



**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.

**Citizen Communication is limited to five minutes; however, the Mayor may limit comments to a lesser amount of time depending on the number of individuals who wish to speak.**

- 1. Pledge of Allegiance**
- 2. Roll Call**
- 3. Consideration of Minutes of Preceding Meetings** (August 10, 2015)
- 4. Report of City Officials**
  - A. City Manager's Report
- 5. City Council Comments**
- 6. Presentations**
  - A. Employee Appreciation Week Proclamation
  - B. Open Space Program Celebration of 30 Years 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. Financial Report for July 2015
  - B. Emergency Essential Home Repair Program Contract Amendment
  - C. Park 1200 Development Agreement with IBC Denver VIII LW IV LLC
  - D. Additional Expenditure for 2015 Deicing Salt Purchase
  - E. Contract Change Order for Additional 2015 Roadway Improvements
  - F. Improvements to Utility Storage Facilities
  - G. Transfer Funds for Storage Facility Improvements Project
  - H. Special Legal Counsel – Butler Snow Legal Agreement
  - I. Second Reading of Councillor's Bill No. 18 Amending the 2013 Comprehensive Plan
- 9. Appointments and Resignations**
- 10. Public Hearings and Other New Business**
  - A. Councillor's Bill No. 42 Appropriating 2015 CDBG Funds
  - B. Councillor's Bill No. 43 Authorizing 2<sup>nd</sup> Quarter 2015 Budget Supplemental Appropriation
  - C. Councillor's Bill No. 44 Authorizing Lease Agreement for Kids Nite Out Programs
  - D. Councillor's Bill No. 45 Authorizing Supplemental Appropriation of Grant for Metzger Farm South Trail
  - E. Resolution No. 27 Approving 2015 Private Activity Bond Allocation and Assignment
- 11. Old Business and Passage of Ordinances on Second Reading**
  - A. Special Legal Counsel Services for Drafting of Collective Bargaining Ordinance (Tabled 10-27-14)
  - B. Second Reading of Councillor's Bill No. 40 Creating City of Westminster Downtown GID
  - C. Second Reading of Councillor's Bill No. 41 Creating City of Westminster Park 1200 GID
- 12. Miscellaneous Business and Executive Session**
  - A. City Council
- 13. Adjournment**

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

\*\*\*\*\*

### **GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS**

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

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, AUGUST 10, 2015, AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

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

CONSIDERATION OF MINUTES

Councillor Briggs moved, seconded by Councillor Baker, to approve the minutes of the regular meeting of July 27, 2015, as presented. The motion carried unanimously.

CITY MANAGER'S REPORT

Mr. Tripp announced there would be no post-meeting following tonight's meeting of City Council and the Westminster Economic Development Authority. He updated Council on the status of the Request for Proposals for development of a Local Foods Campus at Shoenberg Farms. The local foods group had first approached the City requesting space at Shoenberg Farms and more recently promoted the Hidden Lakes Shopping Center location. Staff was enthusiastic about the concept of locally grown foods and sustainable goods. The group had approached staff about the possibility of the City's financial assistance on the project. While there were no commitments in that regard, staff looked forward to continued dialogue and would continue to provide updates to City Council.

Additionally, Mr. Tripp yielded time to Jody Andrews, Deputy City Manager, to update the Council on the Downtown Westminster Project. Mr. Andrews reported there was an item on the Council's agenda tonight regarding formation of a General Improvement District to fund the operation and maintenance of the new downtown; and another item on the Westminster Economic Development Authority agenda to amend the J.C. Penney (JCP) lease agreement to build Westminster Boulevard and related utilities across the JCP leasehold area. Further, negotiations with JCP were advancing on a new long-term lease agreement that would see the high-performing store become a vibrant and integral part of the site. The first phase financing for construction of roads and utilities had been secured; Hammerlund Construction was mobilized and building the first phase of roads and utilities, which would be completed next spring; and three world-class design firms had been retained and were working on new parks and streetscapes; and the response from the local, regional, and national development community had been outstanding. Letters of Intent had been executed with two firms for development of a minimum of four (potentially as many as seven) parcels. Alamo Drafthouse Cinema was moving ahead on the west side of the site with plans to open a cinema featuring a blend of movies, beer and food, combined with creative community events for movie lovers. Sherman Associates proposed to bring a mix of residential and retail development to three blocks on the site, delivering approximately 500 apartment units and an indoor community market along with other retail. Workforce housing was a key component to the proposal, as was building to LEED Silver construction standards. Construction of the first buildings would start in 2016. Both firms supported the formation of the Downtown General Improvement District on the site. This exciting news constituted the first steps toward achieving the community's vision for a new Downtown Westminster.

COUNCIL REPORTS

Mayor Pro Tem Briggs extended appreciation of the organization and operation of the Westy Fest.

Councillor De Cambra welcomed everyone in the audience and concurred that Westy Fest, the Holy Cow Stampede, and the Westy Brew Fest had been well-attended, fantastic community events. Additionally, she thanked Mr.

Andrews and the City Manager's Team on the fruition of their work to begin development of Downtown Westminster that was in keeping with the community's vision and would have an element of much needed workforce housing.

Councillor Seitz concurred it had been a wonderful week that included groundbreaking for the Westminster Station parking structure; exciting momentum for Downtown Westminster that included keeping the J.C. Penney store, creating new development partners and beginning to fulfill the community's vision; Westy Fest with activities ranging from free events for children during the day to the concert and Brew Fest for adults in the evening; and now a crowded Council Chambers with people interested in municipal politics and community engagement.

Councillor Garcia added kudos for Westy Fest and the exciting news about development of Downtown Westminster. It was inspiring to see the packed Council Chambers and to see people committed to the community. He reported that he and Councillor Pinter had attended Autism in the Park, an event where autistic children met firefighters, got to explore a fire engine, and ultimately enjoyed being sprayed by a fire hose. Participants looked forward to the event each year. It fostered confidence in parents of special needs children and sponsors of the group were very complimentary of Westminster's Public Safety Officers who were trained and compassionate when called for assistance. In conclusion, he reported having participated with Capable Teams, a group of Chinese Scouts visiting the area and thanked Jonathan Herrmann for the opportunity.

### PRESENTATION

Mayor Atchison recognized Sunny Gist and the members of the Lao Buddhist Temple's Dragon Boat Team for their successes in the 2015 Colorado Dragon Boat Festival. An estimated 100,000 people had attended the festival at Sloans Lake on June 18 and 19. The City had sponsored the team and the competition had been attended by many elected officials and Staff, who got to see the team take first place in the 125 Meter Sprint Races, first place in the Competitive 205 Meter Races, and second place in the Competitive 500 Meter Races. The team displayed the trophies while the Team Captain thanked the City for its support and enthusiasm.

### PROCLAMATION

Mayor Atchison issued a proclamation in recognition of the Dab Ntxaug Top Spin Team for their success in winning the July 4, 2015, 35<sup>th</sup> Annual National Tournament in St. Paul, Minnesota. Travis Xiong and two other members of the Hmong American Association of Colorado were present to accept the proclamation and to thank the City for working with them nearly seven years earlier to build the first top spin field in the United States at Skyline Vista Park. Mr. Xiong explained the top spin game and announced that the next Hmong sport he hoped to teach the community was Takraw, a game similar to volleyball but played with the feet rather than hands and arms.

### CITIZEN COMMUNICATION

Jonathan Herrmann appreciated the opportunity to introduce ten scouts from China visiting the community with sponsorship of Capable Teams. They had enjoyed the opportunity to work with the Fire Department, Police Officers, Mr. Tripp, and Councillor Garcia to get an understanding of the community and how citizen-led government impacted it.

Kimberly Mudd, 5716 Yarrow Street in Arvada; Dan Borgman, 14770 Orchard Parkway; Loveleen Kaur, 6203 West 92<sup>nd</sup> Place; Michelle Garcia, 7573 Julian Street; Heather Kennedy, 7189 Fenton Court; and Nathan Mudd, 5716 Yarrow Street in Arvada; urged Council to act on establishing a Local Foods Campus at the Hidden Lake Shopping Center and to commit South Sheridan Urban Renewal Authority funding for that purpose. They spoke of the health benefits of locally produced food, as well as economic health and job growth that a Local Foods Campus would bring to the community.

### CONSENT AGENDA

The following items were submitted on the consent agenda for Council's consideration: authorize the City Manager to enter into the Second Intergovernmental Agreement with the cities of Arvada, Aurora, Brighton, Commerce City,

Federal Heights, Northglenn, Thornton, and the Town of Bennett regarding municipal non-domestic violence inmate bed space allocations and a per diem fee assessment process for use of the Adams County Detention Facility in substantially the form presented; authorize the City Manager to sign a contract with RockSol Consulting Group, Inc. for construction engineering services for the 120<sup>th</sup> Avenue and Federal Boulevard Intersection Project in the amount of \$339,529, and authorize a contingency of \$40,000; authorize the City Manager to sign an amended Construction Engineering Services contract with Felsburg, Holt & Ullevig, Inc. in the amount of \$89,255.93 and authorize a construction engineering contingency of \$15,000; based upon the recommendation of the City Manager, determine that the public interest would be best served by approving Fleet Maintenance cumulative purchases in 2015 with Barbee's Freeway Ford Inc. for remanufacturing services not to exceed \$130,000 through year end; and final passage on second reading of Councillor's Bill No. 37 appropriating a total of \$3,136,237 received from the Regional Transportation District to the Westminster Station Drive North Infrastructure project per the Intergovernmental Agreement between the City and the District.

No items were removed for individual consideration, and it was moved by Councillor Baker, seconded by Councillor Garcia, to approve the consent agenda as presented. The motion carried with all Council members voting affirmatively.

#### PUBLIC HEARING ON REVESCO USA PROPERTIES SPECIAL USE PERMIT APPLICATION

At 7:50 p.m., Mayor Atchison opened a *de novo* public hearing to consider the Revesco USA Properties Special Use Permit (SUP) Application for a thrift store over 5,000 square feet to be operated by the Salvation Army on Lot 2 at La Belles Plaza (8601 Sheridan Boulevard). Mac Cummins, Planning Manager, entered into the record the Agenda Memorandum and its attachments, as well as evidence that public notice of this hearing had been provided in accordance with Westminster Municipal Code requirements. The criteria to be evaluated to approve or deny a SUP and Staff's analysis, as well as the Standards of Review and Staff's analysis, were contained in the Agenda Memorandum. Also added into the record was a PowerPoint presentation displayed as Mr. Cummins reviewed both analyses. Staff recommended denial of the Revesco USA Properties SUP based on its analyses.

Mayor Atchison entered into the record Exhibit A, a transcript of David Foster's comments made during Citizen Communication at the Council meeting of July 13, 2015.

David Foster, 360 South Garfield and legal counsel for Revesco USA Properties, entered into the record Exhibits 1 through 12 and the recording of the Planning Commission's June 9 hearing on the Revesco SUP request so that the Salvation Army could locate and operate a Thrift Store at 8601 Sheridan Boulevard, property owned by Revesco. Mr. Foster reviewed the 12 exhibits he had entered in the record, which were in chronological order and focused his comments on substance and process. He described the process his client had been promised and described differences between the process delivered to his client compared to that given an SUP application for 8657 Sheridan Boulevard submitted by Arc Thrift two weeks after the Revesco/Salvation Army SUP application had been filed and considered at the same Planning Commission meeting.

Allison Struck, 489 West 118<sup>th</sup> Court and an official with the Salvation Army, described the Salvation Army's desire to locate in Westminster and to serve the community not only through the resale of used clothing and merchandise, but also by providing drug and alcohol recovery programs for local residents. The process used to consider the Salvation Army's SUP request had seemed unbalanced and had they been informed in advance of the problems staff had identified with their application, they would have taken remedial action to correct deficiencies. Salvation Army was not new to the thrift store market and operated 127 stores in the United States.

Mr. Foster requested that City Council continue this hearing and consider legislative changes to the Westminster Municipal Code to allow thrift stores within closer proximity to one another than 1,000 feet in certain situations before taking action on this matter.

Mayor Atchison asked if any members of the audience had any questions or wished to offer testimony. No one responded. Mayor Atchison accepted Exhibits 1 through 12 offered by Mr. Foster, those entered by Mr. Cummins, and Exhibit A that he had entered. Because this *de novo* hearing was to provide a fresh opportunity for Revesco/Salvation Army to present evidence in support of their SUP application, the recording of the Planning Commission's hearing was not admissible into the record. It was not normal practice for the City Council to hear requests for SUPs, which was the jurisdiction of the Planning Commission. Only appeals of the Planning Commission's decision on an SUP application were heard by City Council. The decision of the Planning Commission was not binding on City Council in this hearing.

Mr. Foster suggested that since the recording of the meeting was not available now, the hearing should be continued to offer time for Councillors to listen to the recording. If there was an urgency for Council to reach a decision on this matter now, he would remove this request that the recording be entered into the record. Mr. Frankel recommended that Council's decision be based on the facts as they were now. The actions of the Planning Commission were not at issue now and Mr. Foster had opportunity to present information to support the application before City Council. The Mayor advised that the Council could judge only the evidence entered in the record at this hearing.

Councillors had several questions about the evidence entered into the record and the Mayor directed them to either Mr. Foster or Mr. Cummins, as applicable. After all questions had been answered and Mr. Foster and Mr. Cummins concluded their comments, Mayor Atchison closed the public hearing. The time was 9:45 p.m.

#### REQUIREMENTS FOR PERFECTING AN APPEAL OF A PLANNING COMMISSION DECISION

It was moved by Councillor Garcia and seconded by Councillor Pinter, that the criteria for appealing the Planning Commission's decision to City Council pursuant to Section 11-4-8(H) had been perfected based on finding that an appeal was taken by filing a written notice of appeal of the decision of the Planning Commission with the City Manager within ten days of such decision and the notice included: the action of the Planning Commission that was the subject of the appeal; the date of such action; the name, address, and telephone number of the appellant; and a statement setting forth the basis for the appellant's appeal. The motion passed unanimously.

#### ACTION ON REVESCO USA PROPERTIES SUP APPLICATION FOR LOT 2, LA BELLES PLAZA

Councillor Garcia moved that Council find, based on the evidence presented pursuant to Westminster Municipal Code, Section 11-4-8(F), SUP, that: (1) the impact on the character of the neighborhood was not met; (2) compatibility of the proposed use with existing and planned uses on adjacent properties was not met; (3) activities or uses on the site that generate potential adverse impacts or nuisance effects, such as visual impacts, noise, vibrations, light intensity, odors, loitering, or level of police activity was not met; (4) the amount or degree of outdoor activity was met; (5) the hours of operation and deliveries was met; (6) the location and intensity of storage, loading, and delivery areas was not met; (7) the adequacy of parking and vehicular access and circulation was not met; (8) traffic volume generated by the proposed use was not met; and (9) pedestrian safety was not met; and based on criteria of Westminster Municipal Code, Section 11-4-8(G), Council find that: (1) the proposed use will be reasonably compatible with the surround neighborhood was not met; (2) the proposed use will not be in conflict with the policies of the Comprehensive Plan was met; and (3) the proposed use would not meet the following distance limitations which was the location of any other Thrift Store within 1,000 feet of another such use shall preclude approval of the SUP. Testimony presented tonight indicated there was a SUP for another entity within that distance. The language does not say may or can; it says it shall preclude approval of such SUP. Based on the evidence presented, the application shall be denied, and I would ask the staff to prepare a written findings for our consideration at the next Council meeting. Councillor Pinter seconded the motion.

Following discussion, the motion carried on a 5:2 vote with Mayor Pro Tem Briggs and Councillor Baker voting no.

RECESS

At Council's request, Mayor Atchison called a five-minute recess at 10 p.m. The Mayor reconvened the meeting at 10:05 p.m. with all Council members present.

COUNCILLOR'S BILL NO. 40 ORGANIZING THE WESTMINSTER DOWNTOWN GID

It was moved by Mayor Pro Tem Briggs and seconded by Councillor Seitz to pass on first reading Councillor's Bill No. 40 creating the City of Westminster Downtown General Improvement District. After discussion, the motion carried on a 6:1 vote with Councillor Baker dissenting at roll call.

COUNCILLOR'S BILL NO. 41 ORGANIZING THE CITY OF WESTMINSTER PARK 1200 GID

Mayor Pro Tem Briggs moved to pass on first reading Councillor's Bill No. 41 creating the City of Westminster Park 1200 General Improvement District. Councillor Seitz seconded the motion and on roll call vote, the motion carried by a 6:1 vote with Councillor Baker voting no.

RESOLUTION NO. 26 RE AMENDED IGA FOR HOME INVESTMENTS PARTNERSHIP CONSORTIUM

Upon a motion by Councillor Seitz, seconded by Councillor Pinter, the Council voted unanimously at roll call to adopt Resolution No. 26 authorizing the Mayor to sign an amended intergovernmental agreement, in substantially the same form as the agreement attached, with Adams County to amend the City's Intergovernmental Agreement approved by City Council on June 8, 2015, for participation in the HOME Investment Partnerships Program Consortium with Adams County for three years.

COUNCILLOR'S BILL NO. 18 REMOVED FROM THE TABLE

Councillor Pinter moved to remove Councillor's Bill No. 18 updating the Comprehensive Plan from the table. Councillor Baker seconded the motion, and it passed unanimously.

COUNCILLOR'S BILL NO. 18 UPDATING THE COMPREHENSIVE PLAN

It was moved by Councillor Pinter and seconded by Councillor De Cambra to pass on first reading Councillor's Bill No. 18 adopting amendments to the 2013 Comprehensive Plan. At roll call, the motion carried unanimously.

SECOND READING OF COUNCILLOR'S BILL NO. 36 AMENDING THE COMPREHENSIVE PLAN

Upon a motion by Councillor Garcia, seconded by Mayor Pro Tem Briggs, the Council voted 6:1 to pass on second reading Councillor's Bill No. 36 approving a Comprehensive Plan Amendment from Mixed Use Center to Mixed Use for Blocks 1A, 1B, and 2 (approximately 12.147 acres) of the Promenade West Subdivision (32 acres total), based on a finding that the criteria set forth in Section 11-4-16(D)(4), W.M.C., had been met. Councillor Baker voted no.

SECOND READING OF COUNCILLOR'S BILL NO. 38 BEEKEEPING AND CHICKEN HUSBANDRY

Mayor Pro Tem Briggs moved, seconded by Councillor Seitz to pass on second reading Councillor's Bill No. 38 updating animal regulations in Title VI of the Westminster Municipal Code. The motion carried by a 5:2 vote with Mayor Atchison and Councillor Baker voting no.

SECOND READING OF COUNCILLOR'S BILL NO. 39 - FY 2014 CARRYOVER TO FY2015 BUDGET

It was moved by Councillor Pinter to pass on second reading Councillor's Bill No. 39 appropriating FY2014 carryover funds into the FY2015 budgets of the budgets of the General, General Reserve, General Fund Stabilization Reserve, General Capital Improvement, Fleet, Sales and Use Tax, Utility, Utility Reserve, Storm Drainage, General Capital Outlay Replacement, and Golf Course Funds. Councillor Garcia seconded the motion, and on roll call vote, it passed by a 6:1 margin with Councillor Baker dissenting.

ADJOURNMENT

There was no further business to come before the City Council, and, hearing no objections, the Mayor adjourned the meeting at 10:38 p.m.

ATTEST:

---

City Clerk

---

Mayor



## Agenda Item 6 A

### Agenda Memorandum

City Council Meeting  
August 24, 2015



**SUBJECT:** Proclamation re Employee Appreciation Week

**Prepared By:** Lisa Chrisman, Human Resources - Benefits Manager

### Recommended City Council Action

Mayor Atchison to proclaim September 7 through September 10, 2015, as City of Westminster Employee Appreciation Week in recognition of the contributions of City employees to the overall success of the City organization and the quality of life of Westminster citizens.

### Summary Statement

- The Mayor and City Council are being requested to proclaim September 7 through September 10, 2015, as City Employee Appreciation Week.
- For many years, the City of Westminster and its citizens have benefited from the hard work and commitment of City employees.
- The purpose of the proposed proclamation is to recognize 958 full and part-time benefited employees, and the more than 1,030 seasonal and non-benefited employees who comprise the City of Westminster's workforce.
- On September 10, the annual employee barbeque will be held at Westfield Village Park. This catered barbeque lunch is a popular event and allows the City's employees to relax in the sun and enjoy the company of their co-workers.
- Members of the City's Employee Advisory Committee and the Employee Recognition Action Team, who represent employees from all City departments, have been invited to attend Monday evening's meeting to accept the proclamation on behalf of all City employees.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

The ability of the City of Westminster organization to provide quality municipal services is in no small part due to the commitment, dedication, talent, expertise and knowledge of the City's employee workforce. Currently there are 958 full-time and part-time regular employees working in Information Technology, Police, Fire, Public Works and Utilities, Finance, General Services, Parks, Recreation and Libraries and Community Development Departments, and the City Attorney's and City Manager's Offices. Overall, there are roughly 1,988 active employees, including seasonal and part-time employees. Due to the efforts of these individuals, Westminster is in the forefront of providing high quality facilities and services to its residents. Very positive citizen feedback in biennial surveys and the many national and regional awards the City has received attest to the caliber of the City's workforce.

