 12. Insurance.**
 - a. Lessee, at its expense, shall maintain comprehensive commercial liability insurance, including coverage for bodily injury and property damage, insuring Lessee and naming Lessor as an additional insured with minimum coverage as follows: \$1,000,000 per occurrence. The insurance shall include coverage for contractual liability. Additional insurance shall be obtained in the event any aggregate limitations result in per occurrence coverage of less than \$1,000,000.
 - b. Prior to taking possession of the Premises pursuant to this Lease, Lessee shall provide Lessor with a Certificate of Insurance showing Lessor as additional insured. The Certificate shall provide for a ten-day written notice to Lessor in the event of cancellation or material change of coverage. To the maximum extent permitted by insurance policies which may be owned by Lessor or Lessee, Lessee and Lessor, for the benefit of each other, waive any and all rights of subrogation which might otherwise exist.
- 13. Eminent Domain.** If the Premises or any part thereof or any estate therein, or any other part of the building materially affecting Lessee's use of the Premises, shall be taken by eminent domain, this Lease shall terminate on the date when title vests pursuant to such taking.
- 14. Destruction of Premises.** In the event that the Premises or any part of the building in which the demised Premises may be situated is damaged or destroyed by any cause to an extent that renders the Premises unsafe or unusable as a mental health center, either Lessee or Lessor may terminate this

Lease forthwith. In no event shall the Lessor have any obligation to repair or replace the Premises in the event of any such damage or destruction and Lessee's sole and exclusive remedy in the event of such damage to or destruction of the Premises or the building in which it is located is the termination of this Lease.

- 15. Lessor's Remedies on Default.** If Lessee defaults in the performance of any of the covenants or conditions hereof, Lessor may give Lessee notice of such default and if Lessee does not cure any such default within ten (10) days, after the giving of such notice (or if such other default is of such nature that it cannot be completely cured within such period, if Lessee does not commence such curing within such ten (10) days and thereafter proceed with reasonable diligence and in good faith to cure such default), then Lessor may terminate this Lease on not less than twenty (20) days' notice to Lessee. On the date specified in such notice, the Term of this Lease shall terminate, and Lessee shall then quit and surrender the Premises to Lessor, without extinguishing Lessee's liability. If this Lease shall have been so terminated by Lessor, Lessor may at any time thereafter resume possession of the Premises by any lawful means and remove Lessee or other occupants and their effects. No failure to enforce any Term shall be deemed a waiver.
- 16. Taxes.** Lessee shall be solely responsible for the payment of any property or other taxes that may arise as a result of Lessee's use of the Premises. The Lessee covenants and warrants to Lessor that Lessee is exempt from all federal, state and local taxes and further, that Lessee shall take no action to cause the loss of its exemption from said taxes. Lessee further covenants and agrees with the Lessor that in the event Lessee shall lose its exemption from taxes for any reason, Lessee shall timely pay all and any taxes accruing as a result thereof. Lessee further covenants and agrees to indemnify and hold Lessor harmless against any claims or judgments for unpaid taxes resulting from Lessee's use of the Premises.
- 17. Attorney's Fees.** In case suit should be brought for recovery of the Premises, or for any sum due hereunder, or because of any act which may arise out of the possession of the Premises, by either party, the prevailing party shall be entitled to all costs incurred in connection with such action, including a reasonable attorney's fee. For any controversy or claim arising out of or relating to this Lease, or the breach thereof, the parties agree to attempt to mediate any such disputes in good faith prior to filing any action against the other.
- 18. Waiver.** No failure of Lessor to enforce any Term hereof shall be deemed to be a waiver.
- 19. Heirs, Assigns, Successors.** This Lease is binding upon and shall inure to the benefit of the heirs, assigns and successors in interest to the parties.
- 20. Subordination.** This Lease is and shall be subordinated to all existing and future liens and encumbrances against the property.
- 21. Entire Agreement.** This Lease constitutes the entire agreement between the parties concerning the Premises and may be modified only by a written amendment signed by both parties.
- 22. Survival.** Paragraphs 8, 11, and 15 through 20 inclusive shall survive any termination of this Lease by either Lessee or Lessor.
- 23. Additional Terms, Conditions and Agreements.** This Lease is subject to the following additional terms, conditions and agreements:

 - a. **Tenant Finish.** Subject to paragraph 10 above, this Lease shall not commence until Lessor has completed the remodeling and tenant finish associated with Lessee's intended use of the Premises. The City shall contribute \$90,000 towards the cost of such remodeling, plus an additional amount equal to one-half the cost of replacing the building roof, such additional amount not to exceed \$15,000. Lessee shall be responsible for the balance of such costs.

b. **Continuation of Services.** The Center agrees to continue to operate the Center's Westminster Office from the Premises until such time as the Lease is terminated.

Signed as of this ___ day of ____, 2004.

CITY OF WESTMINSTER

COMMUNITY REACH CENTER

By: _____
Ed Moss, Mayor

By: _____
Printed Name: _____
Title: _____

Attest: _____
Michelle Kelley, City Clerk

Attest: _____
Printed Name: _____

APPROVED BY:

APPROVED BY:

Martin R. McCullough, City Attorney

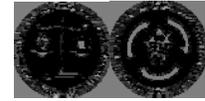
Printed Name: _____



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 24, 2004



SUBJECT: Second Reading of Councillor's Bill No. 30 re Comprehensive Land Use Plan Amendment for Hyland Office Park Lot 1 Property

Prepared By: John H. Quinn AICP, Planner II

Recommended City Council Action:

1. Pass Councillor's Bill No. 30 on second reading amending the Comprehensive Land Use Plan (CLUP) amendment for the Hyland Office Park property changing the designation from Office to Retail Commercial. This recommendation is based on the following findings set forth in the Westminster Comprehensive Land Use Plan:

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

Summary Statement:

- The Pappadeaux Restaurant site comprises 6.03 acres at the southwest corner of Sheridan Boulevard and 92nd Avenue, behind the Compass Bank and will include two restaurant pads.
- The Official Development Plan (ODP) was approved on April 13, 2004 by the Planning Commission conditioned upon the approval of the PDP by City Council.
- The decision of the Planning Commission regarding the ODP is final unless appealed within ten days of the hearing. As of the writing of this Agenda Memorandum, no appeals have been filed.
- The uses in this PDP and ODP are limited to two full service sit down restaurants with no drive-through facilities.
- This Councillor's Bill was passed by City Council on First Reading on May 10, 2004.

Expenditure Required: \$ 0

Source of Funds: N/A

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3118**

COUNCILLOR'S BILL NO. **30**

SERIES OF 2004

INTRODUCED BY COUNCILLORS
Dittman - Dixon

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the owner of the property described below has requested an amendment to the City's Comprehensive Land Use Plan to change the designation for said property from Office to Retail Commercial; and

WHEREAS, the Planning Commission has reviewed the proposed amendment and has recommended approval to the City Council.

NOW THEREFORE, the City Council hereby finds that the requested amendment will be in the public good and in compliance with the overall intent of the Comprehensive Land Use Plan.

