



CITY COUNCIL AGENDA

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

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

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings (June 23, 2014)
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
 - A. Economic Development Council of Colorado 2013 Economic Development Achievement Award
 - B. Parks, Recreation and Libraries Month Proclamation
7. Citizen Communication (5 minutes or less)

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

8. Consent Agenda
 - A. Westview Recreation Center Partial Reroofing Contract
 - B. Fleet Maintenance Cumulative Purchases Over \$75,000
 - C. Wireless Network Upgrade Purchases
 - D. Little Dry Creek Interceptor Sewer Relocation Betterment Costs
 - E. 2014 Distribution System Repair and Replacement Prioritization and Modeling Project
 - F. Second Reading of Councillor's Bill No. 18 re Standley Shores Ace Hardware Proposed EDA
9. Appointments and Resignations
10. Public Hearings and Other New Business
 - A. Councillor's Bill No. 19 Authorizing FY2013 Carryover Appropriation to FY2014
 - B. Resolution No. 13 to Reimburse WURP Capital Project Expense prior to Issuance of Debt Financing
11. Old Business and Passage of Ordinances on Second Reading
12. Miscellaneous Business and Executive Session
 - A. City Council
13. Adjournment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING (Separate Agenda)

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

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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



2014 CITY OF WESTMINSTER STRATEGIC PLAN



VISIONARY LEADERSHIP & EFFECTIVE GOVERNANCE

The City of Westminster has articulated a clear vision for the future of the community. The vision is implemented through collaborative and transparent decision making.

- Secure a replacement for our retiring City Manager that has the combination of experience, knowledge, style and values that are consistent with City Council vision and organizational values; ensure a smooth transition.



VIBRANT & INCLUSIVE NEIGHBORHOODS

Westminster provides housing options for a diverse demographic citizenry, in unique settings with community identity, ownership and sense of place, with easy access to amenities, shopping and employment.

- Complete St. Anthony North Hospital (84th Avenue) impact analysis
- Create an Arts District



COMPREHENSIVE COMMUNITY ENGAGEMENT

Westminster is represented by inclusive cultural, business, nonprofit and geographic participation. Members of the community are involved in activities; they are empowered to address community needs and important community issues.

- Create an Inclusiveness Commission



BEAUTIFUL, DESIRABLE, ENVIRONMENTALLY RESPONSIBLE CITY

Westminster thoughtfully creates special places and settings. The city is an active steward, protecting and enhancing natural resources and environmental assets. The city promotes and fosters healthy communities.

- Develop and implement Open Space Master Plan
- Identify and implement alternative energy options for city facilities
- Achieve “Solar City” designation to benefit both our environment and economy



PROACTIVE REGIONAL COLLABORATION

Westminster is proactively engaged with our partners to advance the common interests of the region.

- Collaborate with counties, school districts and neighboring cities



DYNAMIC, DIVERSE ECONOMY

Westminster is a local government that fosters social, economic, and environmental vitality and cultivates and strengthens a wide array of economic opportunities.

- Construct Westminster Station and develop TOD area
- Identify and pursue FasTracks next step
- Continue North I-25 development
- Proceed with Phase I of the Westminster Center Reinvestment Project
- Advance business attraction strategy
- Encourage the development of chef-owned and/or operated restaurants
- Grow small businesses through incubation



EXCELLENCE IN CITY SERVICES

Westminster leads the region in a culture of innovation that exceeds expectations in all city services – the city is known for “the Westy Way.”

- Analyze Fire/EMS alternative service delivery
- Provide improved collaboration and communication between City Council and employees at all levels of the organization
- Improve planning and permit process to be business friendly and achieve city goals



EASE OF MOBILITY

Westminster pursues multi-modal transportation options to ensure the community is convenient, accessible and connected by local and regional transportation options through planning, collaboration, advocacy and execution. Transportation objectives include walkability, bike friendly, drivability and mass transit options.

- Enhance trail connectivity

VISION: *Westminster is an enduring community – a unique sense of place and identity; we have a choice of desirable neighborhoods that are beautiful and sustainable by design. Westminster residents enjoy convenient choices for an active, healthy lifestyle, are safe and secure, and have ease of mobility within our City and convenient connection to the metro area. Westminster is a respectful, diverse community in which*

residents are engaged. Westminster City Government provides exceptional city services, and has a strong tax base through a sustainable local economy.

MISSION: *Our job is to deliver exceptional value and quality of life through S-P-I-R-I-T (Service, Pride, Integrity, Responsibility, Innovation, Teamwork)*

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, JUNE 23, 2014, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Herb Atchison, Mayor Pro Tem Faith Winter, and Councillors Bruce Baker, Bob Briggs, Alberto Garcia, Emma Pinter, and Anita Seitz were present at roll call. Also present were City Manager J. Brent McFall, City Attorney Martin McCullough, and City Clerk Linda Yeager.

CONSIDERATION OF MINUTES

Councillor Briggs moved, seconded by Councillor Baker, to approve the minutes of the regular meeting of June 9, 2014, as presented. The motion carried unanimously.

CITY MANAGER'S REPORT

Mr. McFall reminded all that next Monday, June 30, was the fifth Monday of the month and, as was customary, the City Council would not meet on that date.

Following adjournment of this meeting, the Westminster Economic Development Authority Board of Directors would meet. Council would then move to the Council Board Room for a post-meeting briefing for a verbal discussion regarding a City Attorney candidate profile. The public was welcome to attend.

Mr. McCullough added that the Council had requested an executive session be conducted to consult with the City Attorney about the City's case disposition and prosecution policies as authorized by Westminster Municipal Code, Section 1-11-3(C)(8) and Colorado Revised Statutes, Section 24-6-402(4)(b). Executive session was closed to the public.

COUNCIL REPORTS

Councillor Garcia reported on the success of the first summer celebration held on Friday, June 20, at Westfield Park. There had been lots of food, activities, and equipment displays where children could sit on heavy equipment and learn about the equipment and its uses. He thanked staff for planning and executing a fun event to mark the beginning of summer.

Mayor Pro Tem Winter agreed that the summer celebration had been a great event and reminded the public that a very popular children's movie, Frozen, would be featured on Friday, June 27, at Movies in the Park, which would begin at 7 p.m. at City Park. Everyone was welcome.

Councillor Pinter reported that a number of Council members had the opportunity to attend the Colorado Municipal League Annual Conference in Breckenridge to learn about topics ranging from public safety to conducting public meetings to maintaining a municipality's identification. The conference also provided a way to meet elected officials from throughout Colorado, to compare issues, and to explore the ways that other cities and towns had solved problems. As always, Westminster shined.

Councillor Briggs agreed that the value of attending the above-referenced conference was never a disappointment. Additionally, he reported that the weekly Farmers' Market from 10 a.m. to 2 p.m. on Saturday at 88th and Sheridan continued to grow with last Saturday's event attracting food trucks and more booths. Popularity of the market was growing and the public was encouraged to take in the event where Colorado grown produce and products were available for purchase.

Mayor Atchison reported having attended the Colorado Star Ball Dance Sport Championship at the Westminster Westin on Saturday evening. It was the fifth consecutive year the event had been held at that location and the competition not only attracted from 2,000 to 3,500 people, but it also provided a most enjoyable evening of entertainment.

CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING PRESENTED

Mayor Atchison presented the 30th consecutive Certificate of Achievement for Excellence in Financial Reporting to members of the Comprehensive Annual Financial Report (CAFR) Team. Team leader Cherie Sanchez, Accounting Supervisor, accepted the award and praised team members for their diligence and efforts to present the financial information and statistics in the CAFR in a most readable, organized format.

CITIZEN COMMUNICATION

Sunny Gist of the Loa Buddhist Temple reported an overgrowth of bushes obstructing the line of vision when turning from Dover Street onto 108th Avenue.

Jeremy Rodriguez, Constituent Services Representative for Congressman Ed Perlmutter, announced upcoming events the Congressman would host to obtain public input. He invited participation.

Mike and Maria Vanderkolk, owners of the new Ace Hardware in Westminster, were excited to have opened their business and understood that Council would be considering an Economic Development Agreement for the business later in the meeting. They appreciated Council's consideration of the agreement and looked forward to a long relationship serving the community.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: accept the May 2014 Financial Report as presented; accept the 2013 Comprehensive Annual Financial Report; award the bid and authorize the City Manager to execute a contract with the low bidder, Lobato Construction, LLC, in the amount of \$715,822 for the construction of the Westminster Station--North Plaza Retaining Wall, authorize the City Manager to execute a contract with Martin/Martin Inc. in the amount of \$68,725 for construction engineering services for the same project, authorize the City Manager to execute a change order in the amount of \$82,598 to an existing contract with Martin/Martin for design engineering services related to the North Plaza Retaining Wall, and authorize a project contingency of \$90,000 for the construction and construction engineering contracts; award the bid and authorize the City Manager to execute a contract with The Beck Group in the amount of \$1,376,004 for the construction of the Westminster Station Parking Structure; based upon the recommendation of the City Manager, find that the public interest would best be served by authorizing the City Manager to enter into a sole source contract with DTJ Design, Inc. in the amount of \$61,260 for the preparation of design drawings of architectural enhancements to the Federal Boulevard Bridge over the Burlington Northern/Santa Fe Railroad; authorize the City Manager to execute agreements for bond counsel services with Butler Snow for a fee not to exceed \$75,000 and for disclosure counsel services with Kutak Rock, LLC for a total fee not to exceed \$35,000, both in connection with the proposed issuance of \$40 million Certificates of Participation, Series 2014, and between the City of Westminster and the City of Westminster Building Authority; final passage on second reading of Councillor's Bill No. 15 adopting the amendments to the 2013 Comprehensive Plan; final passage on second reading of Councillor's Bill No. 16 terminating certain exceptions to title in furtherance of the Westminster Center Urban Reinvestment Project; and final passage on second reading of Councillor's Bill No. 17 creating a City of Westminster Parks, Recreation, Libraries and Open Space Advisory Board by combining the Parks, Recreation and Libraries Advisory Board with the Open Space Advisory Board.

No one wished to remove any item from the consent agenda for individual consideration. Councillor Briggs moved, seconded by Councillor Seitz, to approve the consent agenda as presented. The motion carried with all Council members voting in favor.

PUBLIC HEARING

At 7:18 p.m., Mayor Atchison opened a public hearing to consider the Lao Buddhist Temple Preliminary Development Plan and Official Development Plan. Mac Cummins, Planning Manager, presented background information, reported that legal notification requirements had been met through publication, entered the agenda memorandum and its attendant documentation into the record, and summarized the proposed plans. The original Temple had been lost to fire. The proposed development area was approximately 4.76 acres in size and was located at 10685 Dover Street.

A large contingency was in attendance from the Lao Buddhist Temple and surrounding neighborhood. Spokespersons were Emmy Thammasine and Tom Pong. They provided drawings of the proposed Temple and Shrine buildings to be built, discussed phasing of construction, and answered questions from Council. No others wished to speak.

Mr. Cummins added that the Planning Commission had reviewed the PDP and ODP and recommended approval.

The Mayor closed the hearing at 7:46 p.m.

LAO BUDDHIST TEMPLE PRELIMINARY DEVELOPMENT PLAN

It was moved by Councillor Garcia, seconded by Councillor Seitz, to approve the Lao Buddhist Temple Preliminary Development Plan based on finding that the criteria set forth in Section 11-5-14 of the Westminster Municipal Code had been met. The motion passed unanimously on roll call vote.

LAO BUDDHIST TEMPLE OFFICIAL DEVELOPMENT PLAN

Upon a motion by Councillor Garcia, seconded by Councillor Seitz, the Council voted unanimously at roll call to approve the Lao Buddhist Temple Official Development Plan based on a finding that the criteria set forth in Section 11-5-15 of the Westminster Municipal Code had been met.

COUNCILLOR'S BILL NO. 18 AUTHORIZING STANDLEY SHORES ACE HARDWARE EDA

It was moved by Mayor Pro Tem Winter, seconded by Councillor Briggs, to pass on first reading Councillor's Bill No. 18 authorizing the City Manager to execute and implement an Economic Development Agreement (EDA) with Standley Shores Ace Hardware. At roll call, the motion passed unanimously.