The attached Proclamation summarizes the contributions of City employees and recognizes their efforts by proclaiming September 7 through September 10, 2015, as City of Westminster Employee Appreciation Week.

One of the highlights of the week will be the Employee Barbecue lunch at Westfield Village Park. Employees enjoy a catered lunch and are able to relax and enjoy the company of co-workers. Even though the food and friendship is a highlight, an added benefit is the relaxed dress code and option of wearing jeans for all non-uniformed personnel!

The Employee Recognition Action Team has created an electronic thank you note that will be available to send to City employees during the week. This special thank you note helps employees remember to thank their coworkers for their teamwork and inspiration throughout the year. ERAT has planned other activities and events throughout Employee Appreciation Week.

Several of the members of the City's Employee Advisory Committee and the Employee Recognition Action Team will be present Monday evening to accept this proclamation from the City Council on behalf of all City employees.

Employee appreciation efforts are an integral part of the organization's ability to provide a quality work environment with effective employees prepared to deliver quality service to citizens, meeting City Council's Strategic Plan Goal of "Financially Sustainable Government Providing Excellence in City Services."

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment - Proclamation

**WHEREAS**, Westminster citizens have given the City very high service ratings in each of the past citizen surveys attesting to the high quality of services provided by Westminster employees; and

**WHEREAS**, Westminster employees are in large part responsible for the City's national and regional reputation for quality, progressive municipal government; and

**WHEREAS**, the 958 full-time and part-time benefited employees and over 1,030 seasonal and non-benefited employees have contributed significantly to the quality of life of Westminster citizens; and

**WHEREAS**, these employees who are employed in the City Attorney's Office, City Manager's Office, Community Development, Finance, Fire, General Services, Information Technology, Parks, Recreation, and Libraries, Police, and Public Works and Utilities Departments, comprise a workforce that is unquestionably one of the City's most valuable resources; and

**WHEREAS**, on September 10, 2015, the Employee barbeque lunch will be held at Westfield Village Park in an effort to recognize all City employees and to enjoy the company and friendship of co-workers; and

**WHEREAS**, the week of September 7, 2015, will include several other activities designed to express appreciation to City Employees.

**NOW, THEREFORE, I, Mayor Herb Atchison of the City of Westminster, Colorado, on behalf of the entire City Council do hereby proclaim September 7 through September 10, 2015, as**

**CITY OF WESTMINSTER  
EMPLOYEE APPRECIATION WEEK**

Signed this 24th of August, 2015.

---

Mayor Herb Atchison



## Agenda Item 6 B

### Agenda Memorandum

City Council Meeting  
August 24, 2015



**SUBJECT:** Proclamation re Open Space is Celebrating 30 Years

**Prepared By:** Rod Larsen, Open Space Superintendent  
Heather Cronenberg, Open Space Coordinator

### Recommended City Council Action

Mayor Atchison to present Janet Bruchmann, Parks, Recreation, Libraries and Open Space Advisory Board Chairwoman, the proclamation for celebrating 30 years of the Open Space Program.

### Summary Statement

- Council would like to recognize the value that our open space, park, and trail systems bring to our community through the preservation of wildlife habitat, improved physical activity in our parks and trail system, and clean water, and increased property values.
- The City of Westminster's residents created the Open Space program in 1985 by voting to tax themselves at  $\frac{1}{4}$  of 1% to preserve open spaces and purchase properties for parklands. Westminster was the 2<sup>nd</sup> City in the state to create an open space program.
- The Parks, Recreation and Libraries Department will be celebrating 30 years of open space in September with activities to celebrate the open space program and to encourage citizens to enjoy, utilize, and take care of the system (see attached event calendar).
- Council invites all residents to enjoy the City's open spaces, attend an event, recreate on a trail, or relax in one of our 65 parks during the month of September in celebration of 30 years of Open Space.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

Thirty years ago, Westminster became the second city in Colorado to have an official open space program. Open Space is acquired to enhance the quality of life for residents and visitors, preserve and protect the environment, and preserve 15% of the city's total area as natural land. Westminster residents have supported the open space program through a ¼ of 1% sales tax which has ensured the preservation of spectacular mountain views, riparian corridors, wildlife habitat and natural areas, and the construction of trails throughout the city. Many properties have been purchased over the years, totaling 3,092 acres of open space. In addition to the city sales tax, the open space program is funded through grants from Adams County, Jefferson County, the Conservation Trust Fund, and Great Outdoors Colorado.

The City will be holding events and providing information throughout the month of September to celebrate. Westminster's open space is preserved and managed in a natural condition, used for passive public use and enjoyment with activities such as hiking, biking, nature study, and photography. We celebrate the progressive thinking and commitment to preservation that began 30 years ago.

Celebrating 30 years of the Open Space program supports City Council's Strategic Plan goals of a Beautiful, Desirable, Safe and Environmentally Responsible City by communicating the importance of maintaining open space, connecting our community to nature, preserving vistas and views; Financially Sustainable Government Providing Excellence in City Services through increased property values, increased tourism, attraction and retention of businesses. Vibrant, Inclusive and Engaged Community as open spaces and parks are fundamental to the well-being of our community.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachments: Proclamation  
Event Calendar

**WHEREAS**, our open space program is important to establishing and maintaining the quality of life in our communities, preserving wildlife habitat, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

**WHEREAS**, the open space and trail program builds healthy, active communities that aids in the prevention of chronic disease and also improve the mental and emotional health of all citizens; and

**WHEREAS**, the City has been preserving open spaces totaling more than 3,092 acres for 30 years, and open spaces 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 open spaces 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 open space program increases 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.

**NOW, THEREFORE I, HERB ATCHISON**, Mayor of the City of Westminster, on behalf of the entire Council and Staff do hereby proclaim the year 2015 and the month of September to celebrate

### **30 YEARS OF OPEN SPACE**

and encourage all residents and visitors to celebrate by attending a program in September or enjoying the open spaces and trails throughout our City.

Dated this 24th day of August, 2015.

---

Herb Atchison, Mayor



# CELEBRATING 30 YEARS OF OPEN SPACE

## *CALENDAR OF EVENTS* *SEPTEMBER 2015*



Photo credit: Mike Smith

To recognize 30 years of open space acquisition and management, Westminster's Facebook page will have 30 days of posts featuring wildlife and flora found right here in Westminster. Each day in September, a new bird, furry creature, tree or plant will be posted.

Citizens are welcome to join us on **Tuesday, September 1** at 6:30 p.m. for a nature hike and movie at Standley Lake Regional Park, 100<sup>th</sup> Avenue and Simms Street. Enjoy the beauty of Standley Lake and learn about Aldo Leopold, an early conservationist who is considered by many to be the father of wildlife management and wilderness conservation.

Celebrate by volunteering in Westminster's open space on **Saturday, September 26** 8:30-11:30 a.m. for an outdoor project in partnership with The Nature Conservancy at the Chambers Preserve, 104<sup>th</sup> Avenue and Wadsworth Parkway. Call 303-658-2201 for more information or to register for both events.



Agenda Memorandum

City Council Meeting  
August 24, 2015



**SUBJECT:** Financial Report for July 2015

**Prepared By:** Tammy Hitchens, Finance Director

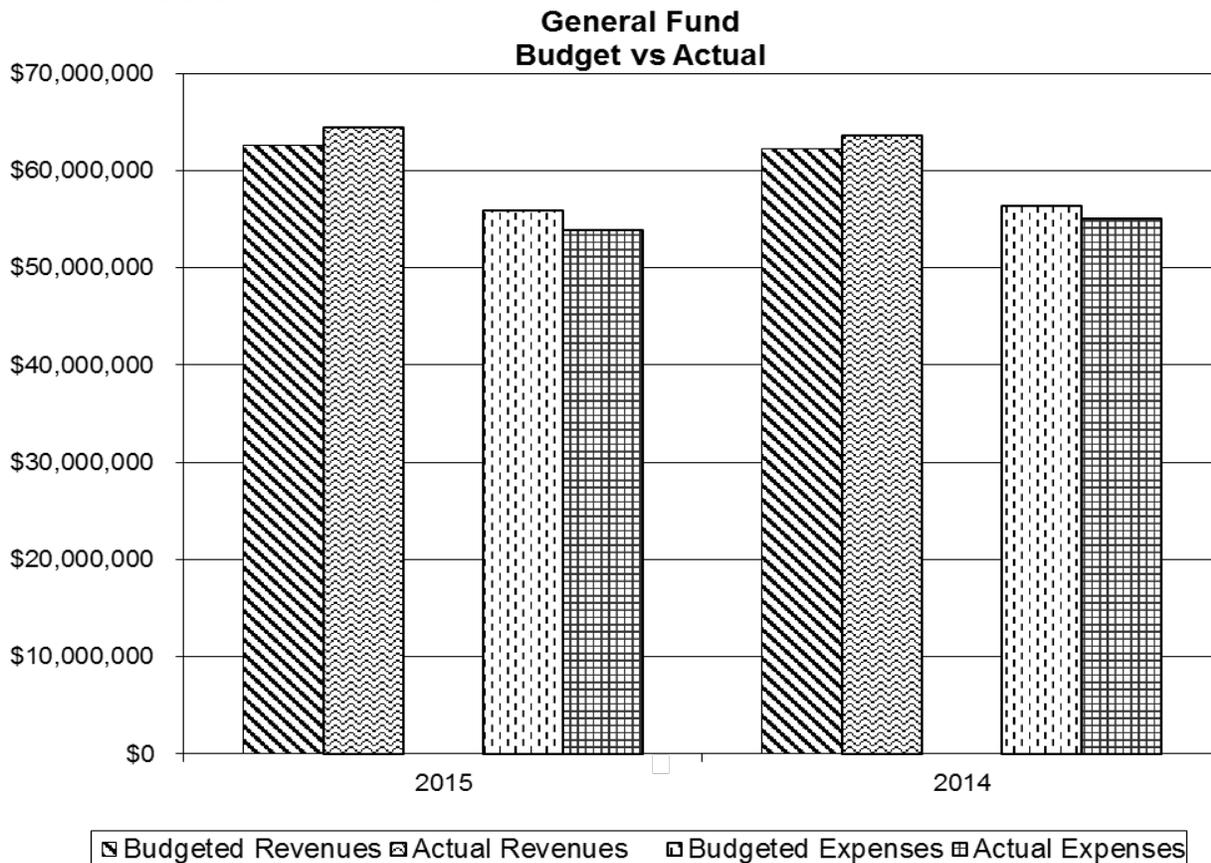
**Recommended City Council Action**

Accept the Financial Report for July as presented.

**Summary Statement**

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

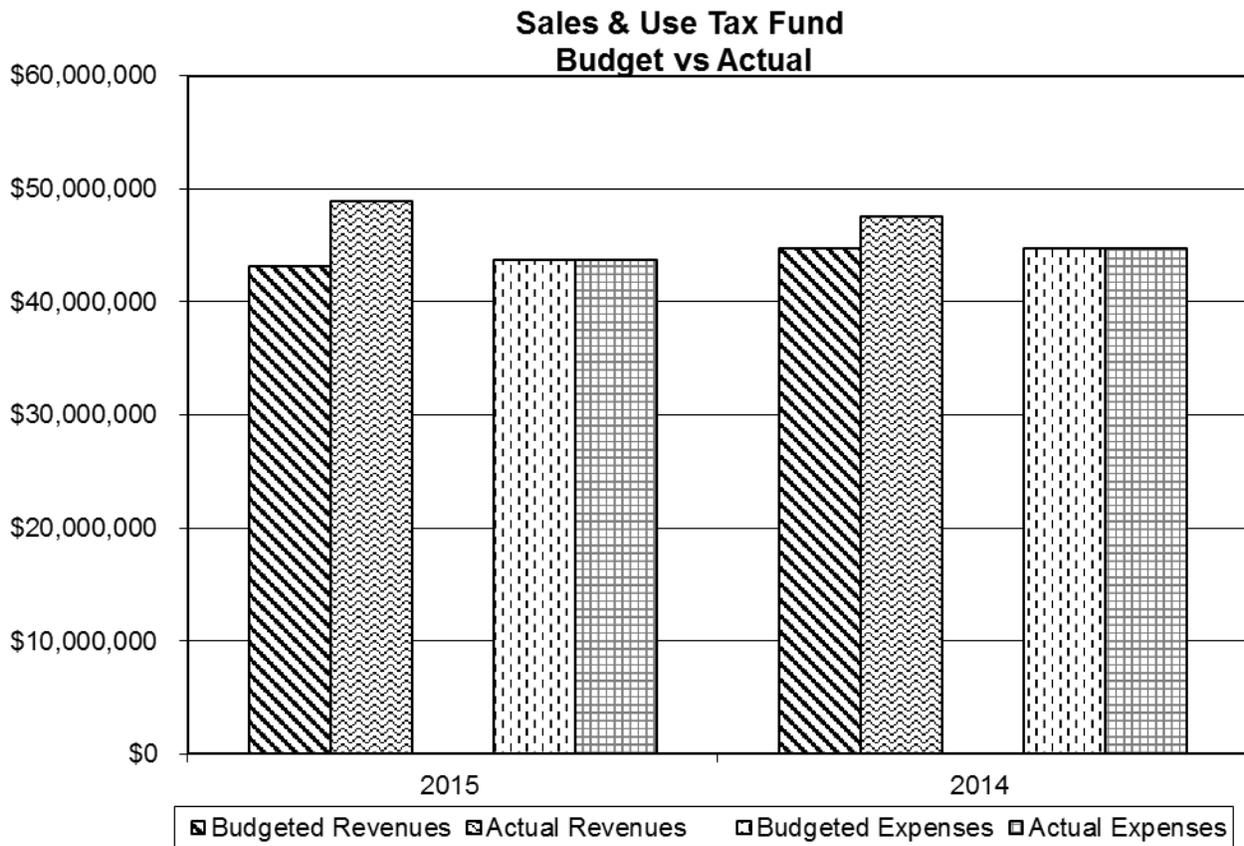
Current projections show General Fund revenues and carryover exceeding expenditures by \$3,852,558. The following graph represents Budget vs. Actual for 2014-2015.



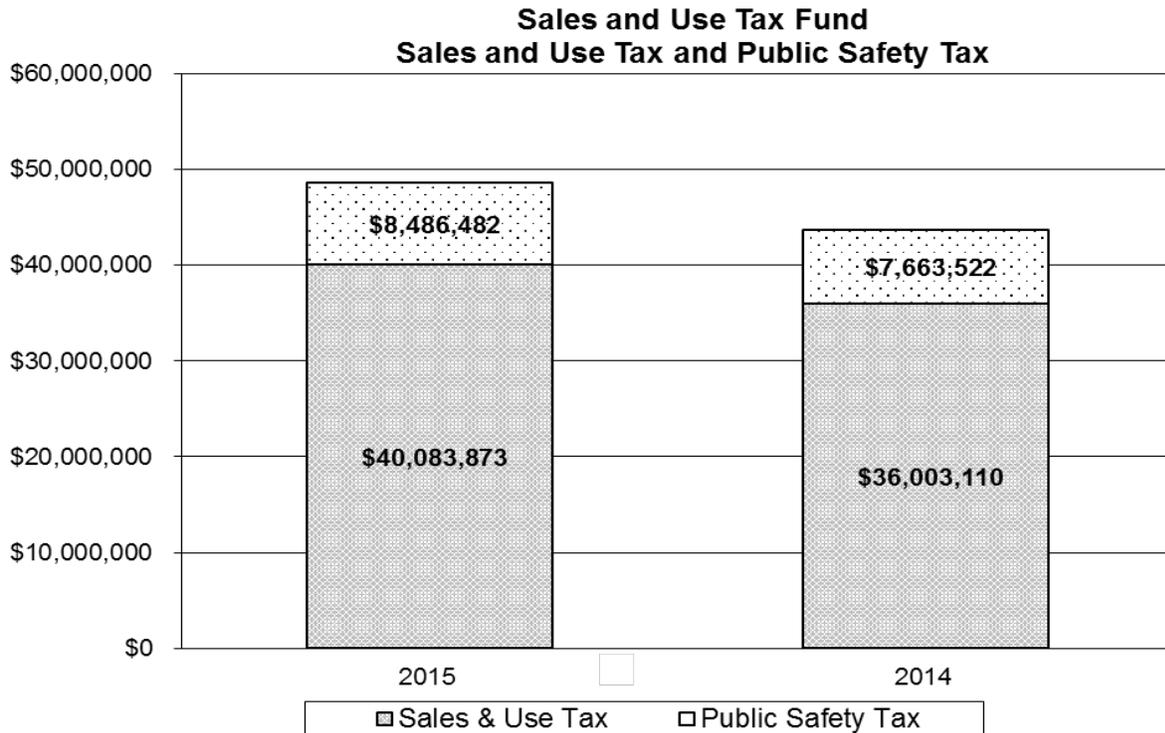
The favorable 2015 revenue variance relates to an increase in license and permitting activity, intergovernmental collections, charges for recreation services, and collections of EMS and street infrastructure fees.

Current projections show the Sales and Use Tax Fund revenues exceeding expenditures by \$5,724,638. On a year-to-date cash basis, total sales and use tax is up 11.3% from 2014. Key components are listed below:

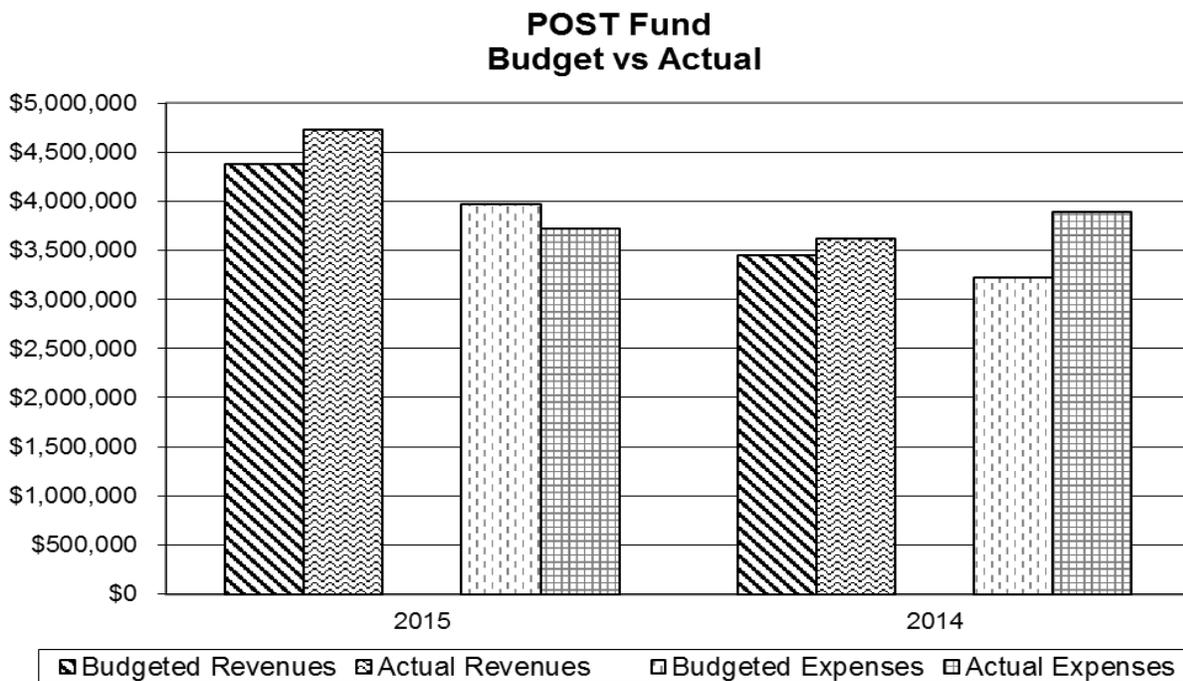
- On a year-to-date basis, across the top 25 shopping centers, total sales and use tax receipts are up 7.0% from the prior year.
- Sales tax receipts from the top 50 Sales Taxpayers, representing about 58.9% of all collections, are up 11.4.0% for the month when compared to 2014.
- Urban renewal areas make up 37.1% of gross sales tax collections. After urban renewal area and economic development assistance adjustments, 84.5% of this money is being retained for General Fund use in operating the City.