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Hyland Office Park Lot 1 property from Office to Retail Commercial, legally described as follows:

A parcel of land being a portion of Tract A, Turnpike Commercial Subdivision Plat, recorded in Book 27 at Page 42 and being located in the southeast one quarter of Section 24, Township 2 South, Range 69 West of the 6th Principal Meridian, City of Westminster, County of Jefferson, State of Colorado and being more particularly described as follows:

Commencing at the northeast corner of the southeast one quarter of said Section 24: Thence S00°09'11"W along the east line of said southeast one quarter of Section 24 a distance of 298.01 feet; thence departing said section line N89°50'49"W, a distance of 70.26 feet, thence N87°47'38"W, a distance of 7.58 feet to a point of curvature; thence 8.85 feet along the arc of a curve to the left having a radius of 112.50 feet, a central angle of 04°30'33" and a chord which bears S88°42'14"W, a distance of 8.85 feet to a point on the westerly line of an exception parcel recorded at Reception No. 91025657, also being the true point of beginning; thence S00°57'18"E along the westerly line of said exception parcel 114.05 feet; thence continuing along said westerly line of exception parcel S04°44'31"E, a distance of 118.24 feet to a point on the westerly line of that parcel of land condemned in Civil Action No. 41 321, Division 4 in the District Court in and for the County of Jefferson, State of Colorado; thence departing said westerly line of exemption parcel and along the westerly line of said condemned parcel S16°00'45"W, a distance of 301.69 feet; thence continuing along said westerly line S45°42'23"W, a distance of 179.99 feet to the northeasterly line of a parcel of land described as Parcel No. 3, State Department of Highways, Division of Highways, State of Colorado, Project No. F036-1(14); thence departing said westerly line and along said northeasterly line of Parcel No. 3 N34°26'11"W, a distance of 562.08 feet to a point on the easterly line of an exception parcel recorded at Reception No. 1278789; thence departing said northeasterly line of Parcel 3 and along said easterly line of exception parcel N17°48'13"W, a distance of 192.69 feet; thence continuing along said easterly line N23°15'38"W, a distance of 194.06 feet to a point on the southerly line of an exception parcel recorded at Reception No. F0839814; thence departing said easterly line and along said southerly line of exception parcel N59°55'16"E, a distance of 118.92 feet; thence continuing along said southerly line S89°06'38"E, a distance of 153.11 feet to a point on a curve on the easterly line of said exception parcel; thence along said easterly line 13.87 feet along the arc of a non-tangent curve to the left having a radius of 493.49 feet, a central angle of 01°36'37" and a chord which bears N01°45'45"E, a distance of 13.87 feet to a point of compound curvature; thence continuing along

said easterly line 9.77 feet along the arc of a curve to the left having a radius of 19.11 feet, a central angle of 29°16'49" and a chord which bears N13°48'26"W, a distance of 9.66 feet to a point on the southerly right-of-way line of 92nd Avenue as recorded at Reception No. 90036784; thence departing said easterly line of exception parcel S89°02'33"E along said southerly right-of-way line, a distance of 14.96 feet; thence departing said southerly right-of-way line S00°57'27"W, a distance of 9.34 feet to a point of curvature; thence 165.23 feet along the arc of a curve to the right having a radius of 505.99 feet, a central angle of 18°42'34" and a chord which bears S10°18'44"W, a distance of 164.49 feet to a point of tangency; thence S19°40'00"W, a distance of 60.39 feet to a point of curvature; thence 111.20 feet along the arc of a curve to the left having a radius of 100.00 feet, a central angle of 63°42'39" and a chord which bears S12°11'17"E, a distance of 105.56 feet to a point of tangency; thence S44°02'33"E, a distance of 77.98 feet to a point curvature; thence 157.62 feet along the arc of a curve to the left having a radius of 100.00 feet, a central angle of 90°18'43" and a chord which bears S89°11'53"E, a distance of 141.81 feet to a point of tangency; thence N45°38'46"E, a distance of 146.57 feet to a point of curvature; thence 80.09 feet along the arc of a curve to the right having a radius of 112.50 feet, a central angle of 40°47'18" and a chord which bears N66°02'23"E, a distance of 78.41 feet to the true point of beginning; said parcel contains 6.032 acres more or less.

The properties described above shall be changed from Office to Retail Commercial, as shown on the attached "Exhibit A."

Section 2. 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 3. This ordinance shall take effect upon its passage after second reading.

Section 4. 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 10th of May, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of May, 2004.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 24, 2004



Subject: Resolution No. 35 re Modification of Appointments to the Historic Landmark Board

Prepared by: Vicky Bunsen, Assistant City Attorney

Recommended City Council Action:

Adopt Resolution No. 35 modifying the appointment of four Historic Landmark Board members so that their terms will expire December 31, 2004.

Summary Statement:

- City Council action is requested to modify the appointment of four members of the Historic Landmark Board to terms that expire the end of this year. This modification will allow the terms of the Board to be staggered, as required by the historic preservation ordinance and the rules of the Colorado Historical Society certified local government program.
- Four regular members of the Board have volunteered to have their terms expire on December 31, 2004, in order to satisfy these requirements.
- After this change is made to the terms of four Board members, all terms thereafter will be staggered two-year terms.

Expenditure Required: \$0

Source of Funds: n/a

Policy Issue:

Does City Council want to stagger the terms of the Historic Landmark Board in order to comply with the provisions of W.M.C. section 11-13-3 and the rules of the Colorado Historical Society certified local government program?

Alternative:

Do not modify the appointment of four members for a one-year term, which would cause the Board to not have staggered terms. This is not recommended as the Board would not be in compliance with City Code or the Colorado Historical Society rules.

Background Information:

The Historic Landmark Board is a new board that was created by ordinance in 2003. All positions on the Board were open and required appointments to be made when City Council made its annual appointments pursuant to Resolution No. 1, adopted January 12, 2004. All appointments were made for two years; however, no provision was made to stagger the terms of the initial board as specified in W.M.C. section 11-13-3:

(C) Initial appointments shall be made for one (1) and two (2) year terms, in order to stagger the expiration of terms, and thereafter members shall be appointed for two (2) year terms.

The Board's intention is to comply with the rules of the Colorado Historical Society certified local government (CLG) program in order to make the City eligible for grants and other benefits reserved to CLGs. CLG status will also allow local homeowners to apply for state tax credits for rehabilitation of their locally landmarked residences. The City cannot qualify for CLG status unless the terms of the Board are staggered as required by CLG rules. Modification of these appointments as provided by W.M.C. section 11-13-3(C) will comply with the CLG program rules.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **35**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

Price - McNally

CITY OF WESTMINSTER HISTORIC LANDMARK BOARD APPOINTMENTS

WHEREAS, the City Council intends for the terms of the Historic Landmark Board members to be staggered, and

WHEREAS, all Historic Landmark Board members currently are appointed for two-year terms that expire in the same year;

NOW THEREFORE, be it resolved that the City Council of the City of Westminster does hereby modify the appointments of the following individuals to the City of Westminster Historic Landmark Board so that their initial terms expire December 31, 2004, in order to provide for staggered terms, as required by W.M.C. section 11-13-3(C).