ADJOURNMENT

There was no further business to come before the City Council, and, hearing no objections, Mayor Atchison adjourned the meeting at 7:50 p.m.

ATTEST:

Mayor

City Clerk



Agenda Item 6 A

Agenda Memorandum

City Council Meeting
July 14, 2014



SUBJECT: Economic Development Council of Colorado 2013 Economic Development Achievement Award

Prepared By: J. Brent McFall, City Manager

Recommended City Council Action

Councillor Pinter to present the Economic Development Council of Colorado (EDCC) 2013 Economic Development Achievement Award to Economic Development Director Susan Grafton.

Summary Statement

On May 1, 2014, Susan Grafton, the City's Economic Development Director, received the EDCC 2013 Economic Development Achievement Award presented at EDCC's 2014 Spring Conference. The Achievement Award is the most distinguished award presented by Colorado's economic development professionals.

City Council is requested to present the award to Susan Grafton, who has served the City's economic development endeavors for the past 24 years.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

The Economic Achievement Award represents the highest recognition the Economic Development Council of Colorado (EDCC) can bestow on an economic development professional. It requires the professional to:

- Be an Economic Development practitioner in Colorado for a minimum of five years (Susan has served in Colorado for 24 years);
- Have personal professional development (Susan maintains her certified Economic Developer status through the International Economic Development Council (IEDC));
- Further development of the profession in Colorado (Susan has taught in the ED Basic Training course and mentored several ED professionals throughout Colorado);
- Be involved in regional ED efforts (Susan is past chair of the Metro Denver Economic Development Corporation and has served on the boards of Adams County Economic Development and Jefferson County Economic Development Corporation); and
- Actively participate in EDCC (Susan is a past EDCC Board member and has taught classes on retail recruitment and business retention/expansion).

Grafton, who is currently managing the redevelopment efforts of the former Westminster Mall site, has been with the City of Westminster since 1991. She has been a part of every major nonresidential development that has occurred in Westminster over the past 23 years, including:

- Rocky Mountain Butterfly Pavilion
- Westin Hotel and Conference Center
- Westmoor Technology Park
- Circle Point Technology Center
- The Shops at Walnut Creek
- The Orchard

Current projects in which she is playing a role include:

- The development of the 50-acre St. Anthony North Hospital medical campus at 144th Avenue and I-25;
- The Park 12 Hundred redevelopment occurring at the site of the former AT&T manufacturing facility at 120th Avenue and Huron Street;
- The Westminster Center Urban Reinvestment Project; and
- Supporting existing and entrepreneurial business growth, marketing the Westminster Station project and backfilling vacant retail, office and industrial spaces.

During her career with Westminster, the City's economic development program has achieved:

- Over 4 million square feet of new and diverse retail;
- Over 3 million square feet of office and light industrial space;
- The doubling of number of city businesses; and
- A 58% increase in Median Household Income for city residents.

SUBJECT: 2013 Economic Development Achievement Award

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The conveyance of this award to Ms. Grafton supports the City's Strategic Plan goals of Proactive Regional Collaboration; Dynamic, Diverse Economy; and Excellence in City Services.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 6 B

Agenda Memorandum

City Council Meeting
July 14, 2014



SUBJECT: Proclamation re July is Parks, Recreation and Libraries Month

Prepared By: Jessica Stauffer, Parks, Recreation and Libraries Community Outreach
Coordinator

Recommended City Council Action

Mayor Atchison is requested to present a proclamation to Donald M. Tripp, Parks, Recreation and Libraries Director and Jessica Stauffer, Parks, Recreation and Libraries Community Outreach Coordinator and additional Staff members proclaiming July as Parks, Recreation and Libraries Month in the City of Westminster.

Summary Statement

- Since 1985, America has celebrated July as the nation's official Park and Recreation Month. In 2009, the U.S. House of Representatives officially mandated July as "Park and Recreation Month."
- Our nation's parks and recreation are integral catalysts for healthy, active communities and foster social connectivity as well as physical, mental and environmental health. Everyone can experience these benefits by visiting local park and recreation areas any time of the year, and especially during Parks, Recreation, and Libraries Month.
- Hundreds of park and recreation agencies across the country show and sharing the love during Park and Recreation Month with special events, programs and other activities.
- The Parks, Recreation and Libraries Department will be celebrating July as Parks, Recreation, and Libraries Month with daily activities celebrating facilities, programs and services in the City of Westminster.
- The Parks, Recreation and Libraries Department will host a City-wide treasure hunt in recognition of Park and Recreation Month through social media engagement and competitions.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

None identified

Alternative

None identified

Background Information

The National Recreation and Park Association (NRPA) is proclaiming July as the month to celebrate parks and recreation. NRPA identifies July as the month to join in parks and recreation celebration throughout the country. The celebration is a focused opportunity throughout the nation to honor the impact of parks and recreation in our communities.

The national celebration is supported by NRPA through a tool kit (located at www.nrpa.org/July) to encourage our City to show and share what we love about parks, recreation and libraries. Additionally, NRPA will promote our activities and events we wish to highlight during July. Sample graphics from the toolkit are attached. Staff is planning activities to highlight for each day of the month of July to help engage our community to celebrate throughout the month.

Staff believes that this proclamation will be a valuable recognition and awareness tool to build upon the strong participation rates in 2014. Overall drop-in participation at recreation facilities is up 13,838 patrons from January through May 2014 (compared to the same period last year). Program participation is up 1,656 patrons when compared to the same time period. Library visits are up 18.7% or 19,156 visits compared to the same time period. Finally, golf is up 4,799 rounds of golf and \$148,567 from January through April (compared to same period last year). Things are going so well that 1,000 goats decided to “dine locally” on City Open Space properties while helping mow these areas throughout the month of June.

Westminster’s participation in Parks, Recreation, and Libraries Month in July supports City Council’s Strategic Plan goals of Vibrant & Inclusive Neighborhoods by engaging our citizens in a celebration of parks, recreation and libraries, building healthy and active communities that aid in the prevention of chronic diseases; Beautiful, Desirable, Environmentally Responsible City by communicating the importance of maintaining green space, connecting our community to nature, and preserving vistas and views; and Dynamic, Diverse Economy through increased property values, increased tourism, and the attraction and retention of businesses.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments
Sample Toolkit Graphics
Proclamation

July is Parks, Recreation and Libraries Month: Toolkit Samples

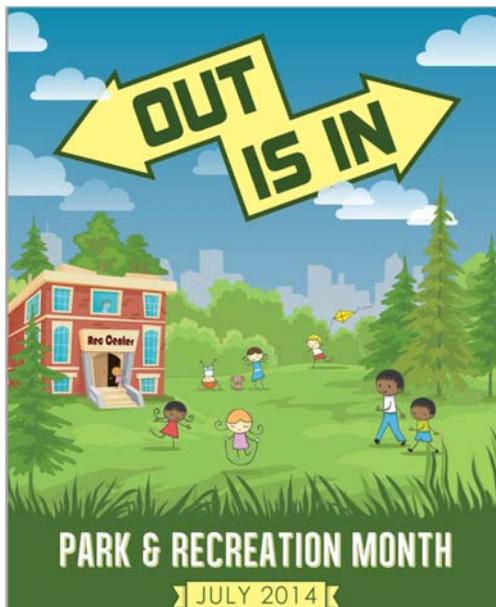
Logo:



Social Media Avatar:



Poster:



WHEREAS, parks, recreation and libraries programs are an integral part of communities throughout this country, including the City of Westminster; and

WHEREAS, our parks, recreation and libraries are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks, recreation and libraries programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks, recreation and libraries programs increase a community's economic prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction and are fundamental to the environmental well-being of our community; and

WHEREAS, parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS, our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS, the City of Westminster recognizes the benefits derived from parks, recreation and libraries resources.

NOW, THEREFORE, I, Herb Atchison, Mayor of the City of Westminster, Colorado, on behalf of the entire City Council and Staff, do hereby proclaim July 2014 to be

PARKS, RECREATION AND LIBRARIES MONTH

in the City of Westminster, and urge all citizens to celebrate parks and recreation and enjoy the benefits provided through open space, parks, programs, libraries, and activities throughout Westminster.

Signed this 14th day of July, 2014.

Herb Atchison, Mayor



Agenda Memorandum

City Council Meeting
July 14, 2014



SUBJECT: Westview Recreation Center, Partial Reroofing Contract

Prepared By: Tom Ochtera, Facilities CIP and Energy Coordinator

Recommended City Council Action

Authorize the City Manager to execute a contract with the low bidder, Front Range Roofing Systems, LLC, in the amount of \$223,670 for the partial roof retrofit at Westview Recreation Center and authorize a construction contingency of 10% in the amount of \$22,367 for a total expenditure of \$246,037.

Summary Statement

- Since 2013, the roof at the Westview Recreation Center has been experiencing a number of leaking conditions. In 2013, leaks over the upstairs walking track and gymnasium floor caused safety and maintenance issues requiring closure of the gymnasium for safety reasons.
- In April 2014, Staff and a roofing consultant from Garland Roofing Consultants evaluated the current roof conditions at the Recreation Center and identified the need for replacing the flat portions of the roof. The existing roof is a single ply membrane roofing system; approximately 13 years old; with a normal life expectancy of no more than 15 years. Risk Management will pay the \$15,000 portion of the cost attributable to hail damage. This is included in the cost allocations.
- A Request for Proposals was sent to four roofing companies to retrofit the roof at the Westview Recreation Center. All companies had completed successful roof replacements or retrofits on City facilities in the past. On May 1, 2014, a bid opening was held and Front Range Roofing Systems, LLC, submitted the lowest proposal to retrofit the roof.
- Adequate funds are budgeted and available for this repair.

Expenditure Required: \$246,037

Source of Funds: General Capital Improvement Fund – Building Operation Major
Maintenance - \$231,037
Risk Management - \$15,000

Policy Issue

Should City Council authorize the roof retrofit at the Westview Recreation Center?

Alternative

City Council could direct Staff to continue making annual repairs to the existing roof at the Westview Recreation Center. Staff does not recommend this approach because the roof is near the end of its useful life. In addition, there is potential of additional damage to insulation under the roof and impacts to the Recreation Center’s operations ultimately inconveniencing the guests.

Background Information

In 2012, the Westview Recreation Center began experiencing a number of roof leaks. Additional leaks were identified in 2013. This is believed to be caused, in part, by hail damage thought to have occurred in the summer of 2013. This damage may have shortened the life of the roof and hastened the need to replace it. An insurance claim has been filed, however, because the roof is nearly at the end of its useful life, there is expected to be limited compensation. The asphalt shingle portion of the Center’s roof is in good condition.

In March 2014, Staff contacted Garland Roofing Consultants to help assess the Center’s roof condition and make recommendations to address leaks. Garland has been assisting the City over the past eight years with the management of facility roofs and their expertise has helped the City maintain the useful life of several facility roofs. After a thorough review, Garland and Staff determined the roofing system was compromised and a total roof replacement was recommended. In addition to Garland’s recommendation to replace the existing roof, the City’s Risk Management Division, working with CIRSA, sent their own roofing appraiser to assess the condition of the roof at the Westview Recreation Center. CIRSA’s roof appraiser’s assessment and recommendations were similar to Garland, noting the flat portions of the roof had been damaged by hail.

In the roof assessment from Garland Roofing Consultant, an Energy Star roof was recommended to be the product that would replace the existing roof. Energy Star is a Federal rating system that considers the impacts of direct sunlight on the building’s cooling systems. In this case, the white finish of the proposed roof system matches the existing color of the roof and significantly reduces temperature at the roof surface and decreases cooling load on the building compared to other darker colored roofing systems.

The roof was bid in three ways: 10-year single ply, 15-year single ply, and a 30-year built-up Energy Star-rated roof. It was bid this way to insure that the City would receive the best value by completing a simple lifecycle cost analysis. Lifecycle cost analysis is a method of total-costing that demonstrates the long-term costs of a particular design decision. If a roof has a warranted life of 10 years, for example, then it may need to be replaced roughly every ten years, or three times in thirty years. Although it is difficult to know how long a roof will actually last, the warranty helps Staff determine the best value to the City. In the chart below, the prices of all three options are outlined.