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

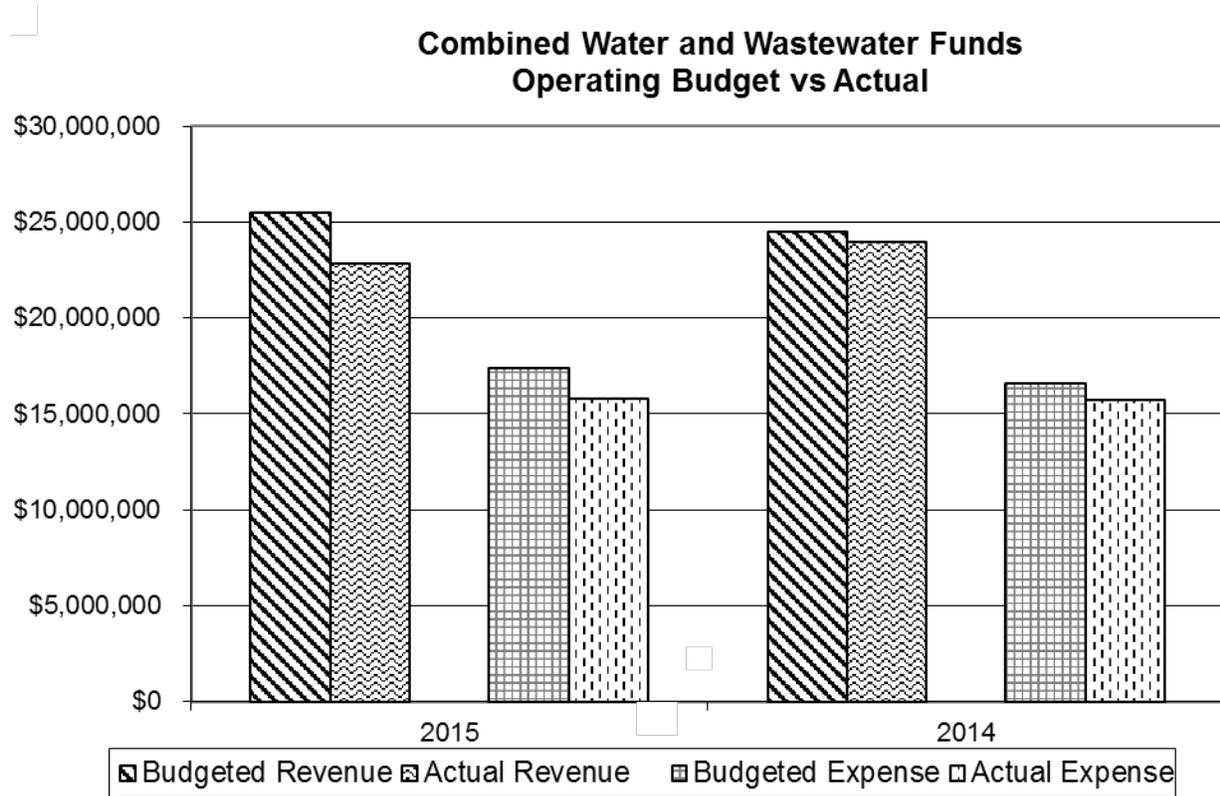


Current projections show Parks, Open Space and Trails (POST) Fund revenues and carryover exceeding expenditures by \$598,543.



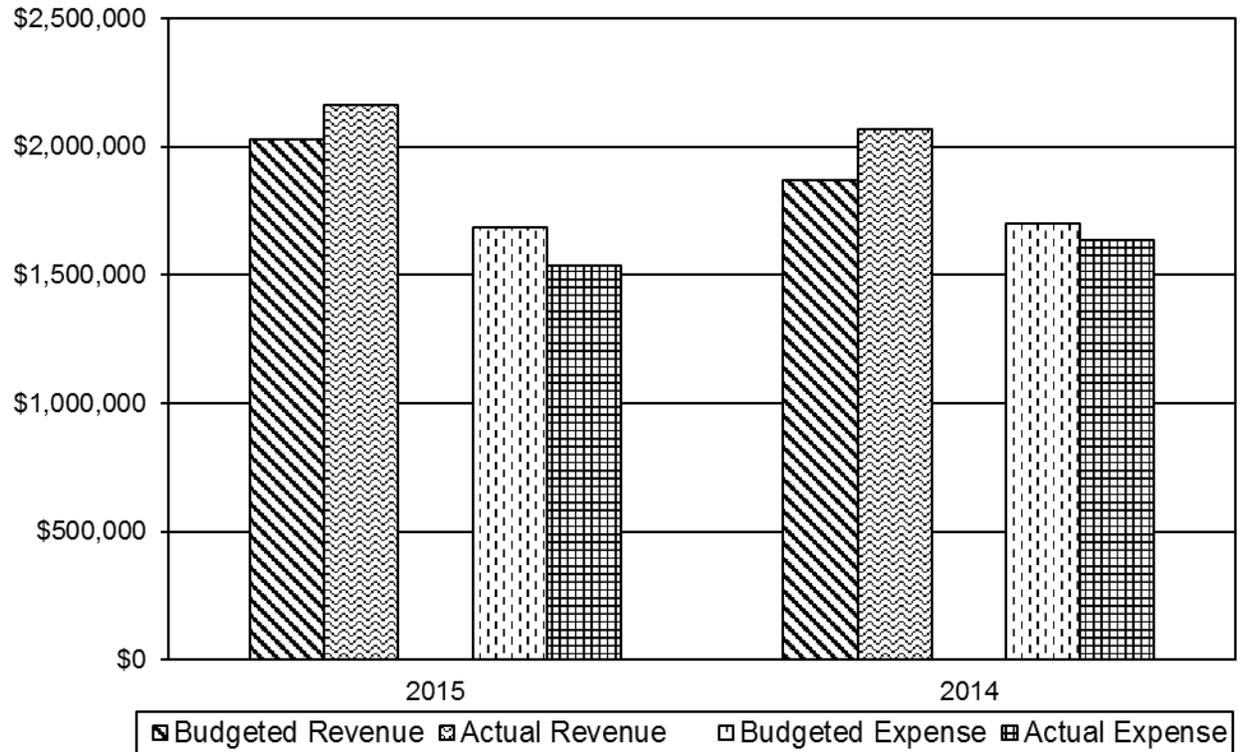
The increase in 2015 revenue is primarily due to carryover and an increase in sales tax collections over 2014. The 2014 budget to actual expense variance reflects a POST open space property acquisition funded by grant revenue that had yet to be appropriated at the time of the purchase.

Overall, current projections show combined Water and Wastewater Fund expenditures exceeding revenues by \$2,810,110, mostly due to tap fees and water sales impacted by the rainy spring and early summer. Operating projections show combined Water and Wastewater Fund expenditures exceeding revenues by \$1,071,163.



Current projections show combined Golf Course Fund revenues and carryover exceeding expenditures by \$292,990. Operating projections show combined Golf Course Fund revenues exceeding expenditures by \$286,291.

### Golf Course Enterprise Operating Budget vs Actual



The budget to actual revenue variance for both years is mostly attributable to driving range and green fees.

**Policy Issue**

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

**Alternative**

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

**Background Information**

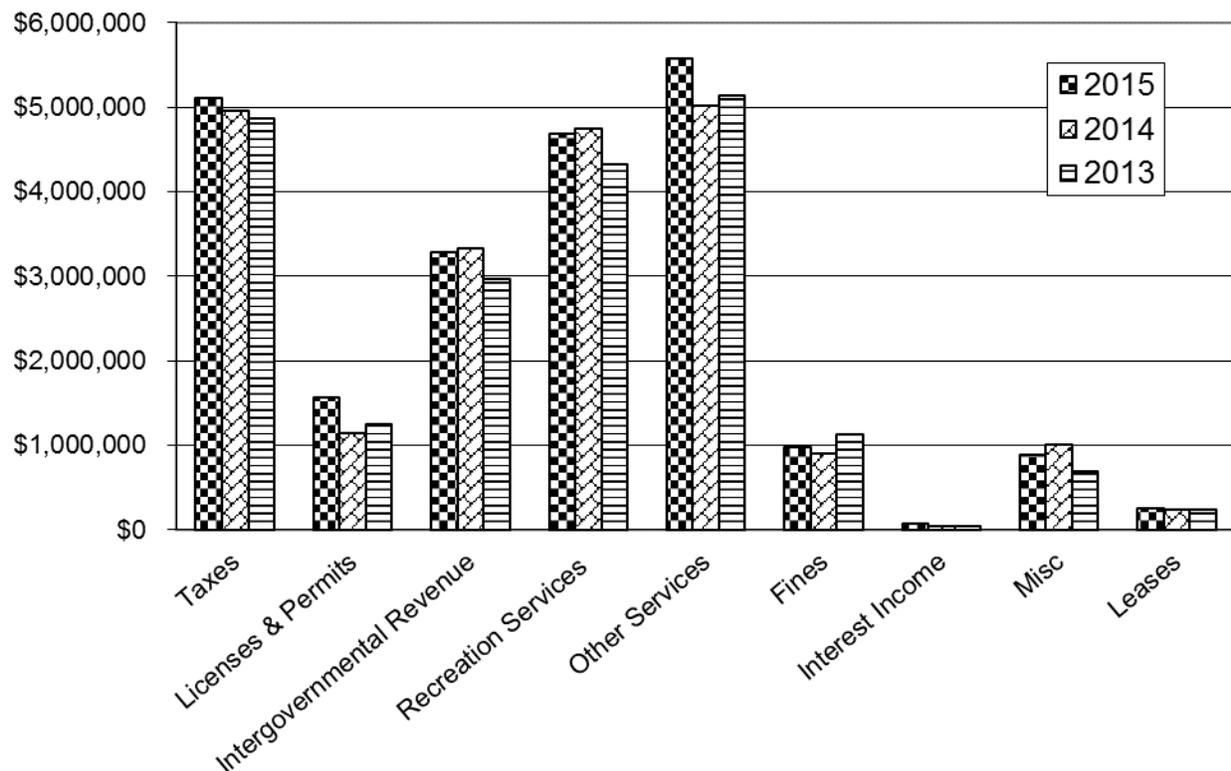
This section includes a discussion of highlights of each fund presented.

**General Fund**

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

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

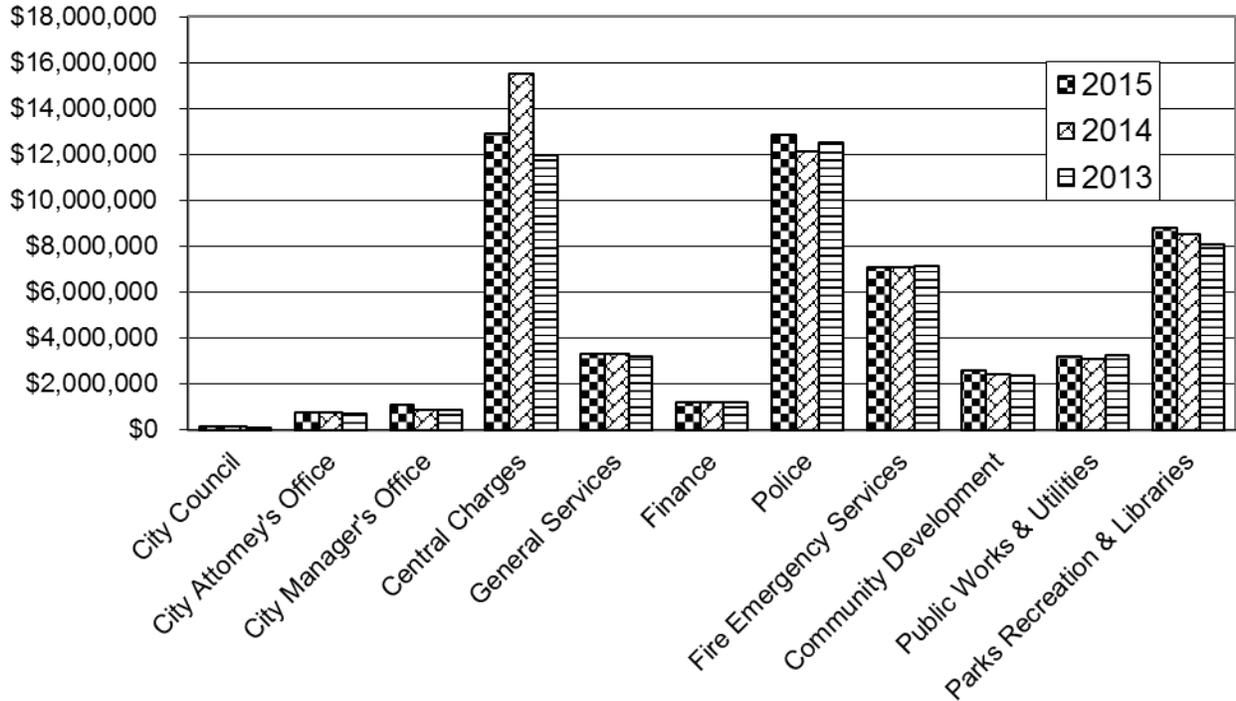
**General Fund Revenues excluding Transfers  
2013-2015**



Tax revenue shows a slight increase mainly due to property and accommodations taxes. Licenses and Permits revenue is higher than the prior years due to an increase commercial and residential permits, especially in Adams County. Variances between years in Other Services revenue is due mostly to EMS and infrastructure fees. 2014 Miscellaneous revenue reflects a one-time reimbursement from WEDA for costs incurred in the South Sheridan URA.

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

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

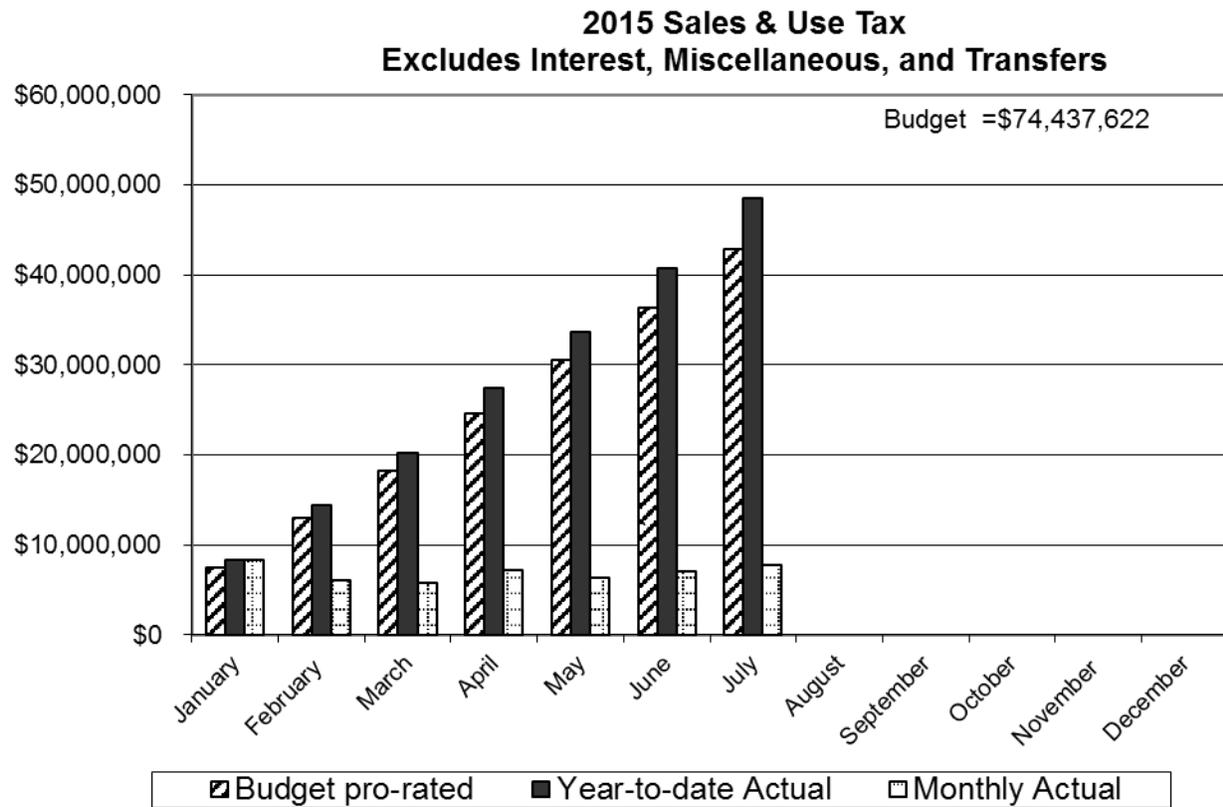


Central Charges expenditures is higher in 2014 due predominately to the transfer of carryover to the General Capital Improvement Fund.

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

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

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

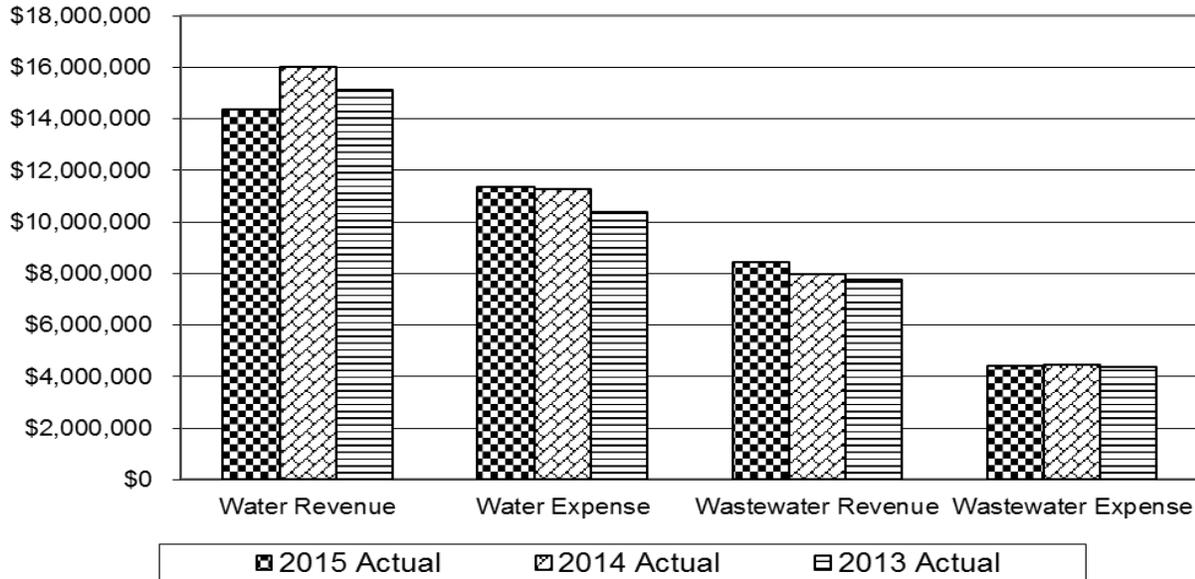


**Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)**

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

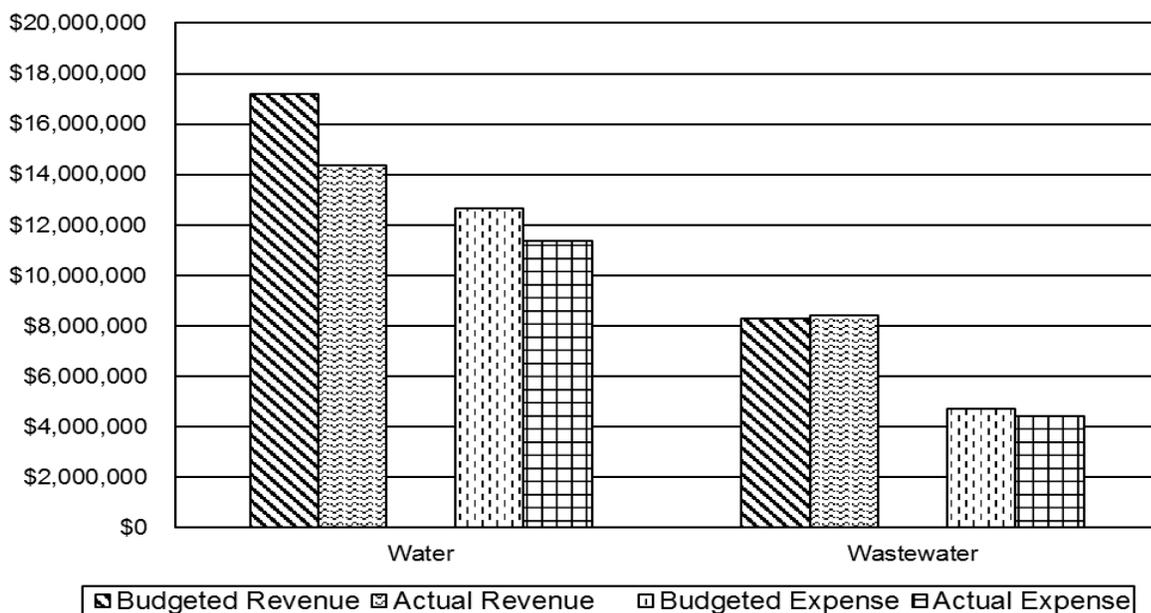
These graphs represent segment information for the Water and Wastewater funds.

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



Fluctuations in revenue are mostly due to the effect of climatic variations on water consumption as well as changes in billing rates.