April Luber
Henry Sand
Bill Teter
Kaaren Hardy

Passed and adopted this 24th day of May, 2004.

ATTEST:

Mayor

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 24, 2004



SUBJECT: Councillor's Bill No. 31 re Obstruction of the Seeking of Emergency Assistance

Prepared By: Martin R. McCullough, City Attorney
Dan Montgomery, Police Chief
Barb Lamanna, Victim Services Coordinator

Recommended City Council Action

Pass Councillor's Bill No. 31 on first reading amending the Westminster Municipal Code to make it unlawful for a person to knowingly obstruct another person from seeking emergency assistance.

Summary Statement

- The Police Department, the Prosecutor's Office, and the Victim Advocate's Office have all indicated that the proposed ordinance would assist them in the prosecution of domestic violence cases in Municipal Court. The proposed ordinance would also apply to other situations where a person has prevented or attempted to prevent another person from seeking emergency assistance.
- In the context of domestic violence situations, grabbing the telephone, ripping the telephone out of the wall, or throwing a cell phone out of the window of a car are common tactics used by domestic violence perpetrators. Other tactics may include blocking exit routes, physically restraining the victim, or attempting to cancel a 911 call for help.
- The proposed ordinance would also apply to situations where someone has been injured. For example, in a car accident, a driver or another person in the vehicle might attempt to keep an injured party from seeking emergency assistance in order to hide criminal activity.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Whether City Council should adopt an ordinance making it unlawful for a person to obstruct another person from seeking emergency assistance from police, fire, medical, or other emergency assistance providers.

Alternative

Do not adopt the ordinance and rely on criminal mischief and other laws such as the state's telephone obstruction statute. This is not recommended because these laws do not directly address the act of interfering with someone who is seeking emergency assistance. The state telephone obstruction statute is broadly worded and, on its face, could be construed to apply to conduct that would otherwise be considered innocent, such as a parent preventing his or her teenage child from tying up the phone when the parent is expecting an important call. Also, the City's current criminal mischief ordinance does not apply in the absence of physical damage.

Background Information

In 2003, the Westminster Municipal Court processed 299 domestic violence offenders through the City's Fast-Track Program. This Program provides an opportunity for early intervention in domestic violence situations in an effort to protect victims from future and potentially more violent acts. Professionals in the domestic violence area often referred to such misdemeanor prosecution programs as a means of homicide prevention.

When there is violence in a relationship, the potential for violent injury escalates when the victim attempts to call for help. The perpetrator may take the phone away, destroy it, throw it, or maintain control over it in an attempt to keep the victim from calling for help. A perpetrator may also find other ways to prevent the victim from calling for help such as blocking exit routes, telling neighbors or passersby that they have misconstrued the victim's intent, or attempting to cancel a victim's 911 call after it has been placed.

Out of anger, and in an attempt to control the victim, a perpetrator may become more violent in the hope that this will dissuade the victim from seeking help in the future. Without a means of contacting emergency assistance, a victim becomes vulnerable to another wave of violent behavior and potential injury.

The state recently passed a law making "telephone obstruction" a misdemeanor, in an effort to address the situation described above where a domestic violence perpetrator is preventing his or her victim from using the telephone. After reviewing this state statute, Staff has concluded that this is a very difficult statute to enforce because it is difficult to define situations where "telephone obstruction" might actually be acceptable, such as when a parent is attempting to control a teenager's use of the telephone for non-emergencies. The City's current criminal mischief ordinance only applies to situations where there is evidence of some physical damage to the telephone or surrounding premises. If the phone is not damaged, or if it is the sole property of the defendant, there is presently no appropriate municipal charge. The proposed ordinance would apply not only to domestic violence situations, but to situations where, for example, a car accident occurs and the driver, owner of the vehicle, or perhaps a passenger tries to prevent an injured party from seeking help, in an attempt to avoid criminal charges, financial liability, or other undesirable repercussions.

All participating entities in the administration of the City's Fast-Track Program agree that the Program would be compromised if some elements of a domestic violence case had to be sent to the state court for prosecution. Enacting this ordinance would assist the Program by giving the police, prosecutors, and victim advocates an additional tool to address domestic violence with early intervention and appropriate consequences. It is also consistent with the philosophy that serious physical harm should not have to occur before intervention measures are taken. Seemingly minor incidents, such as obstructing a victim from calling for help, are highly predictive of physical violence, and appropriate intervention measures should be authorized.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **31**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING OBSTRUCTION OF THE SEEKING OF EMERGENCY ASSISTANCE

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VI, Chapter 3, W.M.C., is hereby AMENDED BY THE ADDITION OF A NEW SECTION to read as follows:

6-2-13: OBSTRUCTION OF THE SEEKING OF EMERGENCY ASSISTANCE:

(A) IT SHALL BE UNLAWFUL FOR A PERSON TO KNOWINGLY OBSTRUCT OR OTHERWISE INTERFERE WITH ANYONE WHO IS SEEKING MEDICAL, POLICE, FIRE OR OTHER EMERGENCY ASSISTANCE FROM ANY PERSON OR AGENCY, PUBLIC OR PRIVATE.

(B) OBSTRUCTION OF THE SEEKING OF EMERGENCY ASSISTANCE IS A CRIMINAL OFFENSE, PUNISHABLE BY A FINE OR IMPRISONMENT, OR BOTH, AS PROVIDED IN SECTION 1-8-1 OF THIS CODE.

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 24th day of May, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of June, 2004.

Mayor

ATTEST:

City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 24, 2004



SUBJECT: Councillor's Bill No. 32 re Supplemental Appropriation for The Shops at Walnut Creek 30" and 24" Waterlines

Prepared By: David W. Loseman, Senior Projects Engineer

Recommended City Council Action:

Pass Councillor's Bill No. 32 on first reading providing for supplementary appropriations to the 2004 budget of the Utility Fund and General Fund for the Shops at Walnut Creek water lines.

Summary Statement

- City Council action is requested to pass the attached Councillor's Bill on first reading amending the 2004 budget appropriation in the Utility Fund for the construction of water lines across the Shops at Walnut Creek development.

Expenditure Required: \$465,000 Utility Fund

Source of Funds: 2003 General Fund Carryover

Policy Issue

Does City Council support amending the appropriations for the 2003 budgets of the General and Utility Funds?

Alternative

The alternative would be not to amend the 2003 budget appropriations for the General and Utility Funds and utilize these funds for other capital project priorities. Staff does not recommend this alternative as commitments have been made as part of The Shops at Walnut Creek to install the 24" and 30" waterlines.

Background Information

This Agenda Memo and attached Councillor's Bill address the need to appropriate 2003 General Fund Carryover revenues. This additional funding need resulted from increased activity or events that could not be anticipated during the normal budget process until negotiations with the developer of The Shops at Walnut Creek were concluded.