Bidder	10 year	15 year	30 year
Front Range Roofing Systems	\$198,600	\$201,260	\$223,670
D&D Roofing	\$207,847	\$237,223	No Bid
B&M Roofing	\$262,296	\$265,890	\$287,600

In this case, the cost for a 30-year roof is only \$25,000 more than the cost of a 10-year roof. This is an estimated \$372,000 in cost avoidance. Staff recommends awarding Front Range Roofing the 30-year roofing project based on this analysis.

By applying a 30-year roofing system with the added value of maintaining internal temperatures and reducing energy costs associated with cooling the building, this project supports the Strategic Plan Goal of Excellence in City Services.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 B

Agenda Memorandum

City Council Meeting
July 14, 2014



SUBJECT: Fleet Maintenance Cumulative Purchases of Over \$75,000

Prepared By: Jeffery Bowman, Fleet Manager

Recommended City Council Action

Based upon the recommendation of the City Manager, determine that the public interest will be best served and approve Fleet Maintenance cumulative purchases in 2014 with Wireless Advanced Communications for purchases not to exceed \$125,000 through year end.

Summary Statement

- The Westminster Municipal Code requires that all purchases over \$75,000 be brought to City Council for approval. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$75,000.
- The Fleet Maintenance Division uses two vendors to provide and install emergency lighting and equipment on City of Westminster Police vehicles. Total aggregate purchases from one of those vendors; Wireless Advanced Communications, will exceed \$75,000 during 2014, as lighting expenses for motorcycles have already totaled \$15,489 and eight police car upfits are planned at a cost of \$10,250 each. Staff is asking for approval of purchases not to exceed \$125,000 for purchase of emergency equipment such as lighting, prisoner seats and restraints and prisoner dividers on City of Westminster Police vehicles through 2014.

Expenditure Required: \$125,000

Source of Funds: Public Safety General Capital Outlay Replacement Fund

Policy Issue

Should Council approve the cumulative purchase and installation of emergency lighting and equipment on City of Westminster Police vehicles that total over \$75,000 in 2014?

Alternative

1. Do not approve the expenditures as recommended. While it could be argued that each transaction represents a separate purchase, City Staff believes that a more prudent approach is to treat the smaller transactions as cumulative larger purchases with the vendors that are subject to Council approval.
2. Direct Staff to discontinue purchases and installation of emergency lighting and equipment from Wireless Advanced Communications before cumulative purchases reach \$75,000. Staff believes that the cost and services received from Wireless Advanced Communications justifies the continued use of this vendor based on the results of competitive bidding for services.

Background Information

The Westminster Municipal Code requires that all purchases over \$75,000 be brought to City Council for approval. Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from one vendor in a calendar year exceeds \$75,000. Fleet Maintenance has identified one vendor where the total cumulative purchases or expenses will exceed \$75,000 for the year 2014 and thus require Council authorization. Staff is seeking approval for this expenditure for the calendar year 2014. Adequate funds are available in the Public safety Tax – General Capital Outlay Replacement Fund account.

Fleet Maintenance uses two primary lighting and emergency equipment vendors; Av-Tech Electronics and Wireless Advanced Communications. Both vendors were contacted and pricing was requested to provide emergency lighting, prisoner seating, consoles for emergency controls, sirens, prisoner dividers, shotgun mounts and locks, and complete vehicle wiring systems for the City of Westminster Police vehicles. Av-Tech provided a per car upfit price of \$12,692.19. Wireless Advanced Communications provided a per car upfit price of \$10,249.64. Because eight police car upfits are required in 2014, along with the three Harley-Davidson upfits already completed at a per motorcycle price of \$5,149.43 each, plus a planned K-9 SUV upfit quoted at \$14,015.41, the quoted upfits will total \$111,460.82.

Staff anticipates that it will be purchasing additional emergency lighting services from Wireless Advanced Communications for the remainder of the year that will not exceed \$125,000. The City's approach to these types of collective purchases from a single vendor is to assure that purchases in excess of \$75,000 are identified in advance and brought to City Council for approval.

This approach helps achieve the City Council's Strategic Plan Goal of Excellence in City Services by building and maintaining well equipped Police Department vehicles and spending tax dollars in a responsible manner.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Memorandum



City Council Meeting
July 14, 2014

SUBJECT: Wireless Network Upgrade Purchases

Prepared By: David Puntenney, Information Technology Director
Scott Rope, Information Systems Manager
Dan Hord, Senior Telecommunication Administrator

Recommended City Council Action

Find that purchasing below Western States Contracting Alliance (WSCA) pricing meets City Charter bidding requirements and authorize Staff to proceed with 2014 calendar year purchases and maintenance of wireless networking equipment in order to upgrade and expand the City’s wireless infrastructure in an amount not to exceed \$133,000.

Summary Statement

- The current wireless infrastructure has reached its maximum device limit. Additional wireless access points cannot be added to existing equipment.
- The new system will increase network capabilities and decrease the cost of maintenance.
- Staff at City facilities will see improved wireless coverage and performance.
- The new system has been designed to provide data communication redundancy and fault tolerance in the event of one of the primary wireless control system fails, providing uninterrupted wireless communications.
- Funds for this project are available through a City Council authorized capital improvement project (\$75,000) and Public Works and Utilities operating budget (\$58,000).
- The new wireless control system will use virtual server(s), eliminating two networking appliances. This technology reduces energy requirements and future replacement cost.

Expenditure Required: \$133,000

Source of Funds: General Capital Improvements – Wireless Communications Upgrade
CIP (\$30,000)
Public Safety Capital Improvements – Wireless Communications Upgrade
CIP (\$15,000)
Utility Capital Improvement Fund – Wireless Communications Upgrade
CIP (\$30,000)
Utility Fund – Public Works and Utilities Operating Budget (58,000)

Policy Issue

Should the City replace and expand the wireless network equipment and continue maintenance to ensure high network availability, security, performance and capacity to support City wireless users?

Alternative

Forgo or delay the replacement of the city wireless networking equipment. This alternative is not recommended for the following reasons:

- The warranty on the existing system will expire in 2015. The City would need to convert to a time and material support model that would be costly. If the current equipment fails, the City's wireless network would not be available until the units were repaired. This would prevent employees from accessing applications such as JD Edwards, Accela Maintenance Management, Email, Phone and Voicemail and other files and folders. Citizens and other guests would also lose access to the city's wireless guest network.
- Maintaining and upgrading the City's wireless network infrastructure is critical to provide exceptional internal and external customer service.
- Potential operational enhancements and productivity gains at water plants would not be possible without expanded wireless network infrastructure.

Background Information

The City's current wireless network is built on technology manufactured in 2008. Significant performance and reliability improvements in wireless network technology have occurred since that time.

The ability to connect wirelessly within the City has become a day to day necessity and function for most departments. As the number of smart phones, tablets and laptops used to perform daily tasks grow, so does the need to increase capacity, performance and reliability of the City-wide wireless networks. This project will provide City employees with high performance, expandable and reliable wireless connectivity from within any City facility to perform their job duties and communicate with staff and citizens. Major benefits of this project include the ability to increase the number of devices that can connect to the wireless network, an increase in the range of signal for these devices and a decrease in "dead zones" or areas of poor signal strength. Since the wireless network equipment also provides guest access to citizens, businesses, contractors and others at City facilities, this network upgrade will benefit those individuals as well.

This project also includes the hardware required to increase bandwidth from City Hall's main data center and the disaster recovery facility. This increase in bandwidth will enable the IT Department to move backup data from the City's primary data center at City Hall to the disaster recovery site at a speed 10 times greater than what is possible today.

The Public Works and Utilities Department will gain significant benefits with the expansion of wireless connectivity at the plants. Operators at the four water plants cannot spend all of their time in the plant's control room sitting near a computer running plant operation software. Their responsibilities include making rounds of the various buildings throughout their shifts. As a result, they are frequently not in the vicinity of a hard connected computer when a system alarm sounds. Today, staff must make their way to a connected computer in order to 1) silence frequent audible alarms and, 2) evaluate alarms for its urgency to determine if immediate remediation is required. Since audible alarms sound outside the buildings, the "middle of the night" alarms have the potential to annoy citizens living close to the plants.

With an expanded wireless network and mobile computer hardware, operators would have immediate access to plant control systems from any location or building on the plant campus, enabling them to quickly and conveniently evaluate and silence alarms.

Cooperative purchasing is a powerful, proven tool to save taxpayer money by creating access to the best value possible and reducing administrative overhead. WSCA (the Western States Contracting Alliance) and NASPO (the National Association of State Procurement Officials) use a competitive, lead-state procurement model to capture the best value for common government requirements, including personal computers and peripherals. The City purchases most network equipment, hardware, software and peripheral equipment at or below the WSCA prices, thereby meeting City purchasing requirements and minimizing costs. Contract prices are up to 52% below retail, depending on product purchased under the WSCA contracts. Using this approach for purchasing also saves time and money that would normally be associated with RFP development, advertising, evaluating proposals, and contract management.

Overall, this project will result in an improved wireless network infrastructure that will enhance reliability, performance and expandability. That translates to opportunities for improvement in operations, communications, organization efficiency and enhanced services. This project supports the City Council strategic plan goal of Excellence in City Services.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 D

Agenda Memorandum

City Council Meeting
July 14, 2014



SUBJECT: Little Dry Creek Interceptor Sewer Relocation Betterment Costs

Prepared By: Andy Walsh, Senior Engineer
Stephen Grooters, Senior Projects Engineer

Recommended City Council Action

Authorize the City Manager to execute a work order with the Regional Transportation District in the amount of \$440,043 for betterments associated with FasTracks commuter rail project utility relocations, plus a contingency in the amount of \$44,004 for a total authorized expenditure of \$484,047.

Summary Statement

- On April 11, 2011, City Council approved a Utility Relocation Agreement (URA) with the Regional Transportation District (RTD) that outlines parameters for relocating City-owned utilities that were determined to be in conflict with the FasTracks commuter rail project.
- The URA outlines a Work Order process through which the City, RTD and its contractor Denver Transit Partners (DTP) agree on a scope of work and schedule for required utility relocations. As part of this negotiation, the City can request upgrades (betterments) to the utilities being relocated for a negotiated price.
- To create sufficient space for its project, RTD is relocating nearly 2,000 feet of the City's large-diameter sewer east of Federal Boulevard. The timing for this relocation work is ideal for the City as this sewer segment is a high priority for repairs and improvements (i.e., was included within the 5-year plan for Capital Improvement Projects). Having RTD implement this work now saves the City a significant amount of money on the repairs.
- The City requested betterments for the sewer work including upsizing sewer pipe to handle build-out flows and specific manhole features to enhance access and long-term corrosion protection.
- Staff negotiated a competitive cost with DTP for the betterments and is seeking Council approval to proceed.
- Adequate funds are available for this expense.

Expenditure Required: \$484,047

Source of Funds: Utility Fund Capital Account - South Westminster TOD Utilities

Policy Issue

Should the City execute a Work Order with RTD to construct betterments to the Little Dry Creek interceptor sewer in south Westminster?

Alternatives

1. City Council could chose not to execute a Work Order with RTD for upgrades for the Little Dry Creek interceptor sewer in south Westminster and direct RTD to proceed with its relocation work without upsizing the piping. This alternative is not recommended since upgrades to the interceptor sewer in this area are a high priority for the City and upsizing the piping is necessary to support build out flows. Proceeding with the betterments now saves the City a significant amount of future expense.
2. City Council could choose to instruct Staff to re-negotiate betterment costs with RTD and DTP. This alternative is not recommended since Staff feels that the costs currently negotiated are competitive.