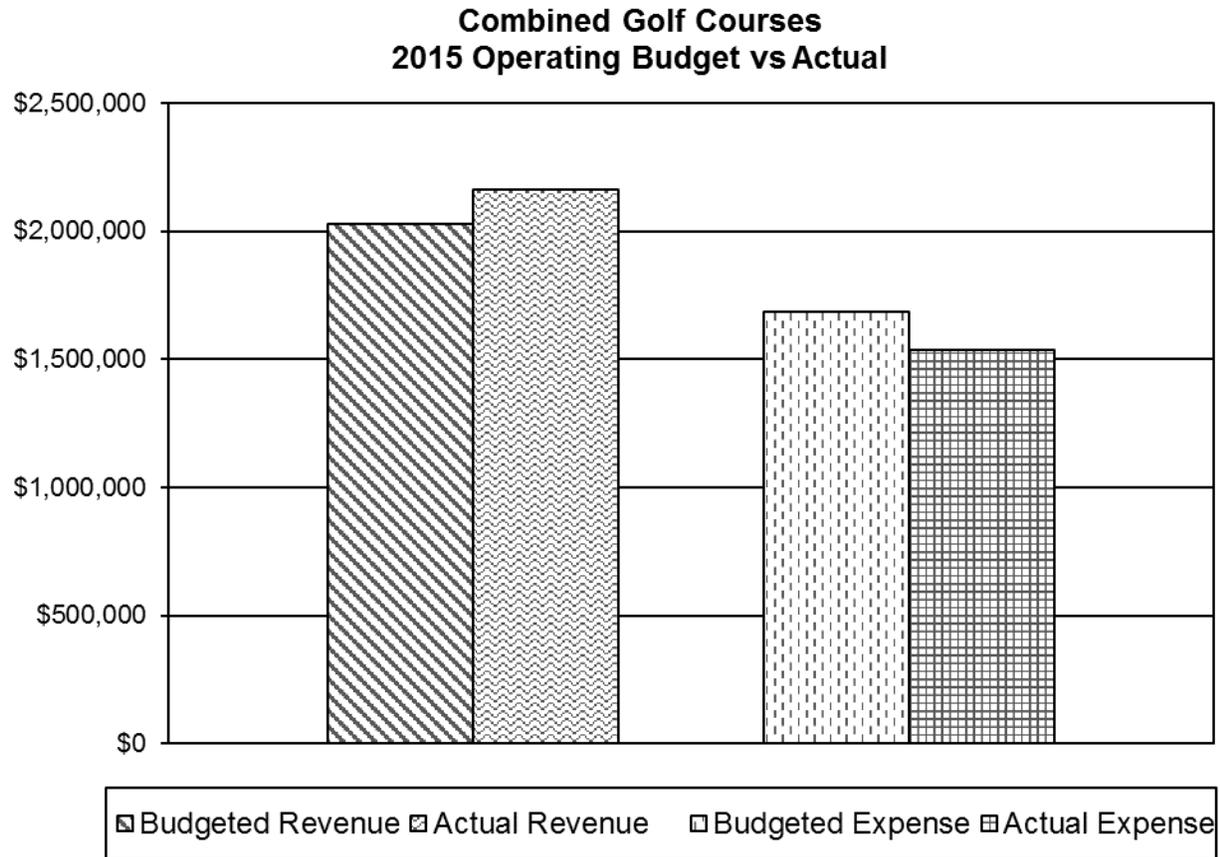
**Water and Wastewater Funds  
2015 Operating Budget vs Actual**



The Water Fund revenue shortfall reflects water consumption impacted by Colorado’s wet spring and early summer.

**Golf Course Enterprise (Legacy and Heritage Golf Courses)**

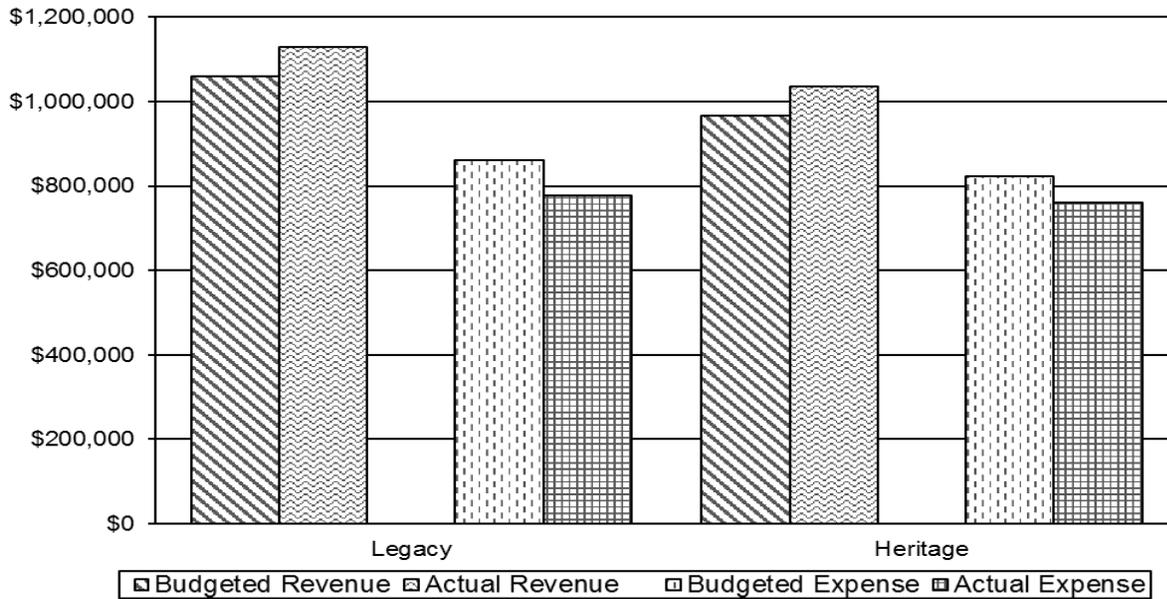
This enterprise reflects the combined operations of the City's two municipal golf courses.



The budget to actual revenue variance reflects increased sales of driving range fees, green fees, merchandise sales and Junior Golf Camp registrations.

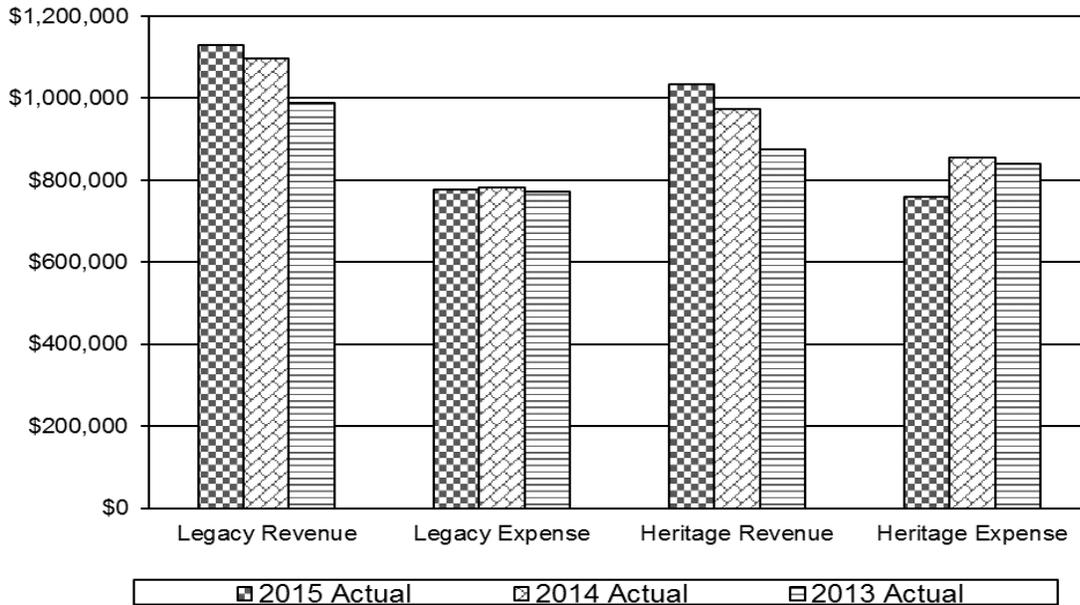
The following graphs represent the information for each of the golf courses.

**Legacy and Heritage Golf Course  
2015 Operating Budget vs Actual**



Favorable budget to actual revenue variances reflect an increase in driving range fees, green fees, merchandise sales and Junior Golf Camp registrations. Various golf course promotions have spurred sales at both courses.

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



Revenues are up at both courses due to increased play and promotional programs. Expenses at Heritage are down due mostly to open positions and the timing of commodity purchases between years.

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

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachments: Financial Statements  
Shopping Center Report

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2015**

<b>Description General Fund</b>	<b>Budget</b>	<b>Pro-rated for Seasonal Flows</b>	<b>Notes</b>	<b>Actual</b>	<b>(Under) Over Budget</b>	<b>% Budget</b>
<b>Revenues</b>						
Taxes	5,887,933	5,229,217		5,103,964	(125,253)	97.6%
Licenses & Permits	1,739,217	911,471		1,563,102	651,631	171.5%
Intergovernmental Revenue	5,548,768	3,006,692		3,282,485	275,793	109.2%
Charges for Services						
Recreation Services	7,075,498	4,434,181		4,688,205	254,024	105.7%
Other Services	9,871,075	5,126,906		5,570,556	443,650	108.7%
Fines	1,511,000	904,652		972,096	67,444	107.5%
Interest Income	75,000	44,015		67,046	23,031	152.3%
Miscellaneous	1,661,153	652,618		881,752	229,134	135.1%
Leases	401,779	247,262		247,262	0	100.0%
Interfund Transfers	70,704,714	41,292,117		41,292,117	0	100.0%
Other Financing Sources	577,947	577,946		577,946	0	100.0%
Sub-total Revenues	<u>105,054,084</u>	<u>62,427,077</u>		<u>64,246,531</u>	<u>1,819,454</u>	<u>102.9%</u>
Carryover	229,949	229,949		229,949	0	100.0%
Total Revenues	<u>105,284,033</u>	<u>62,657,026</u>		<u>64,476,480</u>	<u>1,819,454</u>	<u>102.9%</u>
<b>Expenditures</b>						
City Council	266,525	156,086		132,887	(23,199)	85.1%
City Attorney's Office	1,347,732	759,818		749,503	(10,315)	98.6%
City Manager's Office	2,174,421	1,218,399		1,081,359	(137,040)	88.8%
Central Charges	28,329,421	13,495,055		12,930,855	(564,200)	95.8%
General Services	6,299,645	3,489,848		3,295,839	(194,009)	94.4%
Finance	2,274,069	1,293,061		1,227,837	(65,224)	95.0%
Police	22,168,575	12,654,408		12,822,822	168,414	101.3%
Fire Emergency Services	12,840,305	7,299,918		7,067,468	(232,450)	96.8%
Community Development	4,793,960	2,718,654		2,586,752	(131,902)	95.1%
Public Works & Utilities	8,634,994	4,065,700		3,201,333	(864,367)	78.7%
Parks, Recreation & Libraries	16,154,386	8,786,735		8,807,923	21,188	100.2%
Total Expenditures	<u>105,284,033</u>	<u>55,937,682</u>		<u>53,904,578</u>	<u>(2,033,104)</u>	<u>96.4%</u>
<b>Revenues Over(Under) Expenditures</b>						
	<u>0</u>	<u>6,719,344</u>		<u>10,571,902</u>	<u>3,852,558</u>	

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Sales and Use Tax Fund</b>						
<b>Revenues</b>						
Sales Tax						
Sales Tax Returns	50,545,930	29,316,414		32,422,521	3,106,107	110.6%
Sales Tx Audit Revenues	729,000	425,007		530,353	105,346	124.8%
S-T Rev. STX	<u>51,274,930</u>	<u>29,741,421</u>		<u>32,952,874</u>	<u>3,211,453</u>	110.8%
Use Tax						
Use Tax Returns	9,020,573	4,844,072		6,668,631	1,824,559	137.7%
Use Tax Audit Revenues	785,000	457,655		462,368	4,713	101.0%
S-T Rev. UTX	<u>9,805,573</u>	<u>5,301,727</u>		<u>7,130,999</u>	<u>1,829,272</u>	134.5%
Total STX and UTX	<u><u>61,080,503</u></u>	<u><u>35,043,148</u></u>		<u><u>40,083,873</u></u>	<u><u>5,040,725</u></u>	114.4%
Public Safety Tax						
PST Tax Returns	13,048,619	7,661,898		8,288,014	626,116	108.2%
PST Audit Revenues	308,500	179,856		198,468	18,612	110.3%
Total Rev. PST	<u><u>13,357,119</u></u>	<u><u>7,841,754</u></u>		<u><u>8,486,482</u></u>	<u><u>644,728</u></u>	108.2%
Interest Income	51,000	25,500		64,685	39,185	253.7%
Interfund Transfers	434,975	253,735		253,735	0	100.0%
Total Revenues	<u><u>74,923,597</u></u>	<u><u>43,164,137</u></u>		<u><u>48,888,775</u></u>	<u><u>5,724,638</u></u>	113.3%
<b>Expenditures</b>						
Central Charges	<u>74,923,597</u>	<u>43,705,432</u>		<u>43,705,432</u>	0	100.0%
<b>Revenues Over(Under) Expenditures</b>	<u><u>0</u></u>	<u><u>(541,295)</u></u>		<u><u>5,183,343</u></u>	<u><u>5,724,638</u></u>	

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2015**

Description POST Fund	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Revenues</b>						
Sales & Use Tax	5,379,727	3,173,690		3,535,127	361,437	111.4%
Intergovernmental Revenue	375,561	375,561		385,561	10,000	102.7%
Interest Income	10,000	5,833		8,736	2,903	149.8%
Miscellaneous	98,368	57,381		32,007	(25,374)	55.8%
Interfund Transfers	32,025	18,681		18,681	0	100.0%
Sub-total Revenues	<u>5,895,681</u>	<u>3,631,146</u>		<u>3,980,112</u>	<u>348,966</u>	<u>109.6%</u>
Carryover	745,468	745,468		745,468	0	100.0%
Total Revenues	<u>6,641,149</u>	<u>4,376,614</u>		<u>4,725,580</u>	<u>348,966</u>	<u>108.0%</u>
<b>Expenditures</b>						
Central Charges	5,023,027	2,670,665		2,557,562	(113,103)	95.8%
Park Services	1,618,122	1,296,947		1,160,473	(136,474)	89.5%
Total Expenditures	<u>6,641,149</u>	<u>3,967,612</u>		<u>3,718,035</u>	<u>(249,577)</u>	<u>93.7%</u>
<b>Revenues Over(Under) Expenditures</b>	<u>0</u>	<u>409,002</u>		<u>1,007,545</u>	<u>598,543</u>	

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Water and Wastewater Funds - Combined</b>						
<b>Operating Revenues</b>						
License & Permits	75,000	43,750		64,550	20,800	147.5%
Intergovernmental Revenue	0	0	(1)	239,750	239,750	
Rates and Charges	49,200,891	25,179,030		22,330,676	(2,848,354)	88.7%
Miscellaneous	410,000	239,166		172,096	(67,070)	72.0%
<b>Total Operating Revenues</b>	<b>49,685,891</b>	<b>25,461,946</b>		<b>22,807,072</b>	<b>(2,654,874)</b>	<b>89.6%</b>
<b>Operating Expenditures</b>						
Central Charges	6,465,084	3,771,299		3,692,391	(78,908)	97.9%
Finance	662,357	382,842		369,260	(13,582)	96.5%
Public Works & Utilities	21,818,221	11,342,240		9,974,244	(1,367,996)	87.9%
Parks, Recreation & Libraries	152,467	86,144		85,975	(169)	99.8%
Information Technology	3,173,708	1,767,755		1,644,699	(123,056)	93.0%
<b>Total Operating Expenditures</b>	<b>32,271,837</b>	<b>17,350,280</b>		<b>15,766,569</b>	<b>(1,583,711)</b>	<b>90.9%</b>
<b>Operating Income (Loss)</b>	<b>17,414,054</b>	<b>8,111,666</b>		<b>7,040,503</b>	<b>(1,071,163)</b>	
<b>Other Revenue and Expenditures</b>						
Tap Fees	12,685,226	7,399,715		5,623,493	(1,776,222)	76.0%
Interest Income	360,500	210,292		240,617	30,325	114.4%
Sale of Assets	0	0		6,950	6,950	
Debt Service	(6,543,780)	(2,970,526)		(2,970,526)	0	100.0%
Reserve Transfer In	930,000	930,000		930,000	0	100.0%
<b>Total Other Revenue (Expenditures)</b>	<b>7,431,946</b>	<b>5,569,481</b>		<b>3,830,534</b>	<b>(1,738,947)</b>	
<b>Revenues Over(Under) Expenditures</b>	<b>24,846,000</b>	<b>13,681,147</b>	(2)	<b>10,871,037</b>	<b>(2,810,110)</b>	

(1) Build America Bonds interest rate subsidy.

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

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Water Fund</b>						
<b>Operating Revenues</b>						
License & Permits	75,000	43,750		64,550	20,800	147.5%
Intergovernmental Revenue	0	0	(1)	239,750	239,750	
Rates and Charges	35,019,138	16,906,341		13,902,879	(3,003,462)	82.2%
Miscellaneous	400,000	233,333		166,421	(66,912)	71.3%
<b>Total Operating Revenues</b>	<b>35,494,138</b>	<b>17,183,424</b>		<b>14,373,600</b>	<b>(2,809,824)</b>	
<b>Operating Expenditures</b>						
Central Charges	4,503,673	2,627,143		2,544,286	(82,857)	96.8%
Finance	662,357	382,842		369,260	(13,582)	96.5%
Community Development	0	0		0	0	
Public Works & Utilities	15,192,115	7,788,426		6,713,411	(1,075,015)	86.2%
PR&L Standley Lake	152,467	86,144		85,975	(169)	99.8%
Information Technology	3,173,708	1,767,755		1,644,699	(123,056)	93.0%
<b>Total Operating Expenditures</b>	<b>23,684,320</b>	<b>12,652,310</b>		<b>11,357,631</b>	<b>(1,294,679)</b>	<b>89.8%</b>
<b>Operating Income (Loss)</b>	<b>11,809,818</b>	<b>4,531,114</b>		<b>3,015,969</b>	<b>(1,515,145)</b>	
<b>Other Revenue and (Expenditures)</b>						
Tap Fees	10,327,653	6,024,464		4,115,037	(1,909,427)	68.3%
Interest Income	277,500	161,875		175,353	13,478	108.3%
Sale of Assets	0	0		6,950	6,950	
Debt Service	(5,422,971)	(2,409,549)		(2,409,549)	0	100.0%
<b>Total Other Revenues (Expenditures)</b>	<b>5,182,182</b>	<b>3,776,790</b>		<b>1,887,791</b>	<b>(1,888,999)</b>	
<b>Revenues Over(Under) Expenditures</b>	<b>16,992,000</b>	<b>8,307,904</b>	<b>(2)</b>	<b>4,903,760</b>	<b>(3,404,144)</b>	

(1) Build America Bond interest rate subsidy.

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

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Wastewater Fund</b>						
<b>Operating Revenues</b>						
Rates and Charges	14,181,753	8,272,689		8,427,797	155,108	101.9%
Miscellaneous	10,000	5,833		5,675	(158)	97.3%
Total Operating Revenues	<u>14,191,753</u>	<u>8,278,522</u>		<u>8,433,472</u>	<u>154,950</u>	101.9%
<b>Operating Expenditures</b>						
Central Charges	1,961,411	1,144,156		1,148,105	3,949	100.3%
Public Works & Utilities	6,626,106	3,553,814		3,260,833	(292,981)	91.8%
Total Operating Expenditures	<u>8,587,517</u>	<u>4,697,970</u>		<u>4,408,938</u>	<u>(289,032)</u>	93.8%
<b>Operating Income (Loss)</b>	<u>5,604,236</u>	<u>3,580,552</u>		<u>4,024,534</u>	<u>443,982</u>	
<b>Other Revenue and Expenditures</b>						
Tap Fees	2,357,573	1,375,251		1,508,456	133,205	109.7%
Interest Income	83,000	48,417		65,264	16,847	134.8%
Debt Service	(1,120,809)	(560,977)		(560,977)	0	100.0%
Reserve Transfer In	930,000	930,000		930,000	0	100.0%
Total Other Revenues (Expenditures)	<u>2,249,764</u>	<u>1,792,691</u>		<u>1,942,743</u>	<u>150,052</u>	
<b>Revenues Over(Under) Expenditures</b>	<u>7,854,000</u>	<u>5,373,243</u>	(1)	<u>5,967,277</u>	<u>594,034</u>	

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

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Storm Drainage Fund</b>						
<b>Revenues</b>						
Charges for Services	3,382,000	1,972,833		1,935,591	(37,242)	98.1%
Interest Income	26,000	15,167		23,473	8,306	154.8%
Miscellaneous	0	0	(1)	456,623	456,623	
Other Financing Sources	4,610,000	4,610,000	(2)	4,610,000	0	100.0%
<b>Total Revenues</b>	<u>8,018,000</u>	<u>6,598,000</u>		<u>7,025,687</u>	<u>427,687</u>	106.5%
<b>Expenditures</b>						
General Services	86,200	35,256		21,573	(13,683)	61.2%
Community Development	181,396	109,382		109,612	230	100.2%
PR&L Park Services	200,000	92,800		76,785	(16,015)	82.7%
Public Works & Utilities	338,404	107,951		82,418	(25,533)	76.3%
<b>Total Expenditures</b>	<u>806,000</u>	<u>345,389</u>		<u>290,388</u>	<u>(55,001)</u>	84.1%
<b>Revenues Over(Under) Expenditures</b>	<u>7,212,000</u>	<u>6,252,611</u>	(3)	<u>6,735,299</u>	<u>482,688</u>	

(1) Adams County Little Dry Creek IGA billing.