The installation of the 24" and 30" waterlines is partially necessitated by The Shops at Walnut Creek project and is partially necessary due to system-wide improvements that these lines result in. Constructing these improvements now as part of the development is highly desirable to prevent future disruption of the project when it is operational and generating income. The current budget for the waterline upgrade did not include the portion of the waterline that crosses the project or that portion under US 36. 2003 General Fund carryover funds are available to fund this expense.

This adjustment will bring the City's accounting records up to date to reflect the various detailed transactions.

Respectfully submitted,

Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **32**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE GENERAL AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund, initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$465,000 which, when added to the fund balance as of the City Council action on May 24, 2004 will equal \$82,678,131. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to an appropriation of 2003 carryover for waterlines at the Shops at Walnut Creek.

Section 2. The \$465,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
Revenue				
Carryover	1000.40200.0000	\$2,838,645	<u>\$465,000</u>	\$3,303,645
Total change to revenues			<u>\$465,000</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
Expenses				
Transfer to Water Fund	10010900.79800.0200	\$0	<u>\$465,000</u>	\$465,000
Total change to expenses			<u>\$465,000</u>	

Section 3. The 2004 appropriation for the Water Portion of the Utility Fund, initially appropriated by Ordinance No. 2977 in the amount of \$28,737,449 is hereby increased by \$465,000 which, when added to the fund balance as of the City Council action on May 24, 2004 will equal \$29,187,190. The actual amount in the Water Portion of the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to an increase in the transfer from the General Fund for waterlines at the Shops at Walnut Creek.

Section 4. The \$465,000 increase in the Water Portion of the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
Revenue				
Transfer from General Fund	2000.45000.0100	\$0	<u>\$465,000</u>	\$465,000
Total change to revenues			<u>\$465,000</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget

Expenses

104 th Wtr Main	80220035523.80400.8888	\$322,000	<u>\$465,000</u>	\$787,000
Old Wads				
Total change to expenses			<u>\$465,000</u>	

Section 5. – 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 6. This ordinance shall take effect upon its passage after the second reading.

Section 7. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 24th day of May, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of June, 2004.

ATTEST:

Mayor

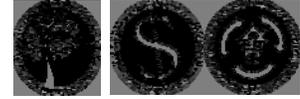
City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 24, 2004



SUBJECT: Councillor's Bill No. 33 re Concrete Replacement Program Amendment

Prepared By: Ray Porter, Infrastructure Improvements Division Manager

Recommended City Council Action:

Pass Councillor's Bill No. 33 on first reading amending the City's Concrete Replacement Program.

Summary Statement

- At the April 12, 2004, Post Meeting, City Council was briefed regarding proposed changes to the existing Concrete Replacement Program.
- City Council agreed that restructuring of the Concrete Replacement Program is necessary to re-allocate funds to high priority street maintenance needs.
- The \$155,000 annual revenue generated by the \$.50 per month concrete replacement fee on residential utility bills will continue to be earmarked for curb, gutter and sidewalk replacement.
- Concrete replacement will primarily be done in conjunction with the annual street sealcoating, resurfacing and reconstruction projects.
- High priority isolated concrete replacement will be repaired on an "as needed" basis.
- City staff estimates spending \$400,000 each year for concrete replacement. This amount still provides a consistent and appropriate service level equal to or higher than other cities in the Denver metropolitan area.
- The attached ordinance also applies the \$.50 per month concrete replacement fee to all utility account in the City, adding commercial accounts that were previously excluded.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the Concrete Replacement Program Ordinance be amended to provide the service more efficiently in conjunction with street improvements?

Alternatives

Do not pass the attached Councillor's Bill amending the Concrete Replacement Program Ordinance. Should City Council choose this option, the Concrete Replacement Program would continue as is with more funding allocated towards concrete replacement than is necessary. Residential street improvement funding would not increase and the residential street network would deteriorate.

Background Information

The Department of Public Works and Utilities recently made a presentation to City Council regarding the condition of the City's street network and included a recommendation to re-structure existing funds earmarked for concrete replacement. City Council agreed with Staff's recommendations and directed City staff to move forward implementing the new Concrete Replacement Program. Amending the existing Ordinance to reflect the changes is the first step towards implementing the new Concrete Replacement Program. The new program would become effective after passing City Council's second reading of the amended Concrete Replacement Program Ordinance on June 15, 2004.

The current backlog of citizen's requests would terminate on June 15, 2004. The current backlog of 261 requests requiring an estimated \$265,000 would be completed in 2005. The new funding re-allocations would be reflected in the 2006 budget.

The new program would be summarized as follows:

- Citizen requests curb, gutter and sidewalk replacement through Infrastructure Improvements Division (IID) staff.
- IID staff initiates a customer service request form and forwards it to an IID inspector.
- IID inspector investigates the request and determines whether the problem is of a critical nature.
- If the condition of the concrete is critical, traffic or pedestrian hazard, a barricade will be placed until the removal and replacement is completed at the City's expense.
- If the condition is non-emergency, the IID inspector will contact the citizen to explain the concrete replacement program and City policy.
- The curb, gutter and sidewalk in question will be re-assessed and replaced, if warranted, during future scheduled street improvements.

Westminster's Concrete Replacement Program has provided the highest level of service for this activity in the metropolitan area over the past 12 years. The new program will continue to provide a level of service equal to or greater than what other metro area entities provide. Re-allocation of these funds for additional residential street improvements will allow for additional residential street maintenance work to be completed throughout the City.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **33**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING TITLE 4, CHAPTER 6, OF THE WESTMINSTER MUNICIPAL CODE CONCERNING CONCRETE REPLACEMENT PROGRAM

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The following sections of Title IV, Chapter 6 of the Westminster Municipal Code are hereby AMENDED to read as follows:

4-6-1: WORDS AND PHRASES DEFINED: The following words and phrases as used in this Chapter shall have the following meaning:

(J) ~~"Residential Utility Customer"~~ "CONSUMER" means ANY PERSON, FIRM OR CORPORATION RECEIVING WATER FROM THE CITY WATERWORKS. ~~every in-city utility account for three dwelling units or less primarily used for residential occupancy, served by one water meter or connected to the City sewer system.~~

4-6-2: IMPOSITION OF CHARGE: Effective December 30, 1992 there is hereby imposed a concrete replacement charge of fifty cents (\$.50) per month on each residential utility customer. EFFECTIVE JUNE 15, 2004 THE ABOVE CONCRETE REPLACEMENT CHARGE IS HEREBY IMPOSED ON EVERY CONSUMER'S UTILITY ACCOUNT. Said charge is in addition to all other taxes imposed by law.

4-6-3: EXEMPTIONS: No residential utility customer shall be exempt from the charge.