Background Information

The City is working with the Regional Transportation District (RTD) on two portions of the Eagle P3 FasTracks project: the Northwest Electrified Segment and the Goldline Segment. Some City-owned water and sanitary sewer utilities are in conflict with track and station improvements and are required to be relocated. To promote the success of the project, RTD worked with the Utilities Planning and Engineering Division and the City Attorney’s Office to establish procedures to resolve identified utility conflicts. Pursuant to City Council authorization, a Utilities Relocation Agreement (URA) was executed with RTD and the City in June 2011. The URA outlines a Work Order process through which the City, RTD and its contractor Denver Transit Partners (DTP) agree on a scope of work and schedule for the utility relocations. The City can request upgrades (betterments) for utilities that are required to be relocated but is required to negotiate and pay betterment costs.

As part of its project RTD is relocating nearly 2,000 feet of the City’s large-diameter sewer east of Federal Boulevard. This sewer is referred to as the Little Dry Creek Interceptor Sewer (LDCIS). The timing for this relocation work is ideal for the City as this sewer segment is a high priority for repairs and improvements (i.e., it was included within the 5-year plan for Capital Improvement Projects). City staff requested betterments for the sewer work to increase the hydraulic capacity of the interceptor sewer and accommodate build-out capacities. Staff also requested betterments for specific manhole features that enhance access, such as security manhole lids, and provide long-life coatings for corrosion protection. Having RTD implement this work now saves the City a significant amount of money on the repairs that would have been required in any case.

Staff negotiated with Denver Transit Partners for a competitive price to implement requested betterments at a value of \$440,043, to be paid to RTD in accordance with the URA and Work Order process. A 10% construction contingency of \$44,004 is requested to cover unanticipated expenses encountered during construction. Council approval of the total expenditure of \$484,047 is requested at this time.

Approval of the utility betterments expenditure for the Little Dry Creek interceptor sewer relocation will help achieve City Council’s Strategic Plan Goals of “Excellence in City Services” and “Ease of Mobility” by providing well-maintained City infrastructure and by supporting the development of a multi-modal transportation system in south Westminster.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 E

Agenda Memorandum

City Council Meeting
July 14, 2014



SUBJECT: 2014 Distribution System Repair and Replacement Prioritization and Modeling Project

Prepared By: Andy Walsh, P.E., Senior Engineer
Stephen Grooters, P.E., Senior Projects Engineer

Recommended City Council Action

Authorize the City Manager to execute a contract with HDR Engineering, Inc. in the amount of \$224,847 to provide engineering services for the 2014 Distribution System Repair and Replacement Prioritization and Modeling Project and authorize a contingency in the amount of \$22,485 for a total authorized expenditure of \$247,332.

Summary Statement

- At regular intervals the Public Works and Utilities Department evaluates the City's water distribution system to prioritize water main repair and replacement projects. This process is based on a number of criteria and involves use of a complex computer model of the City's water distribution system.
- This project will update the model based on recent operations history, pipe break history, new developments, and recently completed capital projects. Distribution system simulations will then confirm the next series of priority projects to plan, budget, and implement.
- This project will also identify critical valves for replacement or new installation, best locations for approximately 37 new water quality monitoring stations, and evaluate system interconnects with neighboring jurisdictions to confirm their capacity under emergency situations.
- Staff prepared a Request for Proposals for engineering services on this project and distributed it to six qualified engineering firms. Three proposals were received.
- Staff recommends awarding the contract to HDR Engineering, Inc. (HDR) based on its competitive pricing, proposed scope of work, familiarity with the City's infrastructure and the successful utilities infrastructure modeling and design experience of their proposed project team.
- Adequate funds were budgeted and are available for this project.

Expenditure Required: \$247,332

Source of Funds: Utility Fund Capital Improvements– Modeling/Planning-Transmission Main/Pressure Zones

Policy Issue

Should Council authorize the City Manager to award an engineering services contract to HDR for this project?

Alternatives

1. The City could award the contract to another firm but Staff does not recommend this alternative since HDR presented the most qualified proposal and in Staff’s opinion provides the best value to the City.
2. The City could send another request for engineering proposals. Staff does not recommend this alternative because the City received and evaluated three proposals from qualified engineering design firms, and HDR was determined to be the most qualified firm to perform the modeling services and has proposed competitive pricing.

Background Information

The City’s Public Works and Utilities Department maintains over 560 miles of water distribution system pipelines ranging in size from 4-inch to 54-inch and over time as these mains age they require replacement. The primary focus of the 2014 Distribution System Repair and Replacement Prioritization and Modeling project is to evaluate the City’s water distribution system under current and build-out conditions and prioritize the next series of water main repair and replacement projects. This process is based on a number of variables including pipe criticality, vulnerability, age, break history, water quality considerations, and other operational data.

Due to the complex nature of the City’s water distribution system, this project requires use of the City’s water system computer model. This project includes updating the model based on recent operations history, new developments, and recently completed capital projects. Distribution system simulations will then confirm the next series of priority projects to plan, budget, and implement. In addition to evaluating and prioritizing mains for repair and replacement, other objectives of this project will include:

- identifying critical valves in the distribution system that should be prioritized for replacement;
- confirming new valves that should be added to the system to provide redundancy and/operational flexibility;
- identifying locations for approximately 37 new water quality monitoring stations to be used for sampling and monitoring the water in the distribution system as required by Federal and State regulations; and
- evaluating system interconnects with neighboring jurisdictions to confirm their sustainable capacity under emergency situations.

Staff distributed a Request for Proposals (RFP) to six local engineering firms qualified and specializing in this type of work. Of the three firms that submitted proposals the hourly fee ranges for key staff were all competitive and are presented below.

HDR Engineering, Inc.	\$103 - \$225/hr
URS Corporation	\$106 - \$175/hr
AMEC/Bohannon Huston	\$105 - \$220/hr

Staff recommends that HDR be selected for this work. This recommendation is based on HDR’s successful response to the following criteria as outlined in the Request for Proposals:

- Response to specific requirements in RFP, clarity and presentation of proposed scope, tasks and fee.
- Background and expertise in completing water system projects of similar size, scope, and complexity.
- References related to the ability to complete project requirements on schedule and within budget.
- Reputation with the City and familiarity with City codes, policy, procedures, and regulations.
- Professional background and experience of each key person of the project team.
- Key team member availability and commitment to the project.
- Level of effort, competitive firm fee and competitive hourly rates for staff assigned to this project relative to their experience level.
- Experience in the design of energy saving measures and life cycle cost analysis.

HDR's hourly rate ranges for its professional key staff were consistent with previous work HDR performed for the City and similar to the ranges of other firms as submitted with proposals. Fees for the proposals ranged from \$232,819 to \$235,874. HDR's total fee was the lowest of the three proposals received, but its innovative approach included potential additional analysis that Staff feel are not necessary to complete the project. Staff negotiated out the additional analysis, bringing HDR's fee down to \$224,847. Overall, HDR's approach is comprehensive and its team is highly qualified with a history of successful projects that are similar in size and scope, many of which were for the City. In Staff's opinion, contracting with HDR Engineering, Inc. to complete the engineering services will result in the highest quality end product and provide the best value to the City. A 10% design contingency of \$22,485 is requested to cover unanticipated expenses encountered during the engineering project.

Maintaining the City's water distribution system helps achieve the City Council's Strategic Plan Goal of "Beautiful, Desirable, Environmentally Responsible City" and "Excellence in City Services" by being innovative, cost-conscious, and contributing to the objective of well-maintained City infrastructure and facilities.

Respectfully submitted,

J. Brent McFall
City Manager



Agenda Item 8 F

Agenda Memorandum

City Council Meeting
July 14, 2014



SUBJECT: Second Reading of Councillor's Bill No. 18 re Proposed Economic Development Agreement with Standley Shores Ace Hardware.

Prepared By: Ryan Johnson, Economic Development Specialist

Recommended City Council Action

Pass Councillor's Bill No. 18 on second reading authorizing the City Manager to execute and implement an Economic Development Agreement (EDA) with Standley Shores Ace Hardware.

Summary Statement

- This Councillor's Bill was passed on first reading on June 23, 2014.
- Ace Hardware, a home improvement retailer, will be located in the Standley Shores Shopping Center.
- Ace Hardware is locating in 11,114 square feet and is the last remaining space formerly occupied by American Furniture Warehouse.
- Ace Hardware is under construction now and plans to open this summer.
- This new store location will employ 18 people with an average annual payroll of \$265,000.
- Assistance is based on the City's desire to fill vacant retail space and also to attract a retailer that is not currently present in Westminster.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Councillor's Bill No. 18

BY AUTHORITY

ORDINANCE NO. **3730**

COUNCILLOR'S BILL NO. **18**

SERIES OF 2014

INTRODUCED BY COUNCILLORS
Winter - Briggs

A BILL

**FOR AN ORDINANCE AUTHORIZING THE ECONOMIC DEVELOPMENT AGREEMENT
WITH STANDLEY SHORES ACE HARDWARE**

WHEREAS, the successful attraction of new business that fill vacant space in existing retail centers in the City of Westminster provides increased revenue for citizen services and is therefore an important public purpose; and

WHEREAS, it is important for the City of Westminster to remain competitive with other local governments in creating assistance for businesses to expand or relocate in the City; and

WHEREAS, Standley Shores Ace Hardware plans to lease space in the Standley Shores Shopping Center located at 9979 Wadsworth Parkway, Suite 200 in Westminster; and

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

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 23rd day of June, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of July, 2014.

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney's Office

Exhibit "A"
ECONOMIC DEVELOPMENT AGREEMENT
FOR
STANDLEY SHORES ACE HARDWARE

THIS ECONOMIC DEVELOPMENT AGREEMENT is made and entered into this 14th day of July, 2014, between the CITY OF WESTMINSTER (the "City") and STANDLEY SHORES ACE HARDWARE, a Colorado Corporation (the "Company").

WHEREAS, the City wishes to provide certain assistance to Standley Shores Ace Hardware, to encourage the location of an Ace Hardware in the Standley Shores Shopping Center at the southwest corner of 100th Avenue and Wadsworth Parkway; and

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

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

1. Building Permit Fee Rebates. The City shall rebate to the Company 60% of the building permit fees that are otherwise required under W.M.C. Section 11-10-3 (E) for the remodeling and improvements in the new facility. This rebate excludes water and sewer tap fees. The permit fee rebate will be approximately \$3,059.

2. Use Tax Rebate-Construction. The City shall rebate to the Company 60% of the Building Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) on construction materials collected from the remodeling and improvements in the new facility that are otherwise required under W.M.C. Sections 4-2-9 and 4-2-3. The use tax rebate will be approximately \$4,923.

3. Sales and Use Tax Rebate – Furniture and Fixtures. For the period of 6 months prior and 3 months after the Company obtains a Certificate of Occupancy or passes a final inspection for the new facility, the City will rebate 60% of the Westminster General Sales and Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) on equipment and furnishings purchased by the Company for this facility. The rebate will be approximately \$3,960.

4. Maximum Amount of Rebate – The total rebate is not to exceed \$11,942.

5. Payment of Rebates –Sales and Use Tax Rebates shall be calculated based upon revenue actually collected and received by the City in connection with the move by the Company into the new facility. Rebates will be paid quarterly subject to the following:

- a. If the total amount of a quarterly rebate due to the Company is at least \$100, the rebate will be paid within thirty (30) days following the end of the calendar quarter.
- b. The rebate calculation shall include use tax payments paid directly to the City by the Company, and/or sales tax collected from the Company and remitted to the City by City licensed businesses.
- c. Rebates will be based on the documentation prescribed by the City and provided by the Company which illustrates purchases or delivery of any such furnishings, fixtures, or equipment that occurred within the City of Westminster and that taxes were paid to and collected by the City.
- d. If the total amount of a quarterly rebate due to the Company is less than \$100, such rebate will be added to the next quarterly rebate due until the total amount to be rebated is at least \$100. The accumulated amount of such rebates will then be paid within thirty (30) days following the end of the most recent calendar quarter reported.
- e. Payments shall commence for the calendar quarter during which Certificate of Occupancy or the final inspection approval is granted by the City of Westminster Building Division.

- f. No payment shall be made until the Company has obtained a City of Westminster business license for the new facility.
- g. All payments by the City shall be made electronically to the Company's designated financial institution or other account.

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

7. Termination. This Agreement shall terminate and become void and of no force or effect upon the City if the Company has not moved into the new facility by June 23rd, 2015; or, should the Company not comply with the City regulations or code.