(2) Storm Drainage 2015 Bond Issue.

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

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Golf Courses Combined</b>						
<b>Operating Revenues</b>						
Charges for Services	3,283,750	2,027,045		2,159,645	132,600	106.5%
Miscellaneous	0	0		4,180	4,180	
Total Revenues	<u>3,283,750</u>	<u>2,027,045</u>		<u>2,163,825</u>	<u>136,780</u>	106.7%
<b>Operating Expenditures</b>						
Central Charges	186,184	109,377	(1)	130,748	21,371	119.5%
Recreation Facilities	2,626,576	1,576,382		1,405,500	(170,882)	89.2%
Total Expenditures	<u>2,812,760</u>	<u>1,685,759</u>		<u>1,536,248</u>	<u>(149,511)</u>	91.1%
<b>Operating Income (Loss)</b>	<u>470,990</u>	<u>341,286</u>		<u>627,577</u>	<u>286,291</u>	
<b>Other Revenues and Expenditures</b>						
Interest Income	0	0		6,699	6,699	
Other Financing Use	(6,080)	(7,152)		(7,152)	0	100.0%
Debt Service	(819,282)	(354,588)		(354,588)	0	100.0%
Interfund Transfers In	519,969	303,315		303,315	0	100.0%
Interfund Transfers Out	(84,598)	(84,598)		(84,598)	0	100.0%
Carryover	134,001	134,001		134,001	0	100.0%
Total Other Revenue (Expenditures)	<u>(255,990)</u>	<u>(9,022)</u>		<u>(2,323)</u>	<u>6,699</u>	
<b>Revenues Over(Under) Expenditures</b>	<u>215,000</u>	<u>332,264</u>	(2)	<u>625,254</u>	<u>292,990</u>	

(1) Budget to actual variance mostly due to personnel services, employee insurances.

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

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Legacy Ridge Fund</b>						
<b>Operating Revenues</b>						
Charges for Services	1,746,984	1,060,419		1,126,969	66,550	106.3%
Miscellaneous	0	0		2,190	2,190	
Total Revenues	<u>1,746,984</u>	<u>1,060,419</u>		<u>1,129,159</u>	<u>68,740</u>	106.5%
<b>Operating Expenditures</b>						
Central Charges	98,935	58,075	(1)	69,358	11,283	119.4%
Recreation Facilities	1,319,132	804,192		707,142	(97,050)	87.9%
Total Expenditures	<u>1,418,067</u>	<u>862,267</u>		<u>776,500</u>	<u>(85,767)</u>	90.1%
<b>Operating Income (Loss)</b>	<u>328,917</u>	<u>198,152</u>		<u>352,659</u>	<u>154,507</u>	
<b>Other Revenues and Expenditures</b>						
Interest Income	0	0		3,770	3,770	
Other Financing Use	(3,000)	(4,662)		(4,662)	0	100.0%
Debt Service	(160,320)	(142,425)		(142,425)	0	100.0%
Interfund Transfers Out	(84,598)	(84,598)		(84,598)	0	100.0%
Carryover	42,001	42,001		42,001	0	100.0%
Total Other Revenue (Expenditures)	<u>(205,917)</u>	<u>(189,684)</u>		<u>(185,914)</u>	<u>3,770</u>	
<b>Revenues Over(Under) Expenditures</b>	<u>123,000</u>	<u>8,468</u>	(2)	<u>166,745</u>	<u>158,277</u>	

(1) Budget to actual variance mostly due to personnel services, employee insurances.

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

**City of Westminster  
Financial Report  
For Seven Months Ending July 31, 2015**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget	% Budget
<b>Heritage at Westmoor Fund</b>						
<b>Operating Revenues</b>						
Charges for Services	1,536,766	966,626		1,032,676	66,050	106.8%
Total Revenues	<u>1,536,766</u>	<u>966,626</u>		<u>1,034,666</u>	<u>68,040</u>	107.0%
<b>Operating Expenditures</b>						
Central Charges	87,249	51,302	(1)	61,390	10,088	119.7%
Recreation Facilities	1,307,444	772,190		698,358	(73,832)	90.4%
Total Expenditures	<u>1,394,693</u>	<u>823,492</u>		<u>759,748</u>	<u>(63,744)</u>	92.3%
<b>Operating Income (Loss)</b>	<u>142,073</u>	<u>143,134</u>		<u>274,918</u>	<u>131,784</u>	
<b>Other Revenues and Expenditures</b>						
Interest Income	0	0		2,929	2,929	
Other Financing Use	(3,080)	(2,490)		(2,490)	0	100.0%
Debt Service	(658,962)	(212,163)		(212,163)	0	100.0%
Interfund Transfers	519,969	303,315		303,315	0	100.0%
Carryover	92,000	92,000		92,000	0	100.0%
Total Other Revenue (Expenditures)	<u>(50,073)</u>	<u>180,662</u>		<u>183,591</u>	<u>2,929</u>	
<b>Revenues Over(Under) Expenditures</b>	<u>92,000</u>	<u>323,796</u>	(2)	<u>458,509</u>	<u>134,713</u>	

(1) Budget to actual variance mostly due to personnel services, employee insurances.

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

CITY OF WESTMINSTER  
GENERAL RECEIPTS BY CENTER  
MONTH OF JULY 2015

Center Location Major Tenant	Current Month			Last Year			Percentage Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
<b>THE ORCHARD</b> 144TH & I-25 JC PENNEY/MACY'S	533,741	35,260	569,001	494,849	21,002	515,851	8	68	10
<b>NORTHWEST PLAZA</b> SW CORNER 92 & HARLAN COSTCO	480,555	1,120	481,675	464,018	1,348	465,366	4	(17)	4
<b>WESTFIELD SHOPPING CENTER</b> NW CORNER 92ND & SHER WALMART 92ND	319,744	1,203	320,947	318,249	769	319,018	0	56	1
<b>SHOPS AT WALNUT CREEK</b> 104TH & REED TARGET	300,631	2,791	303,422	284,505	1,801	286,306	6	55	6
<b>BROOKHILL I &amp; II</b> N SIDE 88TH OTIS TO WADS HOME DEPOT	230,900	642	231,542	198,217	653	198,870	16	(2)	16
<b>SHERIDAN CROSSING</b> SE CORNER 120TH & SHER KOHL'S	199,564	1,624	201,188	186,434	5,259	191,693	7	(69)	5
<b>SHOENBERG CENTER</b> SW CORNER 72ND & SHERIDAN WALMART 72ND	187,741	520	188,261	181,186	585	181,771	4	(11)	4
<b>INTERCHANGE BUSINESS CENTER</b> SW CORNER 136TH & I-25 WALMART 136TH	178,935	547	179,482	175,407	638	176,045	2	(14)	2
<b>PROMENADE SOUTH/NORTH</b> S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	147,448	25,521	172,969	144,647	20,159	164,806	2	27	5
<b>CITY CENTER MARKETPLACE</b> NE CORNER 92ND & SHERIDAN BARNES & NOBLE	142,470	2,421	144,891	158,801	2,078	160,879	(10)	17	(10)
<b>NORTH PARK PLAZA</b> SW CORNER 104TH & FEDERAL KING SOOPERS	132,229	648	132,877	129,707	310	130,017	2	109	2
<b>WESTMINSTER CROSSING</b> 136TH & I-25 LOWE'S	124,110	2,374	126,484	118,979	6,894	125,873	4	(66)	0
<b>VILLAGE AT THE MALL</b> S SIDE 88TH DEPEW-HARLAN LOWE'S	111,590	644	112,234	115,301	267	115,568	(3)	141	(3)

CITY OF WESTMINSTER  
GENERAL RECEIPTS BY CENTER  
MONTH OF JULY 2015

Center Location Major Tenant	Current Month			Last Year			Percentage Change		
	General Sales	General Use	Total	General Sales	General Use	Total	Sales	Use	Total
<b>STANDLEY SHORES CENTER</b> SW CORNER 100TH & WADS KING SOOPERS	97,549	474	98,023	85,878	217	86,095	14	118	14
<b>BRADBURN VILLAGE</b> 120TH & BRADBURN WHOLE FOODS	66,574	4,736	71,310	19,009	154	19,163	250	2,975	272
<b>VILLAGE AT PARK CENTRE</b> NW CORNER 120TH & HURON CB & POTTS	58,940	2,762	61,702	48,888	1,389	50,277	21	99	23
<b>ROCKY MOUNTAIN PLAZA</b> SW CORNER 88TH & SHER GUITAR STORE	59,189	171	59,360	69,597	747	70,344	(15)	(77)	(16)
<b>WESTMINSTER PLAZA</b> FEDERAL-IRVING 72ND-74TH SAFEWAY	52,998	393	53,391	55,790	379	56,169	(5)	4	(5)
<b>BOULEVARD SHOPS</b> 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE	51,044	429	51,473	45,770	91	45,861	12	371	12
<b>NORTHVIEW</b> 92ND AVE YATES TO SHERIDAN H MART	44,747	507	45,254	41,630	162	41,792	7	213	8
<b>WESTMINSTER MALL</b> 88TH & SHERIDAN JC PENNEY	44,380	446	44,826	44,485	604	45,089	0	(26)	(1)
<b>BROOKHILL IV</b> E SIDE WADS 90TH-92ND MURDOCH'S	39,217	1,151	40,368	37,410	877	38,287	5	31	5
<b>CHURCH RANCH CORPORATE CENTER</b> CHURCH RANCH BOULEVARD LA QUINTA	14,960	20,215	35,175	17,490	6,792	24,282	(14)	198	45
<b>LUCENT/KAISER CORRIDOR</b> 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	7,595	27,164	34,759	12,569	41,837	54,406	(40)	(35)	(36)
<b>RANCHO PLAZA</b> SE CORNER 72ND & FEDERAL WALMART MARKET	29,660	219	29,879	7,135	0	7,135	316	--	319
<b>TOTALS</b>	<b>3,656,511</b>	<b>133,982</b>	<b>3,790,493</b>	<b>3,455,951</b>	<b>115,012</b>	<b>3,570,963</b>	<b>6</b>	<b>16</b>	<b>6</b>

CITY OF WESTMINSTER  
GENERAL RECEIPTS BY CENTER  
JULY 2015 YEAR-TO-DATE

Center Location Major Tenant	Year-to-Date 2015			Year-to-Date 2014			Percentage Change		
	General	General	Total	General	General	Total	Sales	Use	Total
	Sales	Use		Sales	Use				
<b>THE ORCHARD</b> 144TH & I-25 JC PENNEY/MACY'S	3,445,354	163,127	3,608,481	3,185,653	108,412	3,294,065	8	50	10
<b>WESTFIELD SHOPPING CENTER</b> NW CORNER 92ND & SHER WALMART 92ND	2,242,617	22,117	2,264,734	2,344,402	11,848	2,356,250	(4)	87	(4)
<b>NORTHWEST PLAZA</b> SW CORNER 92 & HARLAN COSTCO	2,040,197	5,238	2,045,435	1,920,242	40,866	1,961,108	6	(87)	4
<b>SHOPS AT WALNUT CREEK</b> 104TH & REED TARGET	1,908,451	19,094	1,927,545	1,800,358	12,942	1,813,300	6	48	6
<b>BROOKHILL I &amp; II</b> N SIDE 88TH OTIS TO WADS HOME DEPOT	1,425,512	13,048	1,438,560	1,390,627	7,918	1,398,545	3	65	3
<b>SHERIDAN CROSSING</b> SE CORNER 120TH & SHER KOHL'S	1,300,827	15,866	1,316,693	1,244,527	18,114	1,262,641	5	(12)	4
<b>SHOENBERG CENTER</b> SW CORNER 72ND & SHERIDAN WALMART 72ND	1,284,802	9,525	1,294,327	1,225,640	12,271	1,237,911	5	(22)	5
<b>INTERCHANGE BUSINESS CENTER</b> SW CORNER 136TH & I-25 WALMART 136TH	1,205,989	11,396	1,217,385	1,223,422	3,711	1,227,133	(1)	207	(1)
<b>PROMENADE SOUTH/NORTH</b> S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	1,109,262	142,990	1,252,252	1,053,551	166,391	1,219,942	5	(14)	3
<b>CITY CENTER MARKETPLACE</b> NE CORNER 92ND & SHERIDAN BARNES & NOBLE	1,064,381	33,395	1,097,776	868,789	11,875	880,664	23	181	25
<b>NORTH PARK PLAZA</b> SW CORNER 104TH & FEDERAL KING SOOPERS	1,047,832	11,897	1,059,729	977,907	5,865	983,772	7	103	8
<b>STANDLEY SHORES CENTER</b> SW CORNER 100TH & WADS KING SOOPERS	753,101	2,695	755,796	657,712	4,710	662,422	15	(43)	14
<b>VILLAGE AT THE MALL</b> S SIDE 88TH DEPEW-HARLAN LOWE'S	649,468	15,761	665,229	553,156	3,189	556,345	17	394	20

CITY OF WESTMINSTER  
GENERAL RECEIPTS BY CENTER  
JULY 2015 YEAR-TO-DATE

Center Location Major Tenant	Year-to-Date 2015			Year-to-Date 2014			Percentage Change		
	General	General	Total	General	General	Total	Sales	Use	Total
	Sales	Use		Sales	Use				
<b>WESTMINSTER CROSSING</b> 136TH & I-25 LOWE'S	566,742	13,222	579,964	496,216	7,693	503,909	14	72	15
<b>BRADBURN VILLAGE</b> 120TH & BRADBURN WHOLE FOODS	480,153	69,521	549,674	120,111	1,412	121,523	300	4,824	352
<b>ROCKY MOUNTAIN PLAZA</b> SW CORNER 88TH & SHER GUITAR STORE	408,726	1,403	410,129	462,434	3,344	465,778	(12)	(58)	(12)
<b>WESTMINSTER PLAZA</b> FEDERAL-IRVING 72ND-74TH SAFEWAY	393,580	3,979	397,559	391,021	2,527	393,548	1	57	1
<b>VILLAGE AT PARK CENTRE</b> NW CORNER 120TH & HURON CB & POTTS	369,014	12,611	381,625	341,014	5,248	346,262	8	140	10
<b>WESTMINSTER MALL</b> 88TH & SHERIDAN JC PENNEY	356,999	6,818	363,817	343,904	7,367	351,271	4	(7)	4
<b>NORTHVIEW</b> 92ND AVE YATES TO SHERIDAN H MART	309,564	3,494	313,058	290,945	4,163	295,108	6	(16)	6
<b>BOULEVARD SHOPS</b> 94TH & WADSWORTH CORRIDOR AMERICAN FURNITURE WAREHOUSE	266,143	6,102	272,245	242,829	1,840	244,669	10	232	11
<b>BROOKHILL IV</b> E SIDE WADS 90TH-92ND MURDOCH'S	245,958	24,047	270,005	233,427	2,996	236,423	5	703	14
<b>WILLOW RUN</b> 128TH & ZUNI SAFEWAY (closed June 2015)	240,569	1,472	242,041	222,082	1,504	223,586	8	(2)	8
<b>STANDLEY PLAZA</b> SW CORNER 88TH & WADS WALGREENS	202,500	2,948	205,448	184,474	3,050	187,524	10	(3)	10
<b>STANDLEY LAKE MARKETPLACE</b> NE CORNER 99TH & WADSWORTH SCANDANAVIAN DESIGNS	196,990	6,275	203,265	338,775	30,761	369,536	(42)	--	(45)
<b>TOTALS</b>	<b>23,514,731</b>	<b>618,041</b>	<b>24,132,772</b>	<b>22,113,218</b>	<b>480,017</b>	<b>22,593,235</b>	<b>6</b>	<b>29</b>	<b>7</b>



## Agenda Item 8 B

### Agenda Memorandum

City Council Meeting  
August 24, 2015



**SUBJECT:** Emergency and Essential Home Repair Program Contract Amendment

**Prepared By:** Heather Ruddy, Community Development Program Planner

### Recommended City Council Action

Authorize the City Manager to enter into an amendment to the contract dated August 25, 2014, in substantially the same form as attached, with Jefferson County Housing Authority (JCHA) to continue administering the Emergency and Essential Home Repair Program.

### Summary Statement

- At the August 11, 2014 City Council meeting, the City Council authorized the City Manager to enter into a contract with Jefferson County Housing Authority (JCHA) to administer the Emergency and Essential Home Repair program for the 2014 CDBG program year.
- At the April 27, 2015 City Council meeting, the City Council authorized an assignment of \$90,000 in 2015 Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD) for the purpose of continuing the Emergency and Essential Home Repair Program.
- To date JCHA has completed repairs to 13 Westminster homes and is in the process of completing repairs to four additional homes. The remaining 2014 budget available provides enough funding for approximately six additional homeowners to receive repairs.
- The approval of the contract amendment with JCHA will allow seamless continuation of the home repair program and will provide approximately 18 to 20 additional homeowners with home repairs during the 2015 CDBG program year.
- The amendment to the contract will provide \$72,000 in funds to complete emergency and essential home repairs and \$18,000, or 20 percent of the contract to provide compensation to JCHA for the administration of the program for a total of \$90,000.

**Expenditure Required:** \$90,000

**Source of Funds:** 2015 Community Development Block Grant

**Policy Issue**

Should the City amend the contract with JCHA in order to continue administering the Emergency and Essential Home Repair Program and expend City CDBG funds?

**Alternatives**

- The City Council may choose to administer the program directly with current City staff. Staff recommends Council not pursue this alternative because the City's staffing capacity and rehabilitation expertise is very limited, which could compromise the success of the program and put the City in poor standing with HUD.
- The City Council may choose to direct staff to prepare a Request for Qualifications to select another qualified program administrator. Staff recommends Council not pursue this alternative as it would delay the expenditure of CDBG funds and force Westminster homeowners to wait for repairs. Staff has been exceptionally pleased with JCHA's administration of the 2014 Emergency and Essential Home Repair Program and feels their staff's experience and expertise in administering and managing both minor and emergency home repairs best meets the needs of the City's program.

**Background Information**

In 2014 Staff issued a Request for Qualifications (RFQ) to select a new program administrator for the Emergency and Essential Home Repair Program. Through the RFQ process, Staff selected JCHA to administer the program. JCHA has operated a Homeowner Housing and Rehabilitation Program since 1994 using CDBG and HOME funds provided by Jefferson County Community Development. In 2002 JCHA also began administering the rehab program for the City of Lakewood under its CDBG program. Since taking over administration of Westminster's program, in August of 2014 JCHA has completed repairs to 13 homes and is in the process of repairing four additional homes. JCHA has operated the program with outstanding professionalism and customer service. Repairs are completed in a timely manner and to the satisfaction of homeowners and staff.

Repairs made to Westminster homes to date include emergency hot water heater replacement, furnace repair and replacement, plumbing and electrical repairs, accessibility improvements, and repairs to flooded basements. So far six Westminster residents have utilized the program to make repairs to flooded basements caused by the sustained rain that fell in the area through the months of May and June. Water damaged dry wall and flooring were removed and repaired and sump pumps, sump pits, and French drains were installed in order to mitigate future flooding.

The remaining 2014 budget available provides enough funding for approximately six additional homeowners to receive repairs, three of which are currently in the application review process. It is anticipated that the 2014 funds for the home repair program will be exhausted by October of this year. The approval of the contract amendment with JCHA will allow seamless continuation of the home repair program and will provide approximately 18 to 20 additional homeowners with home repairs.

Staff's recommendation to approve the contract with JCHA supports the City's 2015 Strategic Plan Goals of *Vibrant, Inclusive and Engaged Community* and *Beautiful, Desirable, Safe and Environmentally Responsible City*.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager



**Agenda Memorandum**

City Council Meeting  
August 24, 2015



**SUBJECT:** Development Agreement with IBC Denver VIII LW IV LLC for Park 1200 Development

**Prepared By:** Jason Genck, PRL Director

**Recommended City Council Action**

Authorize the City Manager to execute a development agreement with IBC Denver VII LW IV LLC for Park 1200 development.

**Summary Statement**

- Staff has negotiated a development agreement with the property owners of Park 1200 contingent upon the creation of a General Improvement District (GID) and approval of Park 1200's Official Development Plan (ODP). The Official Development Plan for the project is tentatively scheduled for Council review in October. The second reading of the Councillor's Bill creating the City of Westminster Park 1200 GID is scheduled for consideration at the August 24 City Council meeting.
- Park 1200 Development desires that the City construct an approximate 7.62 acre park. Through this agreement, Park 1200 and the City wish to establish their respective agreements and obligations related to the operation and maintenance of the Park and the operational and financial parameters of the GID.
- If the Park 1200 Development is not approved by City Council, the GID and the Developer Agreement will be dissolved.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should City Council authorize the City Manager to execute a development agreement for Park 1200 Development?