4-6-5: POLICY: (A) The Department of Public Works and Utilities ~~Street~~ INFRASTRUCTURE IMPROVEMENTS Division Budget receives an annual appropriation as part of the budget earmarking funds ~~citizen's requests for~~ curb, gutter and sidewalk replacement. Effective January 1, 1993 a concrete replacement charge was added to all residential utility bills to pay for concrete replacement. EFFECTIVE JUNE 15, 2004 THE FEE WAS AMENDED TO INCLUDE ALL CONSUMER'S UTILITY ACCOUNTS. This fee is included within the ~~Street~~ INFRASTRUCTURE IMPROVEMENTS Division budget annually. (2274)

(B) Programs: Westminster has ~~three~~ A programs to replace curb, gutter and sidewalk adjacent to citizens' properties:

1. Streets being reconstructed, ~~or~~ resurfaced, OR SEALCOATED WILL have all deteriorated concrete replaced prior to pavement improvements. The City funds 100% of the concrete replacement as part of the annual street improvement project.

2. ~~The City pays 100% of the curb, gutter and sidewalk replacement. Property owners requesting service are placed on the first come first served priority replacement list and may wait as long as five years for the repairs.~~

3. ~~The City pays 50% and the property owner pays 50%. Property owners who elect to have concrete repairs completed during the calendar year following the year the request is made shall agree to pay 50% of the cost and be moved up on the priority list.~~

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 24th day of May, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of June, 2004.

Mayor

ATTEST:

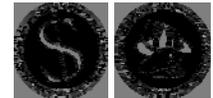
City Clerk



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
May 24, 2004



SUBJECT: Resolution No. 36 re Water Quality Staffing for the Big Dry Creek Wastewater Laboratory

PREPARED BY: Tim Woodard, Wastewater Treatment Superintendent
Kipp Scott, Water Quality Administrator
Ron Hellbusch, Director Public Works and Utilities

Recommended City Council Action

Adopt Resolution No. 36 approving the addition of one full-time employee (FTE) to the Water Resources and Treatment Division of the Department of Public Works and Utilities in 2004 to perform required laboratory analysis.

Summary Statement

- The addition of one full-time Laboratory Analyst is requested to perform select required testing at the Big Dry Creek Wastewater Treatment Facility.
- Currently, private contract laboratories perform water quality analysis. Repeated errors in analysis have occurred with the private contract laboratory, which have resulted in permit compliance issues with the Big Dry Creek Wastewater Treatment Facility.
- The 2003 Quality Service/Competitive Service (QS/CS) employee team study indicated that bringing selected laboratory work in-house would be cost effective. The cost analysis showed that using in-house Staff to perform testing would be a cost neutral trade with contracting the work through a commercial lab.
- The 2003 QS/CS study identified the need for 1.5 FTE's necessary to implement bringing selected laboratory work in-house. Staff is seeking one position to be filled in 2004 in order to initiate phasing out the use of private contract laboratories.
- The transition of laboratory work from the contract laboratory to in-house will have an initial startup cost. This cost consists of salary for the Laboratory Analyst the remainder of 2004 (\$25,000) plus \$10,000 for necessary laboratory equipment.
- The funds for this are available in the 2004 Utility Fund operation budget.

Expenditure required: \$35,000

Source of Funds: 2004 Water Fund Operations Budget

Policy Issue

Should one FTE be added to the Big Dry Creek Water Quality work group in 2004 to perform in-house analyses?

Alternatives

Continue use of contract laboratories. Staff does not recommend this alternative as delaying the hiring of the position until 2005 could result in additional analytical errors and permit compliance issues arising.

Background Information

In 2003, the Big Dry Creek Laboratory QS/CS Task Force was assembled to investigate options relevant to laboratory operations. The QS/CS analysis indicates that it is cost effective to perform certain laboratory analysis work in-house. Additionally, Staff evaluated non-economic factors that provide further justification for performing analysis on-site, including:

- The City would have better control over the laboratory analysis
- The turnaround time for receiving lab analysis would be reduced giving operators more timely information to make adjustments to plant operations
- Reducing the risk of missed testing and inaccurate reporting (these have been recent problems with the private contract laboratories)
- Avoidance of problems with private contract labs going out of business and/or raising prices (a number of contract labs have gone out of business in the last ten years, thus reducing the competition, resulting in higher prices and lower quality work)

Staff believes it is in the best interest of the City to move certain laboratory services in-house beginning in 2004. The QS/CS process identified the need for 1.0 FTE Laboratory Analyst and a .5 FTE Water Resources Technician position in order to bring in the appropriate laboratory staff to take over day-to-day testing of certain parameters. Under this approach, the City will still outsource some analysis to a private contract lab that is done more infrequently and for which expensive, specialized testing equipment is required.

Initiating implementation of this program in 2004 will allow the City to phase in laboratory testing that is currently outsourced. The approval of 1.0 FTE in 2004 will allow sufficient time to hire Staff and develop procedures and perform side-by-side testing with the contract lab to verify results. This process will allow a portion of the contract work to be performed in-house by January 2005 allowing the City to pay less for private contract laboratory services in 2005. The savings from the private lab testing costs will offset the cost of the 1.0 FTE Laboratory Analyst and an additional .5 FTE Water Resources Technician in 2005. An additional 0.5 FTE will be requested in the 2005 budget process, which will allow completion of bringing daily testing of laboratory work back in-house. There will be startup costs that will be an additional expense to the City. The process of bringing the laboratory work will have numerous other benefits as described above. Staff believes the phased approach to bringing this work back in-house is the most efficient use of resources.

SUBJECT: Resolution 36 re Water Quality Staffing for Big Dry Creek Wastewater Laboratory Page 3

Existing funds from the Big Dry Creek Capital Outlay account would be used to fund this implementation in 2004. The current account has funds that were earmarked for regularly scheduled replacement of aging equipment. However, the plant is now undergoing an expansion and upgrade, which is currently being designed and scheduled to be under construction in September of 2004. This project will eliminate the need to do the regularly scheduled replacement of several items as they will now be included in the plant expansion and upgrade capital improvement project. The funds budgeted for equipment replacement can be used to fund the implementation of the laboratory staffing in 2004 without the need for additional appropriations to the 2004 budget.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

RESOLUTION

RESOLUTION NO. **36**

INTRODUCED BY COUNCILLORS

SERIES OF 2004

Dittman - Price

WHEREAS, Section 1-24-1 and 1-24-4 of the Westminster Municipal Code provides that the City Council, upon recommendation of the City Manager, shall by resolution establish the personnel schedule for all position classifications in the municipal service; and

WHEREAS, the City Council previously approved the 2004 personnel schedule as part of the amended personnel schedule adopted on December 22, 2003; and

WHEREAS, as a result of concerns about regulatory compliance at the wastewater treatment facility due to the use of contract laboratories for analytical work, an additional 1.0 FTE is requested to perform required laboratory analysis; and

WHEREAS, it has been shown to be cost effective to perform wastewater analytical work on-site; and

WHEREAS, funds are available in this years current budget plan.

NOW, THEREFORE, BE IT RESOLVED BY THE WESTMINSTER CITY COUNCIL that the attached Amended 2004 personnel schedule be amended to reflect one (1.0) additional FTE in the Public Works and Utilities Department in the Water Resources and Treatment Division effective on May 24, 2004.