8. Business Termination. In the event the Company ceases to conduct business operations at a location within the City at any time prior to June 30, 2017, then the Company shall pay to the City the total amount of fees and taxes that were paid by or for the Company to the City and were subsequently rebated by the City to the Company pursuant to this Agreement within sixty (60) days of business termination.

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

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

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

STANDLEY SHORES ACE HARDWARE

CITY OF WESTMINSTER

Mike Vanderkolk
President

J. Brent McFall
City Manager

ATTEST:

ATTEST:

Secretary

Linda Yeager
City Clerk
APPROVED AS TO LEGAL FORM:

City Attorney's Office

Authorized by Ordinance No.



Agenda Item 10 A

Agenda Memorandum

City Council Meeting
July 14, 2014



SUBJECT: Councillor's Bill No. 19 re FY2013 Carryover Appropriation into FY2014

Prepared By: Barbara Opie, Assistant City Manager
Steve Smithers, Deputy City Manager

Recommended City Council Action

Pass Councillor's Bill No. 19 on first reading, appropriating FY2013 carryover funds into the FY2014 budgets of the budgets of the General, General Fund Stabilization Reserve, General Capital Improvement, Utility, Utility Reserve, Storm Drainage, General Capital Outlay Replacement, Golf Course, and POST Funds.

Summary Statement

- The City Council annually reviews and appropriates carryover funds from the previous year's budget into the current year budget for the following:
 - those items and services included in the previous year's budget but not received or provided until the current year's budget;
 - new items and services not included in the previous year's budget or funds that were identified as available for these new priorities in late 2013, but the items or services were not received or provided until the current year's budget; and
 - existing or new capital projects and key operating priorities for which funds are needed and carryover funds are available.
- Total funding of \$13,343,781 to be appropriated for the items recommended in this Agenda Memorandum comes from revenues and unexpended 2013 funds in the various amounts identified.
- Staff is requesting that City Council authorize the proposed carryover items and appropriate FY2013 carryover funds into the FY2014 budgets of the General, General Fund Stabilization Reserve, General Capital Improvement, Utility, Utility Reserve, Storm Drainage, General Capital Outlay Replacement, Golf Course, and POST Funds.
- One of the high priority carryover recommendations is to allocate \$100,000 to the General Fund Stabilization Reserve Fund. This continues City Council's policy of maintaining a healthy reserve to address future economic downturns.
- The carryover appropriation takes place annually once the audit is completed for the prior year and carryover amounts are finalized. As noted in the July 7 Staff Report, as the carryover is finalized, modifications may be necessary and one minor modification is recommended in the total amount available for future appropriation in the General Capital Improvement Fund noted below.
- City Council reviewed this item at the July 7th Study Session and directed Staff to schedule 2013 carryover as presented for official action.

Expenditure Required: \$13,343,781

Source of Funds: 2013 Carryover from the General, Utility, Storm Drainage, Sales & Use Tax, General Capital Improvement, General Capital Outlay Replacement, Golf Course, and POST Funds

Policy Issue

Should the City appropriate 2013 carryover funds as proposed?

Alternatives

1. City Council could decide not to appropriate any of these funds at this time. This is not recommended as many of the carryover requests are for items and services that have already received City Council approval during the FY2013 Budget process as priority expenditures for the City.
2. City Council could choose to approve the carryover appropriation for only previously appropriated operating items. Staff recommends utilizing the carryover funds for the previously appropriated operating items as well as the new operating and capital improvement projects noted in this memorandum to maximize the use of these funds in providing services to residents and businesses.

Background Information

The annual financial audit was completed last month. Upon completion of the annual audit, the City Council reviews and appropriates carryover funds from the previous year's budget into the current year budget for the following:

- o those items and services included in the previous year's budget but not received or provided until the current year's budget;
- o new items and services not included in the previous year's budget or funds that were identified as available for these new priorities in late 2013, but the items or services were not received or provided until the current year's budget; and
- o existing or new capital projects and key operating priorities for which funds are needed and carryover funds are available.

Under previous current practices, all carryover, including the Capital Improvement Program (CIP) funding, is typically appropriated at one time in July or August annually. However, since carryover is such a substantial and critical funding component of the City's CIP, particularly in the GCIF, Staff recommended and City Council concurred in July 2013 continuing to appropriate carryover for operating budgets annually in July or August but only appropriating funds for critical capital projects at that same time; the remaining funds would be incorporated into the biennial budget development or mid-year budget review process.

"Critical" is defined as having an immediate need for the execution of a contract or key purchase of equipment necessary to keep a project moving forward. Non-critical capital project funding from carryover will be incorporated into the following year's CIP plan and reviewed more comprehensively through the normal budget process. This will cause the five-year CIP plan to look larger in the first two years with "actual" carryover built in and lower in the out years with estimated carryover built in as Staff will continue its practice of conservative budgeting. Staff believes by incorporating the carryover into the next year's budget process that greater transparency of available funding is possible as well as helping truly line up Council priorities in one comprehensive CIP document.

This modified approach for carryover is incorporated in the recommendations contained in this Agenda Memorandum; the remaining carryover (\$1,132,563 from the GCIF, Conservation Trust and Golf Course Funds) will be incorporated into the 2015 CIP budget that City Council will consider in August with the budget development process (plus \$1,981,163 included within this proposed appropriation in order to move the carryover from the General and Sales & Use Tax Funds into the General Capital Improvement Fund for the 2015 Budget). As noted in the July 7 Staff Report, as the carryover is finalized, modifications may be necessary and one minor modification is recommended in the total amount available for future appropriation in the General Capital Improvement Fund from remaining carryover. Per the Staff Report, remaining carryover of \$1,334,285 from the GCIF, Conservation Trust and Golf Course Funds will be incorporated into the 2015 CIP budget; however, upon further

review, this amount should be \$1,132,563, as a portion of the original amount was previously allocated. These combined total \$3,113,726 that will be available towards the 2015 CIP budget.

A substantial amount of the recommended 2013 Utility Fund carryover is proposed to be appropriated at this time to the Utility Fund's Rate Stabilization Reserve (RSR) and Capital Project Reserve (CPR) pursuant to the Utility Fund Fiscal Policy adopted in January 2011.

PROPOSED RE-APPROPRIATION OF OPERATING ITEMS PREVIOUSLY APPROVED IN 2013

Certain items were budgeted and ordered in 2013 but were not received until 2014. In addition, certain services, authorized in 2013, were not fully performed by the end of the year. Under standard accounting procedures, these remaining funds should be re-appropriated in the new year to complete the desired purchase or service. Staff recommends the funds described below be re-appropriated in 2014.

GENERAL FUND

City Manager's Office – One item totaling \$4,400 to complete printing of new marketing materials in coordination with website/economic development branding. Delays were incurred as the website was finalized and the complimentary collateral materials are now ready to be printed.

Community Development – One item totaling \$8,854 for design work for 94th Avenue to 96th Avenue and Olde Wadsworth Boulevard commenced in late 2013 but the final product was not delivered until 2014.

Parks, Recreation & Libraries – Three items totaling \$16,317 as follows:

1. \$8,700 for the Libraries Division for wood wall paneling at Irving Street Library. The paneling was purchased to repair the then-buckling wood paneling in the Irving Street Children's Room, entryway and lobby, the paneling covers the 6-foot-or so stretch between the walls and the ceiling. It was ordered in early September 2013, just before the unexpected flooding. The supplier was affected by the floods as well as by contractors they work with being called in for emergency work as a result of the floods; the priority was to get schools up and operational again thus delaying the Irving Street Library project. The panels were installed in March and April 2014.
2. \$1,560 for the Libraries Division to complete the migration of computers in the libraries to Office 2013. This project was funded and planned for in 2013 but due to other priorities, delayed.
3. \$6,057 in scholarship funds, received in 2013 from citizens and recreation program participants, for the Westminster Youth Scholarship Fund. These funds are intended to supplement registration fees for City-sponsored recreation programs for individuals needing financial assistance. These funds will be available for scholarships in 2014.

UTILITY FUND

Public Works & Utilities – Two items totaling \$117,548 as follows:

1. \$42,750 for weed spraying conducted at the Strasburg Natural Resources Farm (SNRF). The City leases its SNRF property to farmers for dry land and irrigated crops. As a part of one lease agreement, the City pays for weed control chemicals and labor for spraying. The farmer failed to provide his 2013 invoice in a timely manner. As a result, the invoice was received after the 2013 year end operating budget reconciliation deadlines. Future leases at the SNRF property will include a provision that requires timely billing for services such as weed spraying to avoid this issue in the future.
2. \$74,798 for a replacement stainless steel, insulated, deep-drop, tank trailer for the Big Dry Creek Wastewater Treatment Plant. This purchase was authorized by City Council in July 2013 but due to weather delays, the trailer was not delivered until January 2014. These funds will be deposited into the Wastewater Capital Outlay Replacement account.

PROPOSED APPROPRIATION OF NEW OPERATING ITEMS

Staff recommends utilizing some of the General and Utility Funds' carryover moneys available to help address new high priority spending needs in the funds identified below. The items listed below are intended to be proactive measures to help minimize the impact on future budgets for needed items.

GENERAL FUND

Central Charges – Four items totaling \$2,872,514 as follows:

1. \$164,000 for General Leave Buyback. This program allows employees to receive payment for unused general leave up to 24 hours at a 75% rate. This program was an annual budgeted item eliminated in 2002 due to the City's tight financial status and has been funded periodically since then through carryover funds; it was last funded in 2013 with 2012 carryover (prior to 2013, it was last funded in 2008 with 2007 carryover). This program helps reduce the City's unfunded liability of general leave at today's dollars instead of an increasing pay rate in the future. An additional \$36,000 is requested in the Utility Fund for this program (total = \$200,000).
2. \$200,000 for South Westminster Urban Renewal Area (URA). For 2014, it is anticipated that the cash available in South Westminster URA will not be sufficient to cover all of the obligations for the URA. Obligations include debt service, economic development agreement payments and interfund loan payments. In order to have sufficient cash to fulfill the listed obligations for 2014, Staff proposes that the General Fund transfer these funds to the Westminster Economic Development Authority Fund for the South Westminster URA and assist with these obligations.
3. \$100,000 to the General Fund Stabilization Reserve (GFSR) created in 2009. The current available carryover balance is \$4,611,612 according to the 2013 audit. Per the Amended 2014 Budget, an additional \$42,343 will be added to the GFSR from projected interest earnings. Per City Council adopted policy, the GFSR target range is between 5% and 10% of the total Sales and Use Tax Fund revenues budgeted for the year, as funding allows. For 2014, the Sales and Use Tax Fund revenues budgeted totals \$70,645,869; therefore, the target range for 2014 is between \$3,532,293 (5%) to \$7,064,587 (10%). The current GFSR balance is 6.5% of the 2014 Sales and Use Tax Fund total. The funds proposed through carryover, added to the 2014 budgeted amount, will bring the total GFSR balance to \$4,753,955 or 6.7%.
4. \$2,408,514 to the General Capital Improvement Fund (GCIF) proposed to be allocated as follows:
 - a. \$600,000 to the 72nd Avenue/Little Dry Creek Bridge Replacement project. This project's bids came back \$789,000 over engineer's estimates and provides for no contingency. The requested additional funding will make up for the budget shortage and provide for an approximate \$450,000 contingency, which is approximately 9% of the construction costs.
 - b. \$1,808,514 to the GCIF fund balance for use on future capital improvement projects. Per the practice of appropriating carryover funds with the 2015 Budget, this action is proposed to move the remaining carryover funds available in the General Fund over to the GCIF so they may be utilized in preparing the Proposed 2015/2016 Budget for the CIP. As noted previously, any remaining carryover funds would be incorporated into the biennial budget development or mid-year budget review process and reviewed more comprehensively through the normal budget process.

Community Development Department – One item totaling \$13,000 for the Planning Division to close the gap for the additional 0.3 FTE temporarily added Planning staff (and proposed to be added permanently through the Proposed 2015/2016 Budget).