**Alternatives**

1. Do not authorize the City Manager to execute the development agreement for Park 1200. This is not recommended for the following reasons:
  - a. Staff has negotiated a development agreement with the property owners of Park 1200 contingent upon the creation of a GID (scheduled for 2<sup>nd</sup> reading on August 24). The Official Development Plan for the project, tentatively scheduled for Council review in October, will also be conditioned upon the creation of a GID. The framework of the GID is supported with this development agreement.
  - b. Property owners within the boundaries of Park 1200 Development would like to see a public park in the future and would like to use this development agreement and GID as the financial tool to provide and sustain this public benefit. While a specific decision on a public park within the development has yet to be determined, without this agreement, it is possible that a public park will not be built on the site due to other City priorities.

**Background Information**

Park 1200 will be submitting a PDP and an ODP Amendment to develop a 320 unit multi-family development at the northeast corner of 116<sup>th</sup> Avenue and Pecos Street. If this Development is approved by City Council the applicants would like to provide a park on the site. As part of the discussions, property owners within the boundaries of the proposed GID have been working with the City on the possibility of a future park on this site. The property owners would like to help support the maintenance and operating costs of the park. Staff has negotiated the proposed development agreement contingent upon creation of a GID. While a specific decision on a public park within the GID has yet to be determined, without this funding, it is possible that a public park will not be built on the site due to other City priorities. It should be noted that GID fees will be limited to the extent of the direct maintenance and operating costs of the park and future capital replacement within the boundaries and aligned with the timing of site improvements. If Council does not approve the development, the GID and development agreement would be dissolved.

The action requested in this agenda memorandum relates to the City's Strategic Plan goal of Visionary Leadership, Effective Governance and Proactive Regional Cooperation; and Dynamic, Diverse Economy by setting forth the policies and procedures by which the City's component units operate to ensure that their resources are used for the purposes intended.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment: Development Agreement

## DEVELOPMENT AGREEMENT

This DEVELOPMENT AGREEMENT ("Agreement") is made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2015 by and between the City of Westminster, a Colorado home rule municipality ("City"), and IBC DENVER VIII LW IV LLC, a Delaware LLC (herein referred to as "Park 1200").

### RECITALS

- A. Park 1200 has submitted an application for approval by the City of an Official Development Plan ("ODP") for the development of an approximately 26.15 acre parcel of property situated at approximately the northeast corner of 116<sup>th</sup> and Pecos St. ("Development").
- B. The Development anticipates the construction of an unspecified number of units of multifamily residential apartments.
- C. For the benefit of the Development and its future residents, Park 1200 desires that the City construct an approximately 7.62 acre park adjacent to the Development ("the Park").
- D. To incentivize the City's construction of the Park, Park 1200 has agreed to petition for the organization of a General Improvement District ("GID") pursuant to the provisions of CRS sections 31-25-601, et seq., for the purpose of funding future maintenance and capital replacement expenses related to the Park.
- E. Through this Agreement, Park 1200 and the City wish to establish their respective agreements and obligations related to the operation and maintenance of the Park and the operational and financial parameters of the GID.

### AGREEMENT

1. It shall be a condition of approval of Park 1200's ODP that 100% of the owners of the Development will have submitted a petition for the establishment of a General Improvement District covering the property

described on Exhibit "A" attached hereto and incorporated herein by this reference.

2. The City will terminate any proceedings in progress to create the GID or to establish a mill levy against the Development, or, in the event the GID has been previously created, to take any and all actions necessary to dissolve the GID pursuant to CRS 31-25-625 if either:
  - a. Park 1200 does not receive approval of an ODP for the Development by March 31, 2016; or
  - b. The required land for the Park has not been dedicated by March 31, 2016.
3. Upon approval of Park 1200's ODP and the establishment of the GID, Park 1200 shall be entitled to provide input and participate in the development of the GID's annual budgets.
4. The City agrees to act in good faith to assure that the GID's annual mill levy is limited to such amount to meet the GID's expense for the projected cost of maintaining the park in the following year, plus an amount to fund the reasonable projected cost of replacing any improvements or equipment installed as part of the original design and construction of the park. Notwithstanding the foregoing, in no event shall the GID's mill levy exceed 10 mills, nor shall the City refer to the ballot a measure to increase the mills beyond 10 mills without the express written consent of the owner of the Development.
5. Park 1200 agrees to vote in favor of the ballot issue required by Colo. Const. Article X, section 20 (aka TABOR) to approve a mill levy not to exceed 10 mills.
6. The City shall maintain or cause to be maintained the Park, including but not limited to landscaping, irrigation, playground equipment and picnic facilities, to at least the same standards the City uses in maintaining the City's neighborhood park facilities.
7. The City shall be solely responsible for maintaining the Park and assuring user safety. However, nothing herein shall be deemed or construed as a waiver by the City of any provision of the Colorado Governmental Immunity Act.

8. This Agreement shall be deemed a covenant running with the land described on Exhibit A hereof and binding on the heirs, successors, transferees and assigns of the City and Park 1200.

**Park 1200:**

**City of Westminster**

**IBC DENVER VIII LW IV LLC**

By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

  
Authorized Signatory  
8-3-15

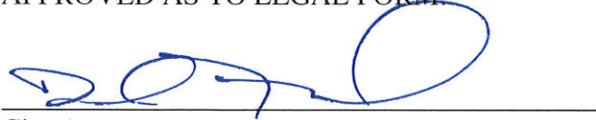
By: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

DEVELOPMENT AGREEMENT with IBC Denver VIII LW IV LLC

APPROVED AS TO LEGAL FORM:

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke, positioned above a solid horizontal line.

City Attorney



## Agenda Item 8 D

### Agenda Memorandum

City Council Meeting  
August 24, 2015



**SUBJECT:** Additional Expenditure Authorization for 2015 Deicing Salt Purchase

**Prepared By:** Dave Cantu, Street Operations Manager

### Recommended City Council Action

Authorize the additional expenditure of \$60,000 for deicing salt to the previous Council approval not to exceed amount of \$380,000, increasing the total authorized expenditure to \$440,000.

### Summary Statement

- Deicing salt is applied to City streets to ensure safer winter storm travel for residents and visitors.
- On December 22, 2014, City Council authorized the purchase of 2015 deicing salt up to \$380,000 for deicing materials from primarily three low bid vendors. Purchase of 2015 deicing salt is approaching this expenditure level.
- City Council approved appropriation of fiscal year 2014 carryover funds into the fiscal year 2015 Street Maintenance General Fund Operating Account in the amount of \$60,000 for this expenditure, upon second reading of Councillor's Bill No. 39 at the August 10, 2015, City Council meeting.
- Staff is requesting the authorization to purchase an additional \$60,000 of deicing materials, increasing the total authorized expenditure to \$440,000. This additional amount will be roughly divided between the three vendors identified in the December 2014 agenda memo.
- The City's stock pile of deicing materials is currently at 80% of capacity. Considering material usage last winter and substantial delivery delays during high use months which has resulted in material shortages the past two years, staff is requesting a higher spending level approval to purchase more deicing material.

**Expenditure Required:** \$60,000

**Source of Funds:** General Fund – Public Works & Utilities, Street Division Operating Budget

**Policy Issue**

Should City Council authorize an additional expenditure of \$60,000 for 2015 deicing salt?

**Alternative**

City Council could decide not to approve the additional expenditure authorization for 2015 deicing materials. Staff does not recommend this alternative as it is imperative to maintain sufficient supplies in stock for responsible application to City streets during winter storms and proactively manage material shortfalls during the snow season.

**Background Information**

Public Works and Utilities snow crews apply deicing material to the City's streets to ensure safer winter storm travel for residents and visitors. In January, City Council authorized the purchase of deicing material up to \$380,000 from the low bid Colorado Department of Transportation (CDOT) and Multiple Assembly of Procurement Officials (MAPO) bidders, Independent Salt and Envirotech Services and other vendors when delivery is unattainable.

Due to the severity of the storms last winter, the City's stock pile is currently at 80% of capacity. Generally, stock piles carried over from the previous winter and funds from operational savings are sufficient to replenish stock at the end of the year. However, City salt supplies and funds available are below adequate levels moving into the upcoming winter. Staff is requesting the authorization to purchase an additional \$60,000 of deicing materials, increasing the total authorized expenditure to \$440,000. This additional amount will be roughly divided between three vendors: Envirotech Services, Independent Salt, and Compass Materials.

City Council approved appropriation of fiscal year 2014 carry over funds into fiscal year 2015 Street Maintenance General Fund Operating Account in the amount of \$60,000 for this expenditure, upon second reading of Councillor's Bill No. 39 at the August 10, 2015, City Council meeting.

To proactively address storage of these materials during the snow season, a section of the proposed storage bins at the Big Dry Creek Salt Storage Facility could be utilized to stockpile additional deicing salt. This would allow Staff to purchase more material during the off season, reducing cost and the possibility of material shortage for the City during the snow season. The bid for construction of these material storage bins at the Big Dry Creek facility is before Council for authorization on this evening's agenda.

Staff will return to Council for authorization to purchase 2016 deicing salt at a later date.

Deicing salt is applied responsibly to roadways throughout the City of Westminster in an effort to achieve safe travels by both residents and visitors. This policy helps achieve City Councils Strategic Plan goals of "Beautiful, Desirable, Safe and Environmentally Responsible City," as well as "Ease of Mobility."

Respectfully submitted,

Stephen P. Smithers  
Acting  
City Manager



# Agenda Item 8 E

## Agenda Memorandum

City Council Meeting  
August 24, 2015



**SUBJECT:** Contract Change Order for Additional 2015 Roadway Improvements

**Prepared By:** Kurt Muehlemeyer, Pavement Management Coordinator  
Dave Cantu, Street Operations Manager

### Recommended City Council Action

Authorize the City Manager to execute a change order to the 2015 Asphalt Pavement Rehabilitation Project with the low bid contractor Martin Marietta Materials, Inc. in the amount of \$342,000 for additional roadway improvements to be completed in 2015.

### Summary Statement

- City Council previously authorized a 2015 project contract with Martin Marietta Materials, Inc. for the 2015 Asphalt Pavement Rehabilitation Project in the amount of \$2,319,187 on April 13, 2015.
- City Council approved appropriation of \$342,000 of fiscal year 2014 carryover funds into the fiscal year 2015 General Fund Capital Improvement Project Budget upon second reading of Councillor’s Bill No. 39 at the August 10, 2015 City Council meeting.
- These carryover funds were specified to fund two arterial roadway segments identified through the City’s pavement management system as high priorities to receive pavement rehabilitation: 72<sup>nd</sup> Avenue from Ingalls Street to Pierce Street and Sheridan Boulevard from 92<sup>nd</sup> Avenue to approximately 600 feet south of the intersection. All sections have below average pavement condition ratings and require a Hot Mix Asphalt overlay to provide additional structural strength for the traffic volumes and loads they carry.
- 72<sup>nd</sup> Avenue from Ingalls Street to Pierce Street was originally slated for pavement resurfacing and bike lane installation in 2015, but the project was scaled back because of higher than expected 2015 concrete replacement prices.
- This change order will facilitate the pavement resurfacing as well as the installation of on-street bike lanes on 72<sup>nd</sup> Avenue from Pierce Street to Depew Street and will provide a key piece of the regional on-street bike plan, linking bike lanes from the City of Arvada with those in Westminster.
- These two projects represent an additional 3.3 lane miles of roadway improvements at the same bid prices approved by City Council earlier this year, and are anticipated to be completed in fall 2015.

**Expenditure Required:** \$342,000

**Source of Funds:** \$117,000 General Fund - Street Operations Division Operating Budget  
\$225,000 General Capital Improvement Fund- Arterial Roadway Rehabilitation and Improvements

**Policy Issue**

Should City Council authorize a contract change order with Martin Marietta Materials, Inc. in the amount of \$342,000 for pavement improvements to 72<sup>nd</sup> Avenue from Ingalls Street to Pierce Street and Sheridan Boulevard from 92<sup>nd</sup> Avenue to 500 feet south of the intersection?

**Alternatives**

1. City Council could choose not to authorize a change order to the 2015 Asphalt Pavement Rehabilitation Project contract for improvements to the streets identified in this memorandum and request that the proposed work be opened for competitive bidding. Staff does not recommend this alternative as Martin Marietta Materials, Inc. (Martin Marietta) provided the lowest bid earlier this year and another round of bidding is unlikely to result in any savings to the City. Additionally, another round of bidding could possibly increase costs for this project, and would delay the start time by two months.
2. The City could choose not to resurface one or both of the streets earmarked for Hot Mix Asphalt (HMA) overlay. This alternative is not recommended because the identified segments are in need of rehabilitation, and the City's pavement rehabilitation strategy has been identified as the most appropriate, cost effective process to prolong pavement life. Delay will result in further pavement deterioration and higher repair costs at a later date.

**Background Information**

In April 2015, City Council authorized a project contract with Martin Marietta Materials, Inc. for the 2015 Asphalt Pavement Rehabilitation Project in the amount of \$2,319,187. City Council approved appropriation of fiscal year 2014 carryover funds into the fiscal year 2015 General Fund Capital Improvement Project Budget for Arterial Roadway Rehabilitation in the amount of \$225,000 and an additional \$117,000 into the Street Maintenance General Fund Operating account, upon second reading of Councillor's Bill No. 39 at the August 10, 2015 City Council meeting, for a total of \$342,000 for roadway improvements.

These carryover monies will fund two arterial roadway segments which were identified through the City's pavement management system as high priorities to receive pavement rehabilitation: 72<sup>nd</sup> Avenue from Ingalls Street to Pierce Street and Sheridan Boulevard from 92<sup>nd</sup> Avenue to approximately 600 feet south of the intersection. All sections have below average pavement condition ratings in the low 60's and require a Hot Mix Asphalt overlay to provide additional structural strength for the traffic volumes and loads they carry.

72<sup>nd</sup> Avenue from Ingalls Street to Pierce Street was originally slated for pavement resurfacing and bike lane installation in 2015, but the project was scaled back because of higher than expected 2015 concrete replacement prices. This change order will facilitate the pavement resurfacing as well as the installation of on-street bike lanes on 72<sup>nd</sup> Avenue from Pierce Street to Depew Street and will provide a key piece of the regional on-street bike plan, linking bike lanes from the City of Arvada with those in Westminster.

Sheridan Boulevard from 92<sup>nd</sup> Avenue to 600 feet south of the intersection was not resurfaced as part of the US 36 Managed Lanes Project because of cost and timing. This section of roadway is one of the most heavily traveled roads in Westminster and exhibits numerous potholes and significant ride-ability issues. Resurfacing this section of Sheridan Boulevard will provide a continuous, smooth riding roadway for residents and visitors from 92<sup>nd</sup> Avenue to 88<sup>th</sup> Avenue.

Staff is requesting that City Council approve this change order, which will increase the Martin Marietta contract from \$2,319,187 to \$2,661,187. The two projects are anticipated to be completed in the fall of 2015, and will fund an additional 3.3 lane miles of street improvements approved by Council earlier this year.

The recommended Council action helps achieve City Council's Strategic Plan Goals of "Financially Sustainable Government Providing Excellence in City Services," "Ease of Mobility" and "Beautiful, Desirable, Safe and Environmentally Responsible City" by providing well maintained, sustainable City infrastructure and improving the bike-ability for the residents and guests of Westminster.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

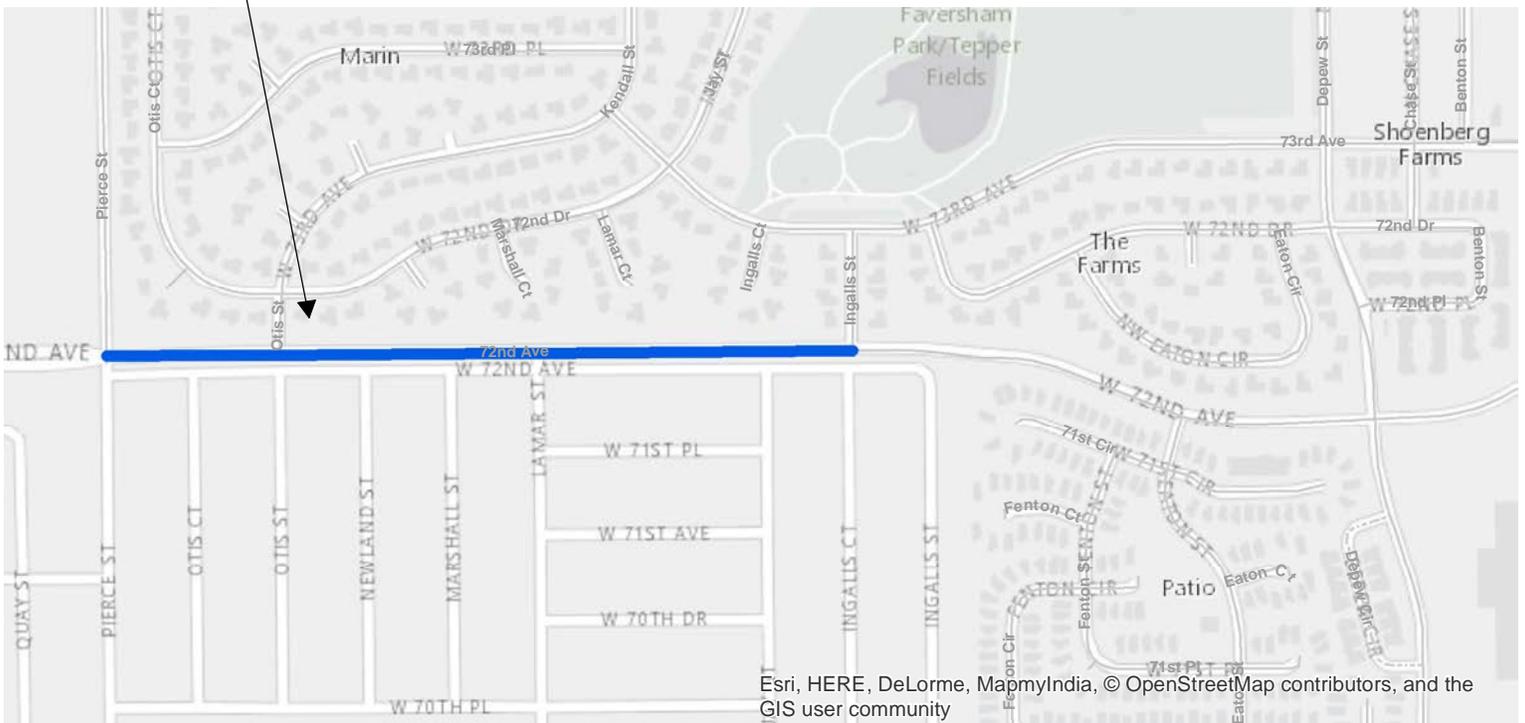
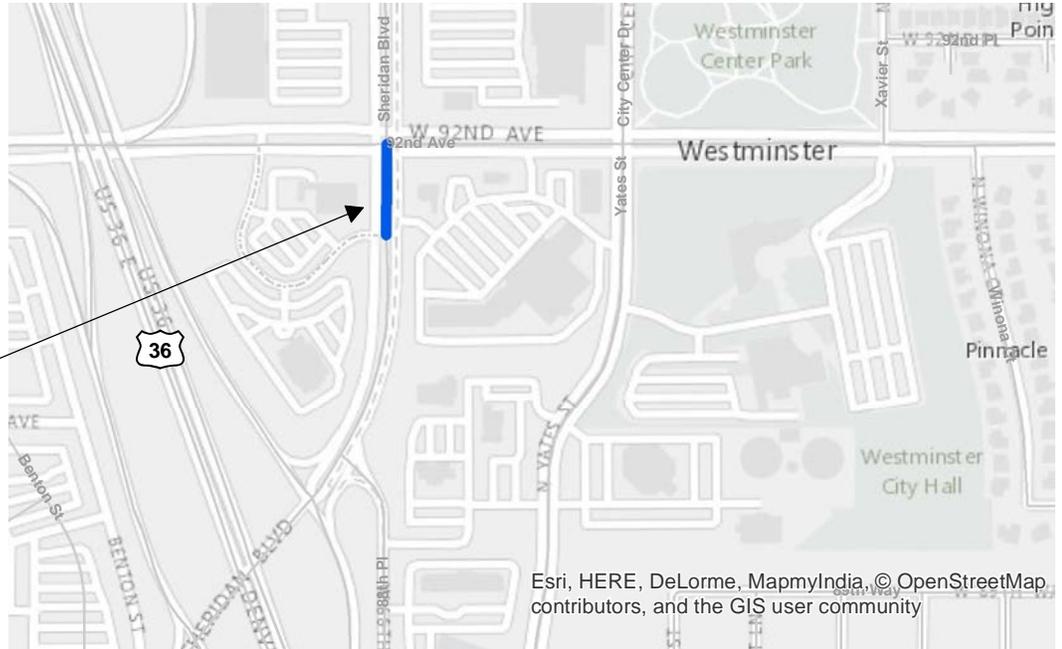
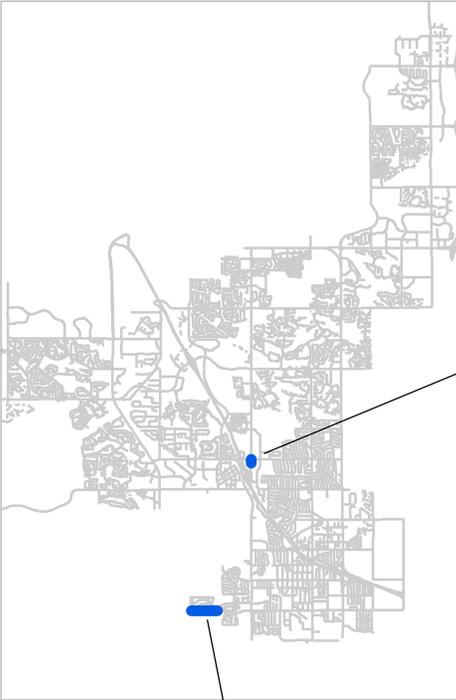
Attachment: Location Map



# 2015 Change Order For Additional Roadway Improvements

## Legend

 2015 Additional Roadway Improvements





**Agenda Memorandum**

City Council Meeting  
August 24, 2015



**SUBJECT:** Improvements to Utility Storage Facilities

**Prepared By:** Roger Harshman, Wastewater & Infrastructure Support Services Supervisor  
Robert Booze, Distribution and Collection Superintendent  
Stephen Gay, Utilities Operations Manager

**Recommended City Council Action**

1. Authorize the City Manager to execute a contract with the lowest bidder, J-2 Contracting Company, in the amount of \$162,848 to construct material storage bins at the Big Dry Creek facility, plus a 10% contingency of \$16,285 for a total expenditure of \$179,133.
2. Authorize the transfer of \$100,000 from the 88<sup>th</sup> Avenue Water Main Replacement/Zuni Water Main Replacement project account into the Storage Facility Improvements project account to pay for costs associated with the project.