Passed and adopted this 24th day of May, 2004.

ATTEST:

Mayor

City Clerk



**WESTMINSTER
COLORADO**

Agenda Memorandum

City Council Meeting
May 24, 2004



SUBJECT: Intergovernmental Agreement with Westminster Housing Authority re Loan Relative to 73rd Avenue/Lowell Boulevard Redevelopment and Councillor's Bill No. 34 re Supplemental Appropriation re reassignment of the WHA loan

Prepared By: Tony Chacon, Senior Projects Coordinator

Recommended City Council Action

- Authorize the Mayor to enter into an Intergovernmental Agreement with the Westminster Housing Authority (WHA) and the Westminster Economic Development Authority (WEDA) reassigning an obligation to repay a WHA advance of \$1,085,512 from the City to WEDA, and authorizing related revenue proceeds from development-related fees and construction use tax to be applied towards repayment of such advance.
- Pass Councillor's Bill No. 34 on first reading providing for a supplemental appropriation to the 2004 budget of the General Fund recording revenue from reassignment of the WHA loan.

Summary Statement

- In 2001, the City entered into a pre-development agreement with Community Builders, Inc. to proceed with redevelopment of the 73rd Avenue/Lowell Boulevard area, which included the abandoned Aspen Care Nursing Home property.
- On December 23, 2002, the City and WEDA entered into a final development agreement with Community Builders, Inc. to proceed with Phase I of the redevelopment effort, referred to as the Harris Park Townhouse project.
- Pursuant to the approved Agreement, the City agreed to contribute to the project an amount of \$1,085,512 to assist in assembling and acquiring properties, including the Aspen Care Nursing Home site, necessary to proceed with the redevelopment project.
- On December 23, 2002, the Board of the WHA approved Resolution No. 4 that authorized WHA to provide a \$1,085,512 inter-fund loan to the City as a City contribution to the project;
- During the City's annual audit, Staff discovered the \$1,085,512 expense for the project needed to be recorded in the City's General Fund pursuant to Resolution No. 4 adopted December 23, 2002. In fact, upon reviewing the transaction, the expense should have actually been recorded in WEDA given most of the repayment would come from tax increment revenue.
- The Developer will begin paying development-related fees and construction use tax upon requesting a Certificate of Occupancy for the final building at the Aspen Care site. Accordingly, as part of the final development agreement, the City agreed to contribute all development-related fees (not including water tap fees) and construction use tax collected towards repayment of the loan.
- This Intergovernmental Agreement would assign the WHA loan to WEDA, and require the City to apply various development-related revenues from the Harris Park Townhouse project towards repayment of the WHA loan.
- The IGA will also authorize Staff to transfer the \$1,085,512 expense for the project from the City General Fund to WEDA, where it should be properly recorded. In addition, the General Fund will correctly realize a revenue of \$1,085,512 in 2004 to record the transaction properly in 2004.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issues

Should the City assist WEDA in repaying a loan from the WHA using City revenues resulting from development activity that could otherwise be applied to the City's General Fund?

Alternatives

The City could choose not to assist WEDA in repayment of the loan and require WEDA to absorb full repayment using tax increment proceeds as they may become available. Staff recommends that such an alternative not be pursued as the City has previously agreed to provide such funding and the prospect of full repayment using tax increment proceeds is not likely given the limited time remaining on the Urban Renewal District and the relative scale of the project.

Background Information

In 2001, the City and WEDA requested proposals from developers relative to redevelopment of the 73rd Avenue/Lowell Boulevard area, including the Aspen Care site, an abandoned nursing home at the southeast corner of 75th Avenue and Lowell Boulevard. The City received a proposal from Community Builders, Inc., with whom the City and WEDA entered into a pre-development agreement relative to the preparation of plans and a funding structure for the project.

Working with the City, the Developer developed a plan to construct up to 50 townhouse units as an initial phase in the redevelopment project. Based upon this level of development and negotiations relative to acquisition of required property, a financial analysis was completed and evaluated by City staff. The financial analysis concluded that the project would be financially viable if development generated revenues (i.e. building and development-related fees, property tax increment, water tap credits) were used to offset excessive land acquisition costs. Upon consultation with the City Council, Staff was instructed to proceed with the redevelopment project and prepare a final development agreement with Community Builders, Inc. for formal consideration.

As part of the negotiations relative to the development agreement, the Developer requested that the City or WEDA assist in providing funds at the outset of the project to assist in acquiring the necessary property for Phase I. This request was based upon the fact that private lenders were unwilling to provide all of the funds for acquisition because of the relative level of "risk" associated with the project given its location. In working to find the funding, it was determined that the City did not have discretionary funds readily available for use because of the general economic situation. WEDA also could not provide the initial funds given restrictive bond covenants related to its existing debt issuance. As such, City staff determined that the WHA could become a financial partner given its availability of capital resources and a mission to provide and facilitate development of affordable housing. It was further determined that, if brought fully into the urban renewal district, the proposed project would generate a sizeable amount of property tax increment that WEDA could contribute towards the project. City general fund revenue resulting from development-related fees and construction use tax also could be used to further support the project financially.

Based upon these opportunities, on December 23, 2002, the City Council and WEDA entered into a tri-party agreement with the Developer to proceed with Phase I of the 73rd Avenue/Lowell Boulevard redevelopment project referred to as the Harris Park Townhouses. The Development Agreement as approved contained the following provisions:

- The City agreed to contribute an amount of \$1,085,512 to the Developer for this project;
- The Developer agreed to pay all of the related development fees, water tap fees and construction use tax;

- The City agreed to allow all development-related fees and construction use tax generated from the redevelopment activity to be applied towards financial support to WEDA for the project and repayment of the loan;
- The Developer agreed to apply granted water tap credits towards financial support to WEDA for the project and repayment of the WHA loan;
- WEDA agreed to contribute available property tax increment generated from the project towards repayment of the WHA loan.

As follow-up to the above noted Development Agreement with Community Builders, Inc., a Tri-Party Intergovernmental Agreement between the City and WEDA is attached clarifying each of the party's responsibilities relative to repayment of the advance. Accordingly, each of the parties has been asked to give formal consideration to the attached IGA between the City, WEDA and the WHA that provides for the following:

- The WHA would reassign the advance to WEDA, thereby removing the City from an obligation to repay the loan;
- The General Fund would be adjusted to reflect a revenue of \$1,085,512 to offset the previous recorded expenditure as originally authorized in Resolution No. 4 approved on December 23, 2002.
- WEDA would assume responsibility for repayment of the loan as funds are available;
- The City agrees to assign proceeds from development-related fees, including monies collected from the Developer in relation to the water tap credits, and construction use tax to be applied towards repayment of the loan;
- WEDA would repay the balance of the loan from available tax increment proceeds generated by the new development.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2004

COUNCILOR'S BILL NO. **34**
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$1,085,413 which, when added to the fund balance as of the City Council action on May 10, 2004 will equal \$82,202,131. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to an inter-fund borrowing from the Westminster Economic Development Authority for \$1,085,413.