Fire Department – One item totaling \$7,500 is proposed for consultants, trainers, and additional career development in the Fire Department. These funds will support further leadership development, primarily through conference attendance and special trainings.

Parks, Recreation & Libraries Department – Three items totaling \$48,000 as follows:

1. \$25,000 for a partial year of marketing efforts under the new communications program being developed in PR&L for all of their operations. City Council approved a reorganization with the Amended 2014 Budget that included a new position in PR&L for strategic marketing efforts to promote recreation, libraries, golf and facilities throughout the City. These funds will assist the initial efforts of this program.
2. \$10,000 for the purchase of a replacement plotter for Design Development utilized by the Landscape Architects and other PR&L staff for large format printing. The current plotter is seven years old and reaching the end of its useful life.

3. \$13,000 for a temporary increase in seasonal staff in the Park Division to cover for two employees out due to medical leave without negatively impacting the 2014 budget and operations.

UTILITY FUND

Central Charges – One item totaling \$36,000 for General Leave Buyback. As noted in the General Fund, this program allows employees to receive payment for unused general leave up to 24 hours at a 75% rate. An additional \$164,000 is requested in the Utility Fund for this program (total = \$200,000).

Finance Department – One item totaling \$2,000 for career development to offset cost for staff to attend the Mountain States Employers Council's Executive Leadership Program in the Treasury Division.

Information Technology Department – One item totaling \$46,658 to offset the cost associated with a temporary software engineer to meet increasing demands for enhancements and support for the JD Edwards financial/human resources management computer software system.

UTILITY RESERVE FUND – WATER AND WASTEWATER

Staff proposes appropriating a total of \$553,394 to the Rate Stabilization Reserve (RSR) and \$5,012,798 to the Capital Project Reserve (CPR).

1. Rate Stabilization Reserve – The RSR was established and funded to meet a specific risk such as revenue loss related to a certain level of water demand curtailment. The reserve is designed to minimize or mitigate service cuts and/or rate impacts. Impacts to the rate stabilization reserves are determined by the annual performance of rates versus the budgeted rate revenue. The target level for this reserve is set at 25% of budgeted revenues for the Water Fund and 10% of budgeted revenues for the Wastewater Fund. The RSR has an upper limit of 140% of the target and a lower limit of 70% of the target. Staff recommends appropriating carryover for the RSR totaling \$418,698 for the Water Fund and \$134,696 for the Wastewater Fund to keep the balances within the upper portion of the reserve balance target range. The current Water RSR balance is \$10,816,571 and the Wastewater RSR balance is \$1,717,426 per the 2013 audit.
2. Capital Project Reserve – This reserve was created to establish and maintain a Capital Improvement Program capable of sustaining long-term utility capital requirements. The City established the CPR to accumulate funds in excess of near-term needs. This policy is intended to foster timely system reinvestment, while providing resources for periodic increases in outlays without undue rate burden. Staff recommends appropriating \$3,957,240 in carryover to the CPR in the Water Fund and appropriating \$1,055,558 to the CPR in the Wastewater Fund. The current Water balance is \$23,018,375 and the Wastewater balance is \$3,473,794 per the 2013 audit.

SALES & USE TAX FUND

Central Charges – One item totaling \$3,272,649 to the General Capital Improvement Fund. These funds are proposed to be allocated as follows in the GCIF:

1. \$2,500,000 to the Westminster Station – South project for the platform betterment proposed with the Regional Transportation District (RTD). RTD's base plan for the Westminster Station did not allow access to the Little Dry Creek drainage way and park area even though the loading platform is located on the south side of the tracks. This project is the City's "betterment" request to open the pedestrian tunnel to the south and allow commuters and residents of the transit-oriented development area direct access to the drainage way and future park area. The City and RTD entered into an Intergovernmental Agreement (IGA) for the Northwest Rail Electrified Segment Westminster Station in June 2012, which allows the City to implement an alternative approach to RTD's base plan for commuter and bus access, parking and pedestrian areas that will support the proposed Westminster Station commuter rail facility. City Council authorized \$1.179M for the design work with RTD for this betterment at the April 14, 2014, City Council meeting and these funds are for the anticipated balance needed once design work is completed to authorize the construction of the betterment as proposed sometime this fall; as a contract will need to be executed yet this year, these funds are being requested at this time.
2. \$600,000 for the Westminster Center Urban Reinvestment Project (WURP) efforts being undertaken as the City and the Westminster Economic Development Authority (WEDA) work to redevelop the

former Westminster Mall site. These funds are proposed to be allocated at this time as these expenses will be incurred over the balance of 2014 and will have contractual obligations associated with them for payment. These funds will be transferred to WEDA for planning, architectural services, other consulting contracts and administrative costs related to the WURP Project.

3. \$172,649 to remain in GCIF fund balance for use on future capital improvement projects. Per the practice of appropriating carryover funds with the 2015 Budget, this action is proposed to move the remaining carryover funds available in the Sales & Use Tax Fund over to the GCIF so they may be utilized in preparing the Proposed 2015/2016 Budget for the CIP. As noted previously, any remaining carryover funds would be incorporated into the biennial budget development or mid-year budget review process and reviewed more comprehensively through the normal budget process.

PARKS, OPEN SPACE & TRAILS (POST) FUND

Community Development – One item totaling \$328,400 for the purchase of open space land. Per City Council action on March 24, 2014, these funds were identified to be applied towards the acquisition of the 4.09-acre Kenneth H. Johnson Living Trust (“Johnson”) property located at 11645 Federal Boulevard.

The total purchase price, excluding closing costs, was estimated not to exceed \$1,078,000, of which \$328,400 was identified as 2013 POST carryover funds and \$754,600 as Adams County grant funds.

PROPOSED APPROPRIATION FOR EXISTING OR NEW CAPITAL PROJECTS

Staff has completed a review of potential capital improvement projects for the balance of carryover funds. However, as noted, Staff is recommending that carryover funds be appropriated only for the critical Capital Improvement Program (CIP) projects listed below at this time; these are projects with an immediate need to execute a contract or complete an equipment purchase to keep a project moving forward prior to yearend. Non-critical capital project funding from carryover (\$3,113,726) will be incorporated into the 2015 CIP budget development process with City Council later this summer. As noted previously in this memorandum, this amount reflects the revised total that will be incorporated into the 2015 CIP budget; originally, \$3,315,448 was anticipated; however, upon further review, this amount should be \$3,113,726, as a portion of the original amount was previously allocated. Overall, higher than anticipated revenues and better than anticipated expenditure savings in the General, Utility, Sales & Use Tax, General Capital Improvement, Golf, GCORF, and POST Funds are proposed to be utilized for these projects.

GENERAL CAPITAL IMPROVEMENT FUND

A total of \$317,367 for capital projects is proposed to be appropriated into the General Capital Improvement Fund (GCIF) as follows:

1. \$150,000 to the Arterial Roadway Rehabilitation project. As City Council is aware, the ongoing funding for arterial roadway maintenance and improvements is a growing concern. Staff is recommending that funds be added to this year's capital project that, weather permitting, will allow the following additional asphalt rehabilitation and concrete replacement on roadways to be repaired in 2014: (a) Federal Parkway: 120th Avenue to North City limits; and (b) Sheridan Boulevard: 96th Avenue to 104th Avenue. In addition, a portion of these funds will be utilized to improve sidewalk and trail connectivity at various locations throughout the City. Any work that is not completed this year will be included within the 2015 program.
2. \$90,537 from the City's share of Adams County road tax revenues (dedicated revenue) to the proposed Creekside Drive and parking lot along the southern edge of the Little Dry Creek drainage way, open space and future park site near the future commuter rail Westminster Station under construction. It is anticipated that phase one of this project will cost approximately \$1.7 million; the City is working with Adams County on a cost sharing proposal, which is anticipated that the City's share will cost \$850,000.
3. \$76,830 from the Wellness Clinic (Center for Healthy Living employee clinic) capital improvement project back to the Medical/Dental Fund. The original project was estimated to cost \$300,000 and funds were moved from the Medical/Dental Fund to cover this expense. As the project is complete and came in under budget, the remaining funds (savings) are recommended to return to the Medical/Dental Fund.

GOLF COURSE FUND

One item totaling \$175,000 for The Heritage Golf Course to address the concrete patio surrounding the club house. Significant settling has occurred in this area causing cracking, heaving and general trip hazards. These funds will be utilized to potentially excavate, replace soils, compact and construct a new patio around the clubhouse. Funds are proposed now in order to expedite this project in hopes that work may commence this year during the slower part of the golf year. Additional funds are available for carryover consideration for capital projects but will be submitted to City Council for consideration with the proposed 2015/2016 CIP budget in August.

STORM DRAINAGE FUND

One project totaling \$130,728 for the Little Dry Creek Regional Detention Facility. This project will lower the floodplain by 4-feet thus removing the floodplain off the RTD commuter rail and some adjacent properties. Additionally, this area will become a future 36-acre park area with the creek as the main feature serving commuters and future TOD residents alike. These funds are needed as the total drainage way project is estimated to cost approximately \$14 million and needs approximately \$4.1 million to close the funding gap.

GENERAL CAPITAL OUTLAY REPLACEMENT FUND (GCORF)

A total of \$30,744 is proposed to be distributed as follows:

1. \$11,529 into the general vehicle purchase account. These funds will be added to the current balance within this account and be authorized for use by City Council at a future time when revenues impact the City's ability to fund replacement vehicles in a given year. These funds are for those vehicles that are non-public safety and serve operations in the General Fund. These funds are the result of 2013 vehicle auction proceeds and interest earnings in GCORF.
2. \$11,775 into the public safety vehicle purchase account. These funds will be added to the current balance within this account and be authorized for use by City Council at a future time when revenues impact the City's ability to fund replacement vehicles in a given year. These funds are for vehicles that serve public safety operations in the General Fund. These funds are the result of 2013 vehicle auction proceeds and interest earnings in GCORF.
3. \$4,058 into the Citywide PC Replacement account. These funds will be added to the current balance within this account and be authorized for use by City Council during future years when revenues impact the City's ability to fund replacement computers. These funds are the result of 2013 interest earnings in GCORF.
4. \$1,691 into the Fire wildland truck replacement account. These funds will be added to the current balance within this account and be authorized for use by City Council during future years when revenues impact the City's ability to fund replacement copiers. These funds are the result of 2013 interest earnings in GCORF.
5. \$1,691 into the Citywide Copier Replacement account. These funds will be added to the current balance within this account and be authorized for use by City Council during future years when revenues impact the City's ability to fund replacement copiers. These funds are the result of 2013 interest earnings in GCORF.

UTILITY FUND

A total of \$350,000 to the 72nd Avenue/Little Dry Creek Bridge Replacement project. The project requires the relocation of several City utilities, including a major sewer interceptor. The sewer relocation is a priority for the City, as this sewer is in poor condition and is undersized for anticipated flows at build out. Staff has identified \$550,000 in existing funding for this project, but an additional \$350,000 is needed to complete the funding package. Originally, Staff had identified funds in the open cut sewer project account for this purpose, but those funds were recently programmed for unanticipated needs with the 87th Avenue and Wadsworth Parkway lift station replacement project.

These proposed carryover items support all eight of the City's Strategic Plan Goals: Visionary Leadership and Effective Governance; Vibrant and Inclusive Neighborhoods; Comprehensive Community

Engagement; Beautiful, Desirable, Environmentally Responsible City; Proactive Regional Collaboration; Dynamic, Diverse Economy; Excellence in City Services; and Ease of Mobility.

REVENUE/EXPENDITURE DETAIL BY FUND

Total funding of \$13,343,781 to be appropriated for the items listed in this agenda memorandum comes from unrestricted revenues and unexpended 2013 funds in the various amounts identified. The attached ordinance reflects a total increase of \$16,443,781; this amount differs from the \$13,343,781 noted in Expenditure Required due to the accounting of transfers required to properly reflect the transactions on the City’s books.