**Summary Statement**

- The Public Works and Utilities Department is responsible for maintaining the City's extensive system of pipelines, pump stations, treatment facilities, roadways and other critical infrastructure. Many of the parts, equipment and materials required to maintain this infrastructure are stocked and stored at City facilities.
- The installation of additional storage facilities in the northern part of the City will provide Staff access to necessary materials to provide more timely responses during emergency events and repairs in the northern part of town.
- Formal bids for the services of a contractor were issued and a public bid opening took place August 6, 2015. J-2 Contracting Company was the lowest bidder for this project with an overall bid of \$162,848.
- \$110,000 was originally budgeted for the cost of the construction of the concrete bins and the installation of security fencing, pipe racks and parts shelving. Due to the changing bid climate and higher costs of concrete to build the storage bins, the project cost is higher than the budget for this project. To accommodate the J-2 Contracting Company bid, and to purchase the additional materials necessary to complete the storage facilities (approximately \$31,000), an additional \$100,000 is requested.
- Additional funds are available through savings from the recently completed 88<sup>th</sup> Avenue Water Main Replacement/Zuni Water Main Replacement project and this is the highest priority use of the funds.

**Expenditure Required:** \$210,000

**Source of Funds:** Utility Capital Improvement Fund – Storage Facility Improvements project  
Utility Capital Improvement Fund - 88<sup>th</sup> Avenue Water Main Replacement /  
Zuni Water Main Replacement project

**Policy Issues**

1. Should City Council authorize a contract with J-2 Contracting Company to construct material storage bins at the Big Dry Creek facility for a total of \$179,133 including 10% contingency?
2. Should the City authorize the reallocation of \$100,000 from the 88<sup>th</sup> Avenue Water Main Replacement / Zuni Water Main Replacement project, which will pay for the increased cost of the concrete storage bin construction, as well as the associated security fencing, pipe racks and parts shelving?

**Alternatives**

- City Council could choose to reject all of the construction bids and re-bid the project. This is not recommended because the City received three qualified bids. This is also not recommended because another round of bidding could possibly increase costs for this project.
- City Council could choose to not authorize the transfer of \$100,000 from the 88<sup>th</sup> Avenue Water Main Replacement / Zuni Water Main Replacement project to finance construction of this project. At the time of project budgeting in 2014 staff anticipated that the original budget of \$110,000 would be sufficient to construct the concrete bins and install security fencing and storage racks / shelving. Due to the changing bid climate and higher costs of concrete to build the storage bins, the project cost is higher than the budget for this project. Without moving capital budget into this project account, there are insufficient funds in the project account to complete the full scope of the work. These funds are available and this is the highest priority use of the funds.

**Background Information**

The Public Works and Utilities Department is responsible for maintaining the City’s extensive system of pipelines, pump stations, treatment facilities, roadways and other critical infrastructure. This maintenance necessitates the storage of backfill material, parts and equipment at City facilities, as these materials are essential for emergency repairs such as water main breaks or street repairs. Currently the majority of these materials are stored at the City’s Municipal Service Center, located in the south central part of town at approximately 88<sup>th</sup> Avenue and Pierce Street.

A storage facility was constructed in 2008 in the north part of the City adjacent to the Big Dry Creek WWTF, which included a four bay garage to store equipment. At the same time, a salt storage building was attached to these bays for inside storage of approximately 2,500 tons of snow and ice fighting material. This facility has proven to be very beneficial for providing a more agile response for our water break and construction crews and the snow fighter program.

The proposed outside concrete storage bins would be built adjacent to the existing Big Dry Creek facility and utilized for the storage of squeegee, road base and the temporary storage of emergency excavation spoils. The temporary spoils bin would also be utilized to stockpile additional snow and ice fighting material when needed. The addition of these bins will improve the response and repair time during water main breaks and street repairs in the northern part of the City, reducing the time that customers are impacted by water outages or road damage.

Formal bids for this project were issued and a public bid opening took place August 6, 2015. A total of three contractors provided bids. J-2 Contracting Company was the lowest bidder for this project with an overall bid of \$162,848. The results of the submitted bids are as follows:

<u>Vendor</u>	<u>Amount</u>
Glacier Construction Company, Inc.	\$233,388
Northern Colorado Constructors	\$228,650
J-2 Contracting Company	\$162,848

Based on the bids above, it is recommended that the City of Westminster award the contract for the construction of the north storage bins to the lowest responsible bidder, J-2 Contracting Company, in the amount of \$162,848, plus a 10% contingency of \$16,285 for a total of \$179,133.

The cost for the original scope of work was estimated to be \$110,000. At the time of project budgeting in 2014 staff anticipated that the original budget of \$110,000 would be sufficient to construct the concrete bins and install security fencing and storage racks / shelving. Due to the changing bid climate and higher costs of concrete to build the storage bins, the project cost is higher than the budget for this project. Without moving capital budget into this project account, there are insufficient funds in the project account to complete the full scope of the work. Staff is requesting the transfer of \$100,000 of project savings to fund the increased cost to construct the concrete bins, as well as to install security fencing and shelving for materials storage. Additional funds are available through savings from the recently completed 88<sup>th</sup> Avenue Water Main Replacement / Zuni Water Main Replacement project and this is the highest priority use of the funds.

This project supports the City Council's Strategic Plan goal of "Financially Sustainable Government Providing Excellence in City Services" by providing Staff with access to necessary materials to provide a rapid response and repair time during events such as water main failures and water main replacement projects in the north part of the City.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager



**Agenda Memorandum**

City Council Meeting  
August 24, 2015



**SUBJECT:** Special Legal Counsel Services

**Prepared By:** Steve Smithers, Deputy City Manager  
Dave Frankel, City Attorney

**Recommended City Council Action**

Based on a recommendation of the City Manager, determine that public intent will be served by authorizing the City Manager to enter into an agreement for special legal counsel services with Butler Snow LLP, in substantially the same form as attached, in an amount not to exceed \$50,000 in connection with special district formation, public finance, compliance and other legal services as needed.

**Summary Statement**

- All special counsel agreements are subject to approval by the City Council in accordance with City Charter Requirements.
- City Council has previously found merit in approving special legal counsel to assist the City Attorney's Office as needed, particularly in specialized areas where outside expertise would benefit the City and ensure the viability of proposed public financing mechanisms.
- Staff is recommending that City Council authorize the City Manager to execute a sole source legal services agreement with Butler Snow LLP for assistance in special district formation, public finance, compliance and other legal services as needed. Mr. Dee Wisor of Butler Snow has served as the City's bond counsel on numerous other issues and is thoroughly familiar with the City's Charter, ordinances, and outstanding bond covenants. Mr. Wisor has assisted the City and the Westminster Economic Development Authority in the past on numerous issues related to bonded indebtedness and legal issues of a specialized financial nature.
- Adequate funds are available for this expense.

**Expenditure Required:** Not to exceed \$50,000

**Source of Funds:** General Capital Improvement Fund – Westminster Center Urban Reinvestment Project

**Policy Issue**

Should the City retain special legal counsel to assist with these legal issues?

**Alternative**

City Council could elect not to retain this type of special legal counsel assistance or seek such assistance from another source. Staff believes this outside assistance is critical to ensuring compliance with state and federal law involving complex financial transactions and special district formation. Dee Wisor has the background and expertise that is required to provide informed assistance on the many complex and critical projects that the City is currently working on.

**Background Information**

Butler Snow, LLP has acted as special counsel for the city for many key projects. Mr. Dee Wisor of Butler Snow, LLP is a nationally recognized expert in public finance and has been a key resource in assuring the success of critical projects including: The Orchard, The Shops at Walnut Creek (Mandalay), South Sheridan and 72<sup>nd</sup> and South Westminster.

Two key areas that Staff anticipate using the services of Butler Snow are: Downtown Westminster and The Transit Oriented Development south of 72<sup>nd</sup> and west of Federal Boulevard. These are both complex projects that will require a variety of creative financing mechanisms to be successful. Dee Wisor's legal knowledge and experience will be invaluable in implementing financial solutions that are both effective and legally enforceable.

Butler Snow has offered the City a discounted rate (\$475) from their normal billing rate (\$545) for Mr. Wisor's services. Staff believes this is a reasonable rate for the complexity of legal services being provided.

Action on this item addresses City Council's Strategic Plan goal – Financially Sustainable Government Providing Excellence in City Services.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment – Contract for Legal Services

## CONTRACT FOR LEGAL SERVICES

THIS AGREEMENT is made this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by and between Butler Snow LLP (the "Firm") and the CITY OF WESTMINSTER, COLORADO (the "City").

### RECITALS

1. The City is desirous of contracting with the Firm for legal services.
2. The Firm and its attorneys are authorized to practice law in the State of Colorado.

### AGREEMENT

1. The Firm shall furnish the following special legal services to the City (the "Services"): The Firm shall act as special counsel to the City in connection with special district formation, compliance, public finance and other legal services as needed.
2. Dee P. Wisor of the Firm shall be principally responsible for the Services.
3. The Firm is acting as an independent contractor; therefore, the City will not be responsible for FICA taxes, health or life insurance, vacation, or other employment benefits.
4. The City shall pay for the Services at the rate of \$475 per hour (discounted from Mr. Wisor's regular rate of \$545).
5. This Contract may be terminated by the City with or without cause.
6. No payments to the Firm shall be made prior to the approval of this Contract by the Westminster City Council.
7. Payments pursuant to this Contract shall not exceed \$50,000 without further written authorization by the City.
8. The Westminster City Council authorized this contract on \_\_\_\_\_.
9. To the extent this Agreement constitutes a public contract for services pursuant to C.R.S. § 8-17.5-101 et seq., the following provisions shall apply: The Firm shall not knowingly employ or contract with an illegal alien to perform work under this Agreement. In addition, the Firm shall not enter into a contract with a subcontractor that fails to certify to the Firm that the subcontractor shall not knowingly employ or contract with an illegal alien to perform work under this Agreement. If the Firm obtains actual knowledge that a subcontractor performing work under this Agreement knowingly employs or contracts with an illegal alien, the Firm shall notify the subcontractor and the Authority within three (3) days that the Firm has actual knowledge that the subcontractor is employing or contracting with an illegal alien. Furthermore, the Firm shall terminate such subcontract with the subcontractor if, within three (3) days of receiving the notice required pursuant to this paragraph, the subcontractor does not stop employing or contracting with the illegal alien. Except that the Firm shall not terminate the contract with the subcontractor if during such three (3) days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

The Firm certifies that, prior to executing this Agreement, it has confirmed the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement through participation in either the E-verify program administered by the United States Department of Homeland Security and the Social Security Administration (the "E-verify Program"), or the employment verification program administered by the Colorado Department of Labor and Employment (the "Colorado Verification Program"). The Firm shall not use either the E-verify Program or the Colorado Verification Program procedures to undertake pre-employment screening of job applicants while performing this Agreement. Further, to the extent required by C.R.S. § 8-17.5-102(1), by submitting a bid, the Firm certifies that it does not knowingly employ or contract with an illegal alien who will perform work under this Agreement, and that the Firm will participate in the E-verify Program or the Colorado Verification Program in order to verify the employment eligibility of all employees who are newly hired for employment to perform work under this Agreement.

The Firm shall comply with all reasonable requests by the Colorado Department of Labor and Employment made in the course of an investigation undertaken pursuant to the authority established in C.R.S. § 8-17.5-102(5).

10. In connection with the performance of this Agreement, the Firm agrees not to discriminate against any subcontractor, employee or applicant for employment because of race, religion, color, sex, national origin, or disability. Such actions shall include, but not be limited to the following: employment; upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Firm represents that it will require a similar affirmation of nondiscrimination in any contract it enters into with a subcontractor as part of the performance of this Agreement.

11. Nothing in this Agreement shall be construed or deemed as creating a multiple-year fiscal obligation of the City. All obligations of the City pursuant to this Agreement are subject to prior annual appropriation by the City Council.

**BUTLER SNOW LLP**

By: \_\_\_\_\_

**CITY OF WESTMINSTER, COLORADO**

By: \_\_\_\_\_

**Approved as to legal form:**

\_\_\_\_\_  
City Attorney's Office

**Exhibit A**  
**BUTLER SNOW LLP**  
**STANDARD BILLING TERMS AND CHARGES FOR EXPENSES**  
**As of January 1, 2014**

Butler Snow LLP (the "Firm") will bill clients on a monthly basis for legal services, unless another arrangement is agreed to and approved in writing by the Firm and the Client. The Firm typically sends bills for legal services and expenses via the U.S. Postal Service or by e-mail. Electronic billing services may also be used by specific agreement.

It is our goal that our bills are easy to understand, simple, and reflect appropriate charges for the value our services provided. As such, we do not charge for many incidental costs or routine services. We are continually working to ensure that our bills are clear and understandable. Should you have questions about any aspect of your bill, please contact the Firm as soon as possible so that your concerns may be quickly resolved. The chart below spells out the complete details of our expense charges. Our payment terms are payment within **15 days** of receipt of the bill, unless other arrangements are agreed to in advance.\*

Any overpayments or duplicate payments the Firm receives that cannot be posted to an outstanding bill ("unapplied payments") will be deposited into the Firm's operating account upon receipt and posted as unapplied cash to the client's account. These unapplied payments will either be applied to a future bill or refunded to the client, whichever is appropriate.

<b>Document Reproduction</b> <b>Normal sized documents (up to 11 x 17)</b>  <b>Upsize documents (size in excess of 11 x 17)</b>  <b>Electronic Data Manipulation for reproduction</b>	<b>No charge for routine reproduction (under 50 pages per day)</b> <b>For reproduction in excess of 50 pages per day –</b> Black & White: \$0.10/page      Color: \$0.25/page <b>Bates Labeling –</b> Electronic: \$0.05/page      Manual: \$0.15/page <b>Charge for each page – no exclusion</b> Black & white: \$6.00/page      Color: \$30.00/page \$75 per hour
<b>Document Scanning</b>  <b>Upsize documents (size in excess of 11 x 17)</b>	<b>No charge for routine scanning (except evidentiary materials)</b> <b>Bulk scanning of evidentiary documents: \$0.06/page</b> <i>(additional charge for document coding)</i> <b>\$10.00/page</b>
<b>Wire Transfers</b>	<b>Outgoing: International: \$50/wire      Domestic: \$25/wire</b>
<b>Data/Audio/Visual Duplication &amp; Reproduction</b>	<b>CD/DVD: \$12.00 for each disc</b> <b>Portable Media Devices: Priced per data storage size</b>
<b>Electronically Stored Information</b> <b>(Litigation Support Services)</b>	<b>Data Filtering/Searching: \$50.00/gb per occurrence</b> <b>Data Processing Native: \$200.00/gb per occurrence</b> <b>Data Processing Full Tiff: \$250.00/gb per occurrence</b> <b>Data Storage: \$15.00/gb per month</b>
<b>Computerized Legal Research</b>	<b>No charge for basic research.</b> <b>\$25/search for public records, special treatises, briefs, motions and expert directory databases.</b> <b>Specialized research at actual cost with prior client approval</b>
<b>Electronic retrieval of Court documents</b>	<b>\$0.40 / document</b>
<b>Fax and Long Distance Phone</b>	<b>No charge for calls or Fax transmissions within the United States.</b> <b>Non-domestic and conference calls charged at actual cost.</b>
<b>Travel (personal vehicle)</b>	<b>Current Standard Mileage Rate as allowed by the IRS</b>
<b>Messenger Delivery and Service</b>	<b>Deliveries under 10 miles one way-No charge; 10-25 miles one way - \$25.00;</b>

<b>of Subpoenas or Summons</b>	over 25 miles one way - <b>\$10.00/hour plus mileage;</b> Service of Subpoenas/Summons - <b>\$35.00 plus delivery</b>
<b>Overnight Package Delivery</b>	<b>Charged at actual cost per package</b>
<b>Postage</b>	<b>No charge for routine postage</b> (under \$25 per day) <b>Bulk mailing postage:</b> at actual cost

\* The City will use its best efforts to make payment within 15 days, but the parties acknowledge that payment beyond 15 days will not incur additional charges or interest.

## Exhibit B

### NOTICE TO CLIENTS OF BUTLER SNOW'S RECORD RETENTION & DESTRUCTION POLICY FOR CLIENT FILES

Butler Snow maintains its client files electronically. Ordinarily, we do not keep separate paper files. We will scan documents you or others send to us related to your matter to our electronic file for that matter and will ordinarily retain only the electronic version while your matter is pending. **Unless you instruct us otherwise, once such documents have been scanned to our electronic file, we will destroy all paper documents provided to us.** If you send us original documents that need to be maintained as originals while the matter is pending, we ordinarily will scan those to our client file and return the originals to you for safekeeping. Alternatively, you may request that we maintain such originals while the matter is pending. If we agree to do that, we will make appropriate arrangements to maintain those original documents while the matter is pending.

At all times, records and documents in our possession relating to your representation are subject to Butler Snow's Record Retention and Destruction Policy for Client Files. Compliance with this policy is necessary to fulfill the firm's legal and ethical duties and obligations, and to ensure that information and data relating to you and the legal services we provide are maintained in strict confidence at all times during and after the engagement. All client matter files are subject to these policies and procedures.

At your request, at any time during the representation, you may access or receive copies of any records or documents in our possession relating to the legal services being provided to you, excluding certain firm business or accounting records. We reserve the right to retain originals or copies of any such records or documents as needed during the course of the representation.

Unless you instruct us otherwise, once our work on this matter is completed, we will designate your file as a closed file on our system and will apply our document retention policy then in effect to the materials in your closed files. At that time, we ordinarily will return to you any original documents we have maintained in accordance with the preceding paragraph while the matter was pending. Otherwise, we will retain the closed file materials for our benefit and subject to our own policies and procedures concerning file retention and destruction. Accordingly, if you desire copies of any documents (including correspondence, e-mails, pleadings, contracts, agreements, etc.) related to this matter or generated while it was pending, you should request such copies at the time our work on this matter is completed.

You will be notified and given the opportunity to identify and request copies of such items you would like to have sent to you or someone else designated by you. You will have 30 days from the date our notification is sent to you to advise us of any items you would like to receive. You will be billed for the expense of assimilating, copying and transmitting such records. We reserve the right to retain copies of any such items as we deem appropriate or necessary for our use. Any non-public information, records or documents retained by Butler Snow and its employees will be kept confidential in accordance with applicable rules of professional responsibility.

Any file records and documents or other items not requested within 30 days will become subject to the terms of Butler Snow's Record Retention and Destruction Policy for Client Files and will be subject to final disposition by Butler Snow at its sole discretion. Pursuant to the terms of Butler Snow's Record Retention and Destruction Policy for Client Files, all unnecessary or extraneous items, records or documents may be removed from the file and destroyed. The remainder of the file will be prepared for closing and placed in storage or archived. It will be retained for the period of time established by the policy for files related to this practice area, after which it will be completely destroyed. This includes all records and documents, regardless of format.

While we will use our best efforts to maintain confidentiality and security over all file records and documents placed in storage or archived, to the extent allowed by applicable law, Butler Snow specifically disclaims any responsibility for claimed damages or liability arising from damage or destruction to such records and documents, whether caused by accident; natural disasters such as flood, fire, or wind damage; terrorist attacks; equipment failures; breaches of Butler Snow's network security; or the negligence of third-party providers engaged by our firm to store and retrieve records.