Section 2. The \$1,085,413 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Financing Source	1000.46000.0225	\$0	\$1,085,413	\$1,085,413
Total Change to Revenues			<u>\$1,085,413</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Financing Use	10010900.78800.0000	\$0	\$1,085,413	\$1,085,413
Total Change to Expenses			<u>\$1,085,413</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 AND PUBLISHED this 24th day of May, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of June, 2004.

ATTEST:

Mayor

City Clerk

**INTERGOVERNMENTAL AGREEMENT
BETWEEN THE CITY OF WESTMINSTER, THE WESTMINSTER HOUSING AUTHORITY,
AND THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY**

THIS INTERGOVERNMENTAL AGREEMENT (“Agreement”) is made and entered into this 24th day of May 2004, by and between **THE CITY OF WESTMINSTER**, a home rule municipal corporation (“City”), **THE WESTMINSTER HOUSING AUTHORITY**, a public housing authority (“WHA”), **AND THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY**, a Colorado urban renewal authority (“WEDA”).

WHEREAS, the City is a Colorado home rule municipality with all the powers and authority granted pursuant to Article XX of the Colorado Constitution and its City Charter; and

WHEREAS, the WHA is a Colorado public housing authority, with all the powers and authority granted to it pursuant to sections 29-4-201 *et seq.*, Colorado Revised Statutes; and

WHEREAS, WEDA is a Colorado urban renewal authority, with all the powers and authority granted to it pursuant to sections 31-25-101 *et seq.*, and

WHEREAS, pursuant to Article XIV of the Colorado Constitution, and part 2 of Article I of Title 29, Colorado Revised Statutes, the City, the WHA and WEDA are authorized to cooperate and contract with one another to provide any function, service, or facility lawfully authorized to each governmental entity; and

WHEREAS, the Constitution and the laws of the State of Colorado permit and encourage local government entities to cooperate with each other to make the most efficient and effective use of their powers and responsibilities; and

WHEREAS, pursuant to section 31-25-112 of the Colorado Urban Renewal Law, the City is specifically authorized to do all things necessary to aid and cooperate with WEDA in connection with the planning or undertaking of any urban renewal plans, projects, programs, works, operations, or activities of WEDA, and to enter into agreements with WEDA respecting such actions to be taken by the City; and

WHEREAS, the City entered into a Development Agreement with Community Builders, Inc., approved on December 23, 2002, that provides:

1. Community Builders would construct the 73rd Avenue/Lowell Boulevard Redevelopment Project (“Project”),
2. In order to incent this urban renewal housing project, the City would provide advance funding of \$1,085,512 as a business assistance package (“BAP”) to provide financial support for land acquisition, environmental remediation, and demolition costs at three locations (“Project Sites”),

WHEREAS, pursuant to WHA Resolution No. 4, adopted December 23, 2002, the WHA agreed to finance the BAP by paying Community Builders \$1,085,512 in order to provide liquidity for the Project; and

WHEREAS, portions of the Project Sites are included within the urban renewal area or will be added as a minor modification to the existing urban renewal area, and the Community Builders Official Development Plan for these Project Sites will be the urban renewal project for these sites; and

WHEREAS, the City, the WHA and WEDA now wish to set forth their respective obligations to each other regarding the incentives provided for this project,

NOW, THEREFORE, the parties agree as follows:

ARTICLE I – WHA LOAN TO WEDA

The payment of \$1,085,512 by the WHA to Community Builders is hereby designated a loan by the WHA to WEDA. WEDA commits to pay property tax increment collected from the Project Sites to WHA until the loan is repaid and WEDA will also pay proceeds of the sale of the WEDA parcel known as Lot 1, Block 2, 7247 Meade Street Subdivision to WHA, if the loan remains unpaid at the time that the parcel is sold. The loan from WHA to WEDA shall accrue no interest.

ARTICLE II – CITY ASSISTANCE TO WEDA

The City shall assist WEDA in repaying the loan to the WHA by contributing the following revenue to WEDA as it is collected during the development of the Project Sites:

- a. Use taxes collected from the Project Sites,
- b. Utility tap credits,
- c. Park development fees,
- d. School land dedication fee,
- e. Park land dedication fee,
- f. \$50,000 contribution by the developer for Meade Street improvements

ARTICLE III – MISCELLANEOUS PROVISIONS

1. Nothing herein shall be deemed or construed as modifying the Cooperation Agreements except as specifically set forth herein

2. A breach by any party to this Agreement shall entitle the non-breaching party to any and all remedies at law or in equity. In any action brought to enforce this Agreement, the prevailing party shall be entitled to recover from the other its reasonable attorneys fees and costs. Before bringing any such action, however, the parties agree to attempt in good faith a mediated resolution of their dispute using a mutually acceptable profession and independent mediator.

3. This Agreement may be amended at any time by mutual written agreement of the Parties.

4. In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such determination shall not affect, impair or invalidate the remaining provisions hereof, the intention being that the various provisions hereof are severable.

CITY OF WESTMINSTER

By: _____
Ed Moss, Mayor

Attest:

Michele Kelley, City Clerk

WESTMINSTER HOUSING AUTHORITY

By: _____
Ed Moss, Chair

Attest:

Michele Kelley, Secretary

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

By: _____
Ed Moss, Chair

Attest:

Michele Kelley, Secretary

Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, May 24, 2004. Mayor Moss, Mayor Pro-Tem McNally, Councillors Dittman, Hicks, and Price were present at roll call. Absent were Dixon and Kauffman.

The minutes of the May 10, 2004 meeting were approved.

Council recognized Employees with 20, 25, and 30 years service, and Council presented a Historic Preservation Award to Gary Shea in recognition of his restoration of 3801 West 76th Avenue.

Council changed the term of appointments of April Luber, Henry Sand, Bill Teter, and Kaaren Hardy of the Historic Landmark Board for their terms of office to expire on December 31, 2004.

Council approved the following: Financial Report for April 2004; IGA with City of Lakewood re Processing of Pawn Transaction Data; IGA with Jefferson County re Mosquito Control; Award for Design of the England Waterline with McLaughlin Water Engineers for \$140,510; Award for Design of Treated Water System Pressure Reducing Valves with Tetra Tech Engineers Inc., for \$51,094; and IGA with WHA and WEDA reassigning an obligation to repay a WHA advance of \$1,085,512 from the City to WEDA.