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	1000.40020.0000	\$265,000	<u>\$2,970,585</u>	\$3,235,585
Total Change to Revenues			<u>\$2,970,585</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Printing	10005340.66600.0000	\$2,000	\$4,400	\$6,400
General Leave Buy Back	10010900.62400.0000	0	164,000	164,000
Transfers Stabilization Fund	10010900.79800.0120	0	100,000	100,000
Transfers WEDA	10010900.79800.0680	0	200,000	200,000
Transfers GCIF	10010900.79800.0750	310,856	2,408,514	2,719,370
Career Dev	10025260.61800.0000	34,046	7,500	41,546
Prof Services	10030360.65100.0000	27,148	13,000	40,148
Prof Services	10030380.65100.0000	28,800	8,854	37,654
Spec Promotions	10050050.67600.0000	25,832	25,000	50,832
Office Equipment	10050050.75200.0000	1,516	10,000	11,516
Salaries Temp	10050550.60600.0000	290,900	13,000	303,900
Contract Services	10050620.67800.0000	274,676	8,700	283,376
Comp Soft/Hard	10050620.75400.0000	107,000	1,560	108,560
Spec Prom Yth Scholarship	10050760.67600.0528	0	<u>6,057</u>	6,057
Total Change to Expenses			<u>\$2,970,585</u>	

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	2000.40020.0000	\$0	<u>\$4,446,506</u>	\$4,446,506
Total Change to Revenues			<u>\$4,446,506</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
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General Leave Buy Back	20010900.62400.0000	\$0	\$22,000	\$22,000
Transfers Rate Reserve	20010900.79800.0205	0	418,698	418,698
Transfers Capital Reserve	20010900.79800.0207	0	3,957,240	3,957,240
Career Development	20015240.61800.0000	5,250	2,000	7,250
Regular Salaries	20060230.60200.0000	2,166,084	<u>46,568</u>	2,212,652
Total Change to Expenses			<u>\$4,446,506</u>	

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	2100.40020.0000	\$0	<u>\$1,671,802</u>	\$1,671,802
Total Change to Revenues			<u>\$1,671,802</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
General Leave Buy Back	21010900.62400.0000	\$0	\$14,000	\$14,000
Transfers Rate Reserve	21010900.79800.0205	0	134,696	134,696
Transfers Capital Reserve	21010900.79800.0207	0	1,055,558	1,055,558
Contract Services Biosolids	21035490.67800.0401	133,580	42,750	176,330
WW Cap Outlay Replacement	81321010062.80400.8888	275,202	74,798	350,000
72nd Ave/Bradburn Blvd Sewer	81321035026.80400.8888	450,000	<u>350,000</u>	800,000
Total Change to Expenses			<u>\$1,671,802</u>	

These appropriations will amend the Heritage at Westmoor Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	2300.40020.0000	\$100,000	<u>\$175,000</u>	\$275,000
Total Change to Revenues			<u>\$175,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Heritage Patio Repairs	81423012075.80400.8888	\$0	<u>\$175,000</u>	\$175,000
Total Change to Expenses			<u>\$175,000</u>	

These appropriations will amend the Storm Drainage Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	2500.40020.0000	\$0	<u>\$130,728</u>	\$130,728
Total Change to Revenues			<u>\$130,728</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
S. Westminster TOD Storm Sewer	81325030039.80400.8888	\$635,000	<u>\$130,728</u>	\$765,728
Total Change to Expenses			<u>\$130,728</u>	

These appropriations will amend the GCORF revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	4500.40020.0000	\$0	<u>\$30,744</u>	\$30,744
Total Change to Revenues			<u>\$30,744</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Capital Outlay - General	80645010900.80400.8888	\$1,039,776	\$11,529	\$1,051,305
Capital Outlay - PST	80645010911.80400.8888	1,058,388	11,775	1,070,163
PC Replacement Outlay	80645010921.80400.8888	364,002	4,058	368,060
Wildland Truck Replacement	81145010911.80400.8888	55,228	1,691	56,919
City Hall Copier Replacements	81245005995.80400.8888	152,055	<u>1,691</u>	153,746
Total Change to Expenses			<u>\$30,744</u>	

These appropriations will amend the Sales & Use Tax Fund revenue and expense accounts as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	5300.40020.0000	\$0	<u>\$3,272,649</u>	\$3,272,649
Total Change to Revenues			<u>\$3,272,649</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfers WEDA	53010900.79800.0680	\$0	\$600,000	\$600,000
Transfers GCIF	53010900.79800.0750	2,722,825	<u>2,672,649</u>	5,395,474
Total Change to Expenses			<u>\$3,272,649</u>	

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	5400.40020.0000	\$0	<u>\$328,400</u>	\$328,400
Total Change to Revenues			<u>\$328,400</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Land Purchases	54010900.76600.0000	\$11,288	<u>\$328,400</u>	\$339,688
Total Change to Expenses			<u>\$328,400</u>	

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

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	7500.40020.0000	\$2,514,219	\$317,367	\$2,831,586
TRF General Fund	7500.45000.0100	237,847	600,000	837,847
TRF Sales & Use Tax	7500.45000.0530	2,722,825	<u>2,500,000</u>	5,222,825
Total Change to Revenues			<u>\$3,417,367</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfers Medical/Dental	75010900.79800.0490	\$0	\$76,830	\$76,830
Arterial Roadway Improvements	80475035602.80400.8888	680,000	150,000	830,000
Bradburn Blvd Realignment	81175030962.80400.8888	1,915,045	600,000	2,515,045
Westy Station South	81375030073.80400.8888	1,147,816	2,500,000	3,647,816
Creekside Dr-South Westy	81475030076.80400.8888	0	<u>90,537</u>	90,537
Total Change to Expenses			<u>\$3,417,367</u>	

Respectfully submitted,

J. Brent McFall
City Manager

Attachment – Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **19**

SERIES OF 2014

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING THE 2014 BUDGETS OF THE GENERAL, WATER, WASTEWATER, HERITAGE AT WESTMOOR, STORM DRAINAGE, GENERAL CAPITAL OUTLAY REPLACEMENT, SALES AND USE TAX, PARKS OPEN SPACE AND TRAILS, AND GENERAL CAPITAL IMPROVEMENT FUNDS, AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2014 ESTIMATED REVENUES IN THE FUNDS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2014 appropriation for the General, Water, Wastewater, Heritage at Westmoor, Storm Drainage, General Capital Outlay Replacement, Sales and Use Tax, Parks Open Space and Trails, and General Capital Improvement Funds initially appropriated by Ordinance No. 3655 is hereby increased in aggregate by \$16,443,781. This appropriation is due to the appropriation of 2013 carryover.

Section 2. The \$16,443,781 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10A dated July 14, 2014 (a copy of which may be obtained from the City Clerk) amending City fund budgets as follows:

General Fund	\$2,970,585
Water Fund	4,446,506
Wastewater Fund	1,671,802
Heritage at Westmoor Fund	175,000
Storm Drainage Fund	130,728
General Capital Outlay Replacement Fund	30,744
Sales & Use Tax Fund	3,272,649
Parks, Open Space & Trails Fund	328,400
General Capital Improvement Fund	<u>3,417,367</u>
Total	<u>\$16,443,781</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of July, 2014.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of July, 2014.

ATTEST:

Mayor

City Clerk



Agenda Item 10 B

Agenda Memorandum

City Council Meeting
July 14, 2014



SUBJECT: Resolution No. 13 re Reimbursement for Capital Projects Expenses incurred at the Westminster Urban Renewal Project prior to the issuance of financing

Prepared By: Tammy Hitchens, Finance Director
Robert Byerhof, Treasury Manager

Recommended City Council Action

Adopt Resolution No. 13 permitting reimbursement for costs incurred for capital projects from the proceeds of bond issuance, loans, or other forms of financing, such as capital lease financing via Certificates of Participation (COPS) anticipated to be issued in mid-September 2014 in conjunction with first phase of the Westminster Urban Renewal Project (WURP).

Summary Statement

- The City through the Westminster Building Authority expects to issue capital lease financing to fund public improvements associated with the first phase of WURP development. The City would like to begin work on the public improvements ahead of the financing.
- Federal law permits a municipal government to approve a resolution that allows it to finance capital projects from existing financial resources and reimburse itself from proceeds of debt or other financing issued in the future. The resolution will permit reimbursement of all hard costs, such as actual materials, construction costs, and land purchases incurred up to 60 days prior to the approval of the reimbursement resolution and allocated thereto in writing. Additionally, qualified preliminary expenditures (soft dollar expenses in amounts that do not exceed 20% of the issue price of the bond issue) with respect to a specific project may be reimbursed outside of the 60 day requirement.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Should the City Council pass the reimbursement resolution to allow the City to reimburse itself for costs incurred prior to the financing proceeds being received?

Alternative

Do not pass the reimbursement resolution. This action is not recommended. Time sensitive projects and/or purchases would have to be delayed, or without the reimbursement resolution, the City would not be able to recover costs paid prior to the issuance of financing. Federal law requires that a reimbursement resolution be adopted in order for a municipality to pre-pay construction costs and subsequently reimburse itself from financing proceeds.

Background Information

The City has utilized reimbursement resolutions previously when it is certain that expenditures are anticipated ahead of a financing. The last reimbursement resolution passed was prior to the issuance of the 2010 Water Wastewater Enterprise Revenue Bonds. Reimbursement Resolutions are an important tool employed in order to commence capital projects initially utilizing City funds, which are then reimbursed with the financing proceeds.

Site preparation work is tentatively scheduled to commence in August at the WURP site. This site work is necessary prior to the construction of street improvements and other public improvements, which will be paid out of financing proceeds.

Current law mandates the following provisions must be included by a municipality to properly pass a Reimbursement Resolution:

- An announcement and acknowledgement of the municipality's expectation to issue financing. This will be done by the inclusion of this item in the agenda for the Council's July 14, 2014 meeting.
- An announcement and acknowledgement that the municipality will reimburse itself from proceeds for costs pre-funded through other means, in this case through the City's General Capital Improvement Fund.

If the Reimbursement Resolution is not approved, the City will be limited to recovering only soft costs associated with the project. If the Reimbursement Resolution is passed, design and construction for the various projects can be pursued. Approving the resolution will allow the City to be reimbursed from future borrowings to recover capital costs incurred over a 3-year period that starts 60 days prior to when the resolution was adopted. The adoption of the resolution does not impede or complicate the anticipated financing. In fact, it facilitates issuance of a financing as it allows Staff to continue to move forward with potential sources of funding without the concern of trying to exactly time the financing with a project's planning, construction, and purchases.

Qualified preliminary expenditures are defined as architectural, engineering, surveying, soil testing, and similar costs that are incurred prior to commencement of the acquisition, construction, or rehabilitation of a project other than land acquisition, site preparation, and similar costs incident to commencement of construction.

Subject: Reimbursement Resolution for Capital Expense at WURP

Page 3

The recommended action supports the strategic objectives of a Dynamic, Diverse Economy. The proposed reimbursement resolution permits the City to commence construction of public improvements ahead of the anticipated financing. The financing is necessary for the construction of public infrastructure within WURP to support private mixed use development on the site.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment: Resolution

RESOLUTION

RESOLUTION NO. **13**

INTRODUCED BY COUNCILLORS

SERIES OF 2014

A RESOLUTION EXPRESSING THE INTENT OF THE CITY TO BE REIMBURSED FOR CERTAIN CAPITAL EXPENDITURES FOR THE CONSTRUCTION OF CERTAIN CAPITAL IMPROVEMENTS ASSOCIATED WITH THE WESTMINSTER URBAN REINVESTMENT PROJECT.

WHEREAS, the City of Westminster, Colorado (the “City”) is a legal and regularly created, established, organized and existing municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado and the Charter; and

WHEREAS, the members of the City Council of the City (the “Council”) have been duly elected and qualified; and

WHEREAS, it is the current intent of the City to make certain capital expenditures associated with the acquisition of property in the vicinity of 88th Avenue and Sheridan Boulevard to redevelop the Westminster Mall (the “Project”); and

WHEREAS, the Council has determined that it is in the best interest of the City to finance the Project through one of the following: (1) by the issuance of bonds; (ii) by the execution and delivery of a lease purchase agreement; or (iii) by any other means legally available to the City (the “Financing”); and

WHEREAS, the Council has determined that it is necessary to make capital expenditures in connection with the Project prior to the time that the City arranges for the specific financing of the Project; and

WHEREAS, it is the Council’s reasonable expectation that when such Financing occurs, the capital expenditures will be reimbursed with the proceeds of the Financing; and

WHEREAS, in order to comply with the provisions of the Internal Revenue Code of 1986, as amended (the “Code”), it is the Council’s desire that this resolution shall constitute the “official intent” of the Council to reimburse such capital expenditures within the meaning of Treasury Regulation §1.150-2.