Agenda Memorandum

City Council Meeting  
August 24, 2015



**SUBJECT:** Second Reading of Councillor’s Bill No.18 Adopting Amendments to the 2013 Comprehensive Plan

**Prepared By:** Sarah Nurmela, AICP, Principal Planner

**Recommended City Council Action**

Pass Councillor’s Bill No. 18 on second reading adopting amendments to the 2013 Comprehensive Plan.

**Summary Statement**

- The current Comprehensive Plan was adopted in November, 2013, and last updated in 2014.
- A public hearing was held on April 13, 2015, on the proposed update to the Comprehensive Plan, which included:
  - minor text and graphics edits;
  - a terminology change in all of the Development Standards tables in the land use classifications from “Primary” to “Allowed” and “Secondary” to “Limited;”
  - additional edits to the Plan reflect the adoption of the Downtown Specific Plan, new open space, and minor text edits and updates to several chapters; and
  - an amendment of the current land use designation of a developable portion (approximately 1.8 acres) of a property in the proximity of Westminster Boulevard and 104th Avenue from “Major Creek Corridor on Non-Public Land” to “Retail Commercial,” due to a mapping error relative to the location of the adjacent flood plain.
- City Council expressed concern over the application of the terminology change in the R-3.5 Residential classification where staff classified “Duplexes” as “Limited” based on the existing caveat in the Comprehensive Plan that they “may be allowed depending on location and design.” Coupled with a change in the descriptive text of the classification, City Council was concerned that the combined changes proposed within the R-3.5 classification implied duplexes would be discouraged.
- The public hearing was closed and no action was taken on the entirety of the Comprehensive Plan update at the April 13, 2015, meeting. Councillor’s Bill No. 18 was tabled.
- A study session with City Council was held on July 8, 2015, to review the application and existing terminology of the R-3.5 land use classification. The outcome of the study session identified an alternative proposal for the classification that would keep the existing descriptive language and location of “Duplexes” in the Development Standards table.
- Councillor’s Bill No. 18 was approved on first reading by City Council on August 10, 2015.

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

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment: Councillor’s Bill with Exhibit A

BY AUTHORITY

ORDINANCE NO. **3796**

COUNCILLOR'S BILL NO. **18**

SERIES OF 2015

INTRODUCED BY COUNCILLORS

**Pinter – De Cambra**

A BILL

FOR AN ORDINANCE ENACTING AN UPDATE TO THE 2013 WESTMINSTER  
COMPREHENSIVE PLAN

Whereas, City Council finds that the City Charter and state statutes authorize City Council to adopt a comprehensive plan for the use, division and development of land for the purpose of protecting the public health, safety and welfare and accomplishing the harmonious development of the City; and

Whereas, City Council further finds that the proposed changes and updates to the 2013 Westminster Comprehensive Plan ("Plan") were preceded by appropriate and focused community outreach efforts and consultation with the City Council; and

Whereas, City Council further finds that the notice requirements of Section 11-4-16 (D)(1), W.M.C. have been met; and

Whereas, City Council further finds that the Planning Commission conducted a public hearing on March 24, 2015, and has considered the attached updates to the Plan and recommended their adoption to the City Council.

Whereas, City Council further finds that the changes and updates to the 2013 Plan are consistent with the overall Plan, enhance understanding and explanation of policies and concepts presented in the Plan, ensure that the information and data reflect current conditions in the City and the Denver Metropolitan area, protect the public health, safety and welfare, and guide and accomplish the coordinated, adjusted, and harmonious development of the City, and meet all of the stated objectives of Section 11-4-16, W.M.C., related to the adoption of a comprehensive land use plan for the City.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The amendments to the City of Westminster's 2013 Comprehensive Plan, as set forth in Exhibit "A" attached, are hereby adopted.

Section 2. Compliance with said Plan, as amended, and as provided in Section 11-4-16, W.M.C., shall be mandatory upon the effective date of this ordinance.

Section 3. Land use designations shown in the Plan may be affected by pre-existing vested rights or contractual development commitments. The applicability and scope of such vested rights or contractual developments, if any, will be reviewed and determined at the time of development plan approval.

Section 4. If a provision of the Plan conflicts with a provision of any policy, standard, or regulation adopted by the City, the more strict provision shall prevail.

Section 5. Staff is directed to prepare and make available to the public, on request, copies of the 2013 Comprehensive Plan, as amended hereby.

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

Section 7. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED  
PUBLISHED this 10th day of August, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED  
this 24th day of August, 2015.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney's Office

# WESTMINSTER



## Comprehensive Plan

November 11, 2013

Amended ° ° , 2015



Church Ranch just north of the Shops at Walnut Creek. Westminster Station is funded as part of RTD's Eagle P3 project and will be an end-of-line station until funding/financing becomes available for the remainder of the Northwest rail corridor. Commuter rail service to this station is anticipated to begin in 2016. The City of Westminster will continue to aggressively pursue efforts to extend the commuter rail line through downtown Westminster and Church Ranch.

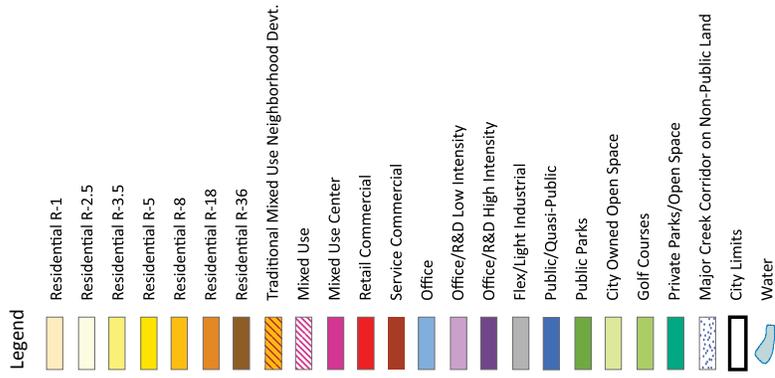
~~The improvements to the US 36 Corridor (commuter rail and BRT) will be refined and prioritized upon completion of the Northwest Area Mobility Study (NAMS). The study's goal is to develop represents~~ consensus between RTD, CDOT, corridor stakeholders and local jurisdictions on short and long-term transit improvements in the corridor. ~~Specific timing for completion of these improvements will be based on priorities identified by NAMS, which will be finalized in early 2014.~~ The document identifies five major priorities, including: completion of US 36 Bus Rapid Transit (BRT) service; planning and design for BRT service along Colorado 119 and US 287; development of strategies to address reverse commute solutions between Denver Union Station and Pecos Street along I-25; annual evaluation of strategies to accelerate implementation of the Northwest Rail line; and study of further implementation of BRT on other arterial corridors.

### *Rocky Mountain Metropolitan Airport and Master Plan*

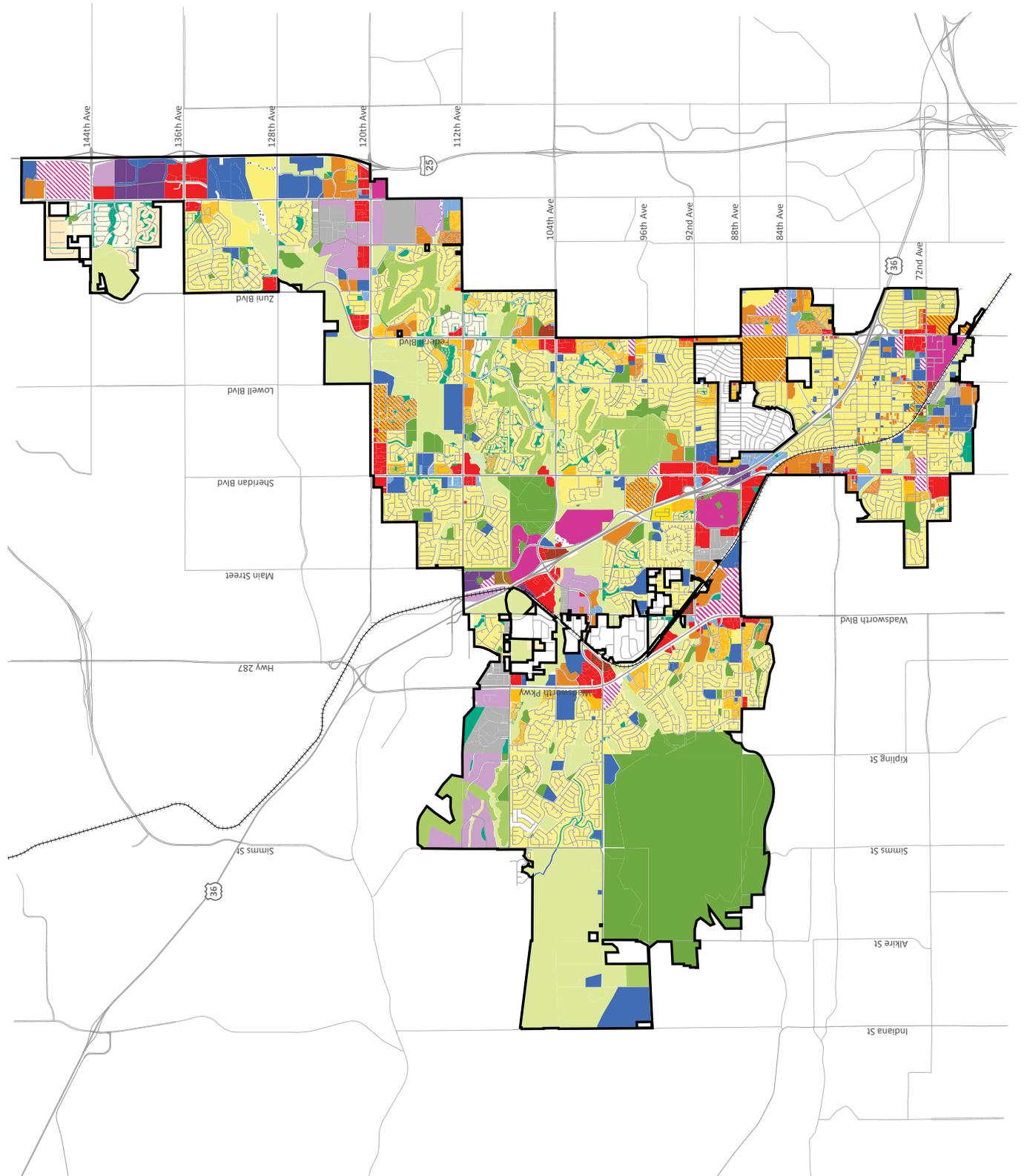
The Rocky Mountain Metropolitan Airport is located in Jefferson County just northwest of Westminster's city limits, between Simms Street and Wadsworth Parkway. Jefferson County owns and operates the airport, and recently completed an update to the airport's master plan in 2011. The master plan is an advisory document for local municipal jurisdictions within the Airport Influence Area. The master plan provides projections for airport operations and development on airport-owned land as well as land use guidance for lands within its Airport Influence Area, and most importantly, within its Instrument Critical Zone. The City of Westminster will continue to work with Jefferson County as land use decisions are made for property within the Instrument Critical Zone (see Figure 1-2).

The airport's master plan projects an annual 1.8 percent increase of airport operations through 2030. The increased activity will be coupled with slightly larger aircraft utilizing the airport. With this increased activity, the master plan proposes approximately 180-220 acres of development of airport-related commercial and industrial uses to the southwest of the existing runways. The master plan also identifies the need for an expanded terminal, airport operation facilities and improved circulation with a redirection of Simms Street and an extension of Jefferson Parkway along the northwest portion of the airport.

Figure 2-2: Land Use Diagram



Updated 2/4/15



**Calculation of Density & FAR**

Calculation of both density and FAR is based on the gross site. See graphic below.

The calculation of FAR only includes gross building area; parking structure area is excluded.

**Minimum Densities & FARs**

Where required, the overall density or FAR of a site must meet the minimum. If a phased project, the first phase must meet the minimum; subsequent phases must maintain the minimum across all phases.

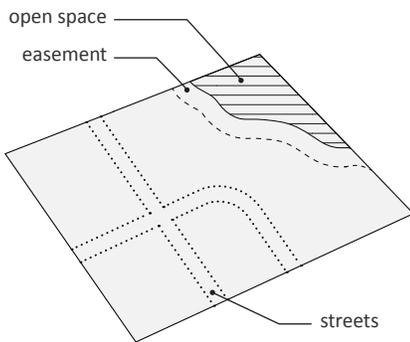
**Maximum Densities & FARs**

The maximum density or FAR may not be achievable on all sites due to site constraints such as topography or site area.

**Density and Intensity**

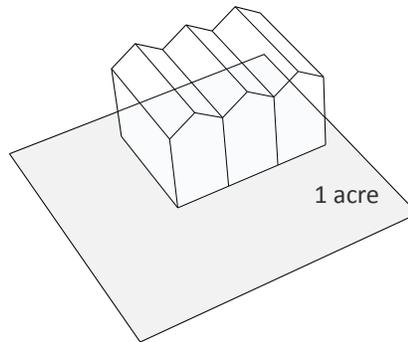
The Comprehensive Plan establishes density and intensity standards for each type of land use. Residential densities are expressed as dwelling units (du) per gross acre (ac), including land for public streets, storm drainage and other rights of way or dedications. This does not include land located within a designated 100-year flood plain (designated as Major Creek Corridor on Non-Public Land). It should be noted that maximum density may not be achievable on all sites due to specific site constraints such as topography, drainage patterns, floodplains, wetlands, required rights-of-way, the city’s adopted design guidelines, public land dedication, or other public improvements. Thus, the maximum density listed for each category is not “guaranteed.” The permitted density will be determined during the development review process taking into consideration the above constraints and enforcing the city’s residential design guidelines for each residential type.

A maximum permitted floor area ratio (FAR) is specified for mixed use and non-residential uses. FAR expresses the ratio of total building square footage to land square footage. For example, an FAR of 2.0 means that for every square foot of land, a developer may build two square feet of building space. Where an FAR is specified for mixed use classifications, the FAR applies to both residential and non-residential building space, excluding structured or surface parking. Similar to residential densities, maximum FARs may not be achievable due to site constraints.



**Gross Site Acreage/Area**

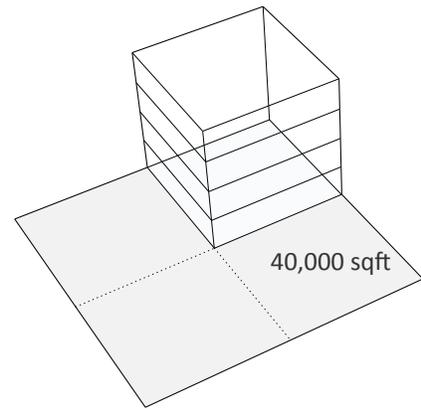
The gross site acreage (or area) encompasses the entire site, including area dedicated for open space, streets, and public easements, as illustrated above. The full acreage of the site (gray area above) is used in the calculation of density or FAR.



**Density**

$$\frac{\text{Dwelling Units}}{\text{Total Site Acres}} = \frac{3 \text{ du}}{1 \text{ acre}}$$

Shown above, 3.0 du/acre, where 3 dwelling units (du) sit on one acre of gross site acreage.



**Floor Area Ratio (FAR)**

$$\frac{\text{Total Building Area}}{\text{Total Site Area}} = \frac{40,000 \text{ sqft.}}{40,000 \text{ sqft.}}$$

Shown above, an FAR of 1.0, where a building with 4 floors of 10,000 sqft. each (40,000 sqft. total) sits on a parcel of 40,000 sqft. gross site area.



## Land Use Classification

Land use designations are the tools used to define the city’s vision and intent for development throughout the city. They provide overarching direction for land use on a specific site. For the majority of the city’s land area, more specific uses are delineated on a property’s approved Planned Unit Development (PUD), which must be consistent with the property’s Comprehensive Plan land use designation. For properties that are straight zoned (such as Commercial C-1, Business B-1, etc.), the Municipal Code provides greater detail on specific uses permitted within each zoning district. In order to develop, all properties, whether zoned by PUD or **straight individual zoned** district, must be developed in accordance with the Comprehensive Plan.

This section describes each of the land use classifications shown in Figure 2-2: Land Use Diagram. Each classification is described by representative images and text, with a “Development Standards” table that addresses land use and development characteristics. Within the table, land uses are listed as:

- **Allowed.** Uses that are permitted on all sites designated with such classification.
- **Limited.** Uses that are permitted but limited, such as in overall building area or proportion of a project, or by the development review process.
- **Potentially Prohibited.** Uses that may or may not be permitted, depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the development review process.

Development characteristics in the table include maximum and minimum densities and/or floor area ratios (FARs), minimum lot size (for residential uses), and distribution of uses.

In addition to the uses described in each classification to follow, public/quasi public uses—including government offices, police and fire stations, public schools and places of assembly—are permitted in all land use classifications except for park and open space classifications, subject to **the development review process**. Land uses may also be subject to additional review or permitting processes as required by the Zoning Code.



*New high density residential and mixed use categories create opportunity for transit-supportive development and vibrant, mixed-use districts.*



*New office development categories create opportunity for higher intensities of employment development in key areas in the city.*



*Service, flex and light industrial uses are designated throughout the city in areas of greatest compatibility and synergy.*

**R-1 Residential**  
**Under 1.0 Dwelling Unit per Acre**



This designation is intended to provide for single family detached residences developed at densities lower than typically found in urban areas. R-1 Residential is generally appropriate in areas distant from activity centers where development characteristics are more rural.

Development Standards	
	<i>Requirement</i>
<b>Land Use</b>	
Allowed <b>Primary</b> Uses	Single Family Detached Residences
Limited <b>Secondary</b> Uses	Non-commercial Recreational Uses
<b>Development Characteristics</b>	
Density	Maximum 1.0 du/acre
Minimum Lot Size	17,500 square feet
Distribution of Uses	30% of overall site must be preserved as common open space



**R-2.5 Residential**  
**Up to 2.5 Dwelling Units per Acre**



This designation is intended to provide for single family detached residences located away from activity centers where land use and development characteristics are suburban or in areas that serve as a transition between rural and urban areas.

Development Standards	
	<i>Requirement</i>
<b>Land Use</b>	
Allowed <del>Primary</del> Uses	Single Family Detached Residences
Limited <del>Secondary</del> Uses	Non-commercial Recreational Uses
<b>Development Characteristics</b>	
Density	Maximum 2.5 du/acre
Minimum Lot Size	10,000 square feet

## R-3.5 Residential

### Up to 3.5 Dwelling Units per Acre



This designation is intended to provide for single family detached residences and duplexes. This category is generally appropriate in locations outside urban activity centers in areas where development characteristics are suburban.

Development Standards	
	<i>Requirement</i>
<b>Land Use</b>	
<b>Allowed Primary</b> Uses	Single Family Detached Residences Duplexes (may be allowed depending on location and design)
<b>Limited Secondary</b> Uses	Non-commercial Recreational Uses
<b>Development Characteristics</b>	
Density	Maximum 3.5 du/acre
Minimum Lot Size	7,000 square feet (for single family <b>detached</b> dwellings)



## R-5 Residential

### Up to 5.0 Dwelling Units per Acre



This designation is intended to provide for single family residences (detached and attached), duplexes, patio homes, townhomes and condominiums. This category is generally appropriate outside of urban activity centers in areas of moderate density.

#### Development Standards

	<i>Requirement</i>
<b>Land Use</b>	
<b>Allowed Primary</b> Uses	Single Family Detached Residences Single Family Attached Residences Duplexes Patio Homes Townhomes Condominiums
<b>Limited Secondary</b> Uses	Non-commercial Recreational Uses Senior Housing Facilities (1)
<b>Development Characteristics</b>	
Density	Maximum 5.0 du/acre
<i>(1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.</i>	

## R-8 Residential

### Up to 8.0 Dwelling Units per Acre



This designation accommodates a mix of housing types from single family residences (attached and detached) and duplexes to townhomes, condominiums and walk-up apartments. This designation is appropriate in close proximity to activity centers and to areas that can be served by transit.

#### Development Standards

	<i>Requirement</i>
<b>Land Use</b>	
<b>Allowed Primary</b> Uses	Single Family Detached Residences Single Family Attached Residences Duplexes Patio Homes Townhomes Condominiums
<b>Limited Secondary</b> Uses	Non-commercial Recreational Uses Senior Housing Facilities (1)
<b>Development Characteristics</b>	
Density	Maximum 8.0 du/acre
<i>(1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.</i>	



## R-18 Residential

### Up to 18.0 Dwelling Units per Acre



This designation accommodates a mix of higher density housing types including townhomes, apartments and condominiums. R-18 Residential shall be located along arterial streets, near transit centers or available transit, and within or near activity centers with a mix of supportive uses.

#### Development Standards

	<i>Requirement</i>
<b>Land Use</b>	
<b>Allowed Primary</b> Uses	Apartments Condominiums Townhomes Single Family Residences
<b>Limited Secondary</b> Uses	Non-commercial Recreational Uses Senior Housing Facilities (1)
<b>Development Characteristics</b>	
Density	Maximum 18.0 du/acre
<i>(1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.</i>	

## R-36 Residential

### 18.0 to 36.0 Dwelling Units per Acre



This designation accommodates a