The following Councillor's Bills were passed on first reading:

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING OBSTRUCTION OF THE SEEKING OF EMERGENCY ASSISTANCE purpose: amending code making it unlawful to obstruct a person from seeking emergency assistance

A BILL FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE GENERAL AND UTILITY FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS purpose: supplemental appropriation for waterlines for The Shops at Walnut Creek

A BILL FOR AN ORDINANCE AMENDING TITLE 4, CHAPTER 6, OF THE WESTMINSTER MUNICIPAL CODE CONCERNING CONCRETE REPLACEMENT PROGRAM purpose: amending concrete replacement program

A BILL FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS purpose: supplemental appropriation of reassignment of WHA loan

The following Councillor's Bills were passed on second reading:

A BILL FOR AN ORDINANCE APPROVING A LEASE WITH THE COMMUNITY REACH CENTER FOR USE OF THE 76TH AVENUE LIBRARY BUILDING

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

The following Resolutions were adopted:

Resolution No. 34 re Modification of Appointments to the Historic Landmark Board

Resolution No. 35 re Water Quality Staffing for the Big Dry Creek Wastewater Laboratory

At 7:39 p.m. the meeting was adjourned

By order of the Westminster City Council

Michele Kelley, CMC, City Clerk

Published in the Westminster Window on June 3, 2004

ORDINANCE NO. **3117**

COUNCILLOR'S BILL NO. **23**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

Kauffman - Hicks

A BILL

FOR AN ORDINANCE APPROVING A LEASE WITH THE COMMUNITY REACH CENTER FOR USE OF THE 76TH AVENUE LIBRARY BUILDING

WHEREAS, the Community Reach Center has operated its Westminster clinic in a City-owned building since 1974; and

WHEREAS, the City and the Center desire to continue to have the Community Reach Center operate a satellite office in Westminster; and

WHEREAS, many citizens of Westminster benefit by having such a facility within close proximity; and

WHEREAS, the City and the Center desire to remodel the former 76th Avenue Library for use as the Community Reach Center Westminster office; and

WHEREAS, the final form of the lease has been agreed to by the parties; and

WHEREAS, the City Charter requires such leases to be approved by ordinance.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Lease between the City and the Community Reach Center for the lease of the 76th Avenue Library building is approved in substantially the same form as attached as Exhibit "A" and the City Manager is authorized to execute the same on behalf of the City.

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 10th day of May, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of May, 2004.

SERIES OF 2004

INTRODUCED BY COUNCILLORS
Dittman - Dixon

A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN

WHEREAS, the owner of the property described below has requested an amendment to the City's Comprehensive Land Use Plan to change the designation for said property from Office to Retail Commercial; and

WHEREAS, the Planning Commission has reviewed the proposed amendment and has recommended approval to the City Council.

NOW THEREFORE, the City Council hereby finds that the requested amendment will be in the public good and in compliance with the overall intent of the Comprehensive Land Use Plan.

Section 1. The City Council authorizes City Staff to make the necessary changes to the maps and text of the Westminster Comprehensive Land Use Plan which are necessary to alter the designation of the Hyland Office Park Lot 1 property from Office to Retail Commercial, legally described as follows:

A parcel of land being a portion of Tract A, Turnpike Commercial Subdivision Plat, recorded in Book 27 at Page 42 and being located in the southeast one quarter of Section 24, Township 2 South, Range 69 West of the 6th Principal Meridian, City of Westminster, County of Jefferson, State of Colorado and being more particularly described as follows:

Commencing at the northeast corner of the southeast one quarter of said Section 24: Thence S00°09'11"W along the east line of said southeast one quarter of Section 24 a distance of 298.01 feet; thence departing said section line N89°50'49"W, a distance of 70.26 feet, thence N87°47'38"W, a distance of 7.58 feet to a point of curvature; thence 8.85 feet along the arc of a curve to the left having a radius of 112.50 feet, a central angle of 04°30'33" and a chord which bears S88°42'14"W, a distance of 8.85 feet to a point on the westerly line of an exception parcel recorded at Reception No. 91025657, also being the true point of beginning; thence S00°57'18"E along the westerly line of said exception parcel 114.05 feet; thence continuing along said westerly line of exception parcel S04°44'31"E, a distance of 118.24 feet to a point on the westerly line of that parcel of land condemned in Civil Action No. 41 321, Division 4 in the District Court in and for the County of Jefferson, State of Colorado; thence departing said westerly line of exemption parcel and along the westerly line of said condemned parcel S16°00'45"W, a distance of 301.69 feet; thence continuing along said westerly line S45°42'23"W, a distance of 179.99 feet to the northeasterly line of a parcel of land described as Parcel No. 3, State Department of Highways, Division of Highways, State of Colorado, Project No. F036-1(14); thence departing said westerly line and along said northeasterly line of Parcel No. 3 N34°26'11"W, a distance of 562.08 feet to a point on the easterly line of an exception parcel recorded at Reception No. 1278789; thence departing said northeasterly line of Parcel 3 and along said easterly line of exception parcel N17°48'13"W, a distance of 192.69 feet; thence continuing along said easterly line N23°15'38"W, a distance of 194.06 feet to a point on the southerly line of an exception parcel recorded at Reception No. F0839814; thence departing said easterly line and along said southerly line of exception parcel N59°55'16"E, a distance of 118.92 feet; thence continuing along said southerly line S89°06'38"E, a distance of 153.11 feet to a point on a curve on the easterly line of said exception parcel; thence along said easterly line 13.87 feet along the arc of a non-tangent curve to the left having a radius of 493.49 feet, a central angle of 01°36'37" and a chord which bears N01°45'45"E, a distance of 13.87 feet to a point of compound curvature; thence continuing along said easterly line 9.77 feet along the arc of a curve to the left having a radius of 19.11 feet, a central angle of 29°16'49" and a chord which bears N13°48'26"W, a distance of 9.66 feet to a point on the southerly right-of-way line of 92nd Avenue as recorded at Reception No. 90036784; thence departing said easterly line of exception parcel S89°02'33"E along said southerly right-of-way line, a distance of 14.96 feet; thence departing said southerly right-of-way line S00°57'27"W, a distance of 9.34 feet to a point of

curvature; thence 165.23 feet along the arc of a curve to the right having a radius of 505.99 feet, a central angle of 18°42'34" and a chord which bears S10°18'44"W, a distance of 164.49 feet to a point of tangency; thence S19°40'00"W, a distance of 60.39 feet to a point of curvature; thence 111.20 feet along the arc of a curve to the left having a radius of 100.00 feet, a central angle of 63°42'39" and a chord which bears S12°11'17"E, a distance of 105.56 feet to a point of tangency; thence S44°02'33"E, a distance of 77.98 feet to a point curvature; thence 157.62 feet along the arc of a curve to the left having a radius of 100.00 feet, a central angle of 90°18'43" and a chord which bears S89°11'53"E, a distance of 141.81 feet to a point of tangency; thence N45°38'46"E, a distance of 146.57 feet to a point of curvature; thence 80.09 feet along the arc of a curve to the right having a radius of 112.50 feet, a central angle of 40°47'18" and a chord which bears N66°02'23"E, a distance of 78.41 feet to the true point of beginning; said parcel contains 6.032 acres more or less.

The properties described above shall be changed from Office to Retail Commercial, as shown on the attached "Exhibit A."

Section 2. 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 3. This ordinance shall take effect upon its passage after second reading.

Section 4. 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 10th of May, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 24th day of May, 2004.