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

Section 1. All action (not inconsistent with the provisions of this resolution) heretofore taken by the Council and the officers, employees and agents of the City directed toward the Financing is hereby ratified, approved and confirmed.

Section 2. The City intends to finance approximately \$40,000,000 to pay the costs of the Project, including the reimbursement of certain costs incurred by the City prior to the receipt of any proceeds of a financing, upon terms acceptable to the City, as authorized in an ordinance to be hereafter adopted and to take all further action which is necessary or desirable in connection therewith.

Section 3. The officers, employees and agents of the City shall take all action necessary or reasonably required to carry out, give effect to and consummate the transactions contemplated hereby and shall take all action necessary or desirable to finance the Project and to otherwise carry out the transactions contemplated by the resolution.

Section 4. The City shall not use reimbursed moneys for purposes prohibited by Treasury Regulation §1.150-2(h).

Section 5. This resolution is intended to be a declaration of “official intent” to reimburse expenditures within the meaning of Treasury Regulation §1.150-2

Section 6. If any section, paragraph, clause or provision of this resolution shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 7. All acts, orders and resolutions of the Council, and parts thereof, inconsistent with this resolution be, and the same hereby are, repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any act, order or resolution, or part thereof, heretofore repealed.

Section 8. The resolution shall be in full force and effect upon its passage and approval.

PASSED AND ADOPTED this July 14, 2014.

CITY OF WESTMINSTER, COLORADO

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

City Clerk

City Attorney

STATE OF COLORADO)
) SS.
CITY OF WESTMINSTER)

I, Linda Yeager, the City Clerk of the City of Westminster, Colorado, do hereby certify that:

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the City Council (the "Council") at a regular meeting held on July 14, 2014.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of July 14, 2014, by an affirmative vote of a majority of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Herb Atchison				
Faith Winter				
Bruce Baker				
Bob Briggs				
Alberto Garcia				
Emma Pinter				
Anita Seitz				

3. The members of the Council were present at such meetings and voted on the passage of such Resolution as set forth above.

4. The Resolution was approved and authenticated by the signature of the Mayor Pro Tem of the City, sealed with the City seal, attested by the City Clerk and recorded in the minutes of the Council.

5. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of said Resolution.

6. Notice of the meeting of July 14, 2014, in the form attached hereto as Exhibit A, was posted at the Westminster City Hall, 4800 West 92nd Avenue, in the City, not less than twenty-four (24) hours prior to the meeting in accordance with law.

WITNESS my hand and the seal of the City affixed July 15, 2014.

City Clerk

(SEAL)

EXHIBIT A

(Attach Form of Notice of Meeting)

19316924 v1

AGENDA

**WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
SPECIAL MEETING**

MONDAY, JULY 14, 2014

AT 7:00 P.M.

- 1. Roll Call**
- 2. Minutes of Previous Meeting** (June 23, 2014)
- 3. Public Hearings and New Business**
 - A. Master Planning Professional Services Contracts for the WURP
- 4. Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
MONDAY, JUNE 23, 2014, AT 7:50 P.M.

ROLL CALL

Present at roll call were Chairperson Herb Atchison, Vice Chairperson Faith Winter, and Board Members Bruce Baker, Bob Briggs, Alberto Garcia, Emma Pinter, and Anita Seitz. Also present were J. Brent McFall, Executive Director, Martin McCullough, Attorney, and Linda Yeager, Secretary.

APPROVAL OF MINUTES

Board Member Briggs moved, seconded by Board Member Seitz, to approve the minutes of the meeting of June 9, 2014, as written. The motion carried unanimously.

PUBLIC HEARING TO AMEND THE 2014 BUDGET

Staff had no formal presentation but was available to answer any questions. The Authority had no questions. At 7:52 p.m., the Chairperson opened the public hearing and invited comment. No one wished to speak and at 7:53 p.m. the hearing was closed.

RESOLUTION NO. 155 AUTHORIZING 2ND QUARTER SUPPLEMENTAL APPROPRIATION

It was moved by Board Member Seitz, seconded by Vice Chairperson Winter, to adopt Resolution No. 155 authorizing a supplemental appropriation to the 2014 Westminster Economic Development Authority Budget. At roll call, the motion passed unanimously.

ADJOURNMENT

With no further business for the Authority's consideration, Chairperson Atchison adjourned the meeting at 7:55 p.m.

ATTEST:

Chairperson

Secretary

WEDA Agenda Item 3 A

Agenda Memorandum

Westminster Economic Development Authority
July 14, 2014



SUBJECT: Master Planning Professional Services Contracts for the Westminster Urban Reinvestment Project

Prepared By: Susan Grafton, Economic Development Director
Mac Cummins, AICP, Planning Manager

Recommended WEDA Action

In order to more clearly communicate the costs associated with the Torti Gallas contract, rescind the July 8, 2013, limit on other contracts as necessary with other consultants for work related to the Westminster Center Urban Reinvestment Project in an amount not to exceed \$125,000 and authorize the Executive Director to execute an amended contract with Torti Gallas for an additional \$125,000 for a total not to exceed \$500,000 for planning, urban design and infrastructure analysis related to the development of the WURP site.

Summary Statement

- Planning for the Westminster Urban Reinvestment Project (WURP) site is well underway, with a major focus on development of a master plan that will serve as the primary regulatory framework to achieve the City's vision for a new downtown.
- On July 8, 2013, the Board authorized the Executive Director to enter into a negotiated contract with Torti Gallas and Partners for planning and urban design services not to exceed \$375,000.
- Also on July 8, 2013, the Board authorized the Executive Director to enter into such other contracts as necessary with other consultants for work related to the WURP not to exceed \$125,000.
- Over the past year, as planning for the WURP site has proceeded, several planning-related efforts related to both development of the master plan as well as planning for infrastructure and marketing for the site have been folded into the original Torti Gallas scope of work as contract amendments. The planning efforts were completed by either Torti Gallas or one of their subcontractors due to their knowledge and familiarity with the WURP site as well as to ensure overall consistency and coordination between consultants.
- Future additional amendments to the Torti Gallas contract are anticipated in order to coordinate with developer Oliver McMillan. Modifications to the original plan framework adopted in November 2013 are necessary to accommodate the shared vision of the City and Oliver McMillan that has been developed over a series of planning and design meetings over the past few months.
- Although the original intent of the \$125,000 portion was to encompass "other" consulting services than the Torti Gallas contract, staff proposes to amend the intent to include contract amendments to the Torti Gallas contract that have served planning purposes related to but beyond the original scope of the contract.
- Other contracts associated to the site have been/will be authorized in accordance to WEDA's purchasing policies.

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

Policy Issue

Should the WEDA Board approve amendments to the Torti Gallas contract for work necessary to complete the master plan document and WURP plan framework? These amendments would be encompassed within the original \$500,000 approval by the WEDA Board but in addition to the original \$375,000 approved for the initial scope of the Torti Gallas contract.

Alternative

The WEDA Board could choose to not approve Torti Gallas contract amendments. However, staff does not recommend this alternative. The master plan document is underway, with a significant portion of the draft completed. The draft is based on the original Preliminary Development Plan (PDP) framework. With the addition of Oliver McMillan as the initial developer on the site, as well as the need to expedite preparation of the site for development, staff needed to add to the original scope of work within the Torti Gallas contract to include additional design consultation and attendance at key planning meetings and focused utility analyses to initiate grading and site preparation. Without the amendments, there would have been a delay in working effectively with the developer and stakeholders in the project as well as in preparing the site for grading and road construction to expedite development. Additional work requiring an amendment to the Torti Gallas contract is necessary in order to reflect a joint vision between Oliver McMillan and the City. Without this amendment, significant staff resources will be required to complete the plan, which will delay completion of the master plan and entitlements beyond the completion of a development agreement with Oliver McMillan, anticipated for late Fall 2014. Adoption of the master plan and entitlements would likely extend into early 2015, based on current projections for staff availability.

Background Information

In July of 2013, the WEDA Board approved spending authority for planning efforts related to the Westminster Urban Reinvestment Project (WURP) site. The initial approval for \$500,000 included \$375,000 for Planning Services and \$125,000 for miscellaneous consulting services as necessary. The Torti Gallas contract was entered into as a result of this approval, which includes work with Torti Gallas and their subconsultants to achieve a master plan and regulatory framework.

Over the past year, the addition of several amendments to the Torti Gallas contract to accommodate work for marketing purposes, utilities and infrastructure analysis, and work with Oliver McMillan has resulted in a contract amount that exceeds the \$375,000 originally approved by the WEDA Board. Staff anticipates the need for additional work to be completed by Torti Gallas in order to complete the master plan. These amendments to the Torti Gallas contract could be ascribed to the miscellaneous consulting services budget, which was originally intended for other consulting services related to WURP planning.

The intent of this portion of the funding was to complete a master plan and regulatory framework for the WURP site. The WEDA Board approved an amount not to exceed \$375,000 for the Torti Gallas contract. This contract included several subcontractors, including Martin & Martin Civil Engineers, Communitas, and Nelson/Nygaard. The scope of the contract is narrowly focused on the development of a regulatory planning document with very specific input on traffic, civil and economic feasibility from the subconsultants. Over the course of the planning process, several amendments to the contract were made to accommodate focused marketing, additional detailed civil engineering studies, and participation by Torti Gallas in key meetings with JCPenney and Oliver McMillan. All of these amendments, while related to planning for the WURP site, were a departure from the original scope of the contract and intent of the Planning Services account. However, due to Torti Gallas' close knowledge of the site and their relationship with subcontracting firms, it was deemed appropriate to add the amendments and scope to the original contract. As summarized in Table 1, the additional amendments to the Torti Gallas contract have exceeded the original Planning Services allotment of \$375,000 toward plan development by \$34,559.

Table 1: Torti Gallas Contract

		<i>Amount</i>
Initial Contract		\$346,710
<i>Amendment</i>	<i>Description of Scope and Consultant</i>	<i>Amount</i>
1	Focused Site Plans for purposes of marketing for economic development, prepared by Torti Gallas	\$5,000
2	Detailed Civil Analysis including drainage and utility plans, conducted by Martin & Martin and folded into Torti Gallas contract for efficiency in contract management and flow of information	\$49,749
3	Attendance by Torti Gallas at initial planning meeting with JCPenney	\$3,500
4	Attendance by Torti Gallas at planning charette in San Diego held by Oliver McMillan	\$4,600
Total Contract Amount after Amendments		\$409,559
Total Amount Spent to Date		\$333,307

With the introduction of developer Oliver McMillan into the planning process, staff has been working to accommodate revisions to the adopted PDP framework plan that reflect a joint vision for development between the City and Oliver McMillan. This joint planning effort has included multiple design charettes and consequent adjustments to the plan framework. In order to participate in this process and reflect these changes in the PDP and draft master plan document, additional work by Torti Gallas is necessary, which will require an additional amendment to the contract. Any additional work related to the Torti Gallas contract and master plan document would not exceed the originally-approved \$500,000 by the WEDA Board.

Other contracts associated with other planning efforts such as a parking study and aerial topographic survey and input on open space and parks have been authorized in accordance with WEDA's purchasing policy and have been funded.

Master Planning for the WURP site supports several key strategic goals for Council, including ensuring the new downtown is a "Vibrant and Inclusive Neighborhood" and is the focal point of a "Beautiful, Desirable, Environmentally Responsible City;" supporting a "Dynamic, Diverse Economy" by creating a foundation for a strong commercial and mixed-use environment; and providing "Excellence in City Services" by supporting and enabling higher-intensity mixed-use development within the downtown area.

Respectfully submitted,

J. Brent McFall
Executive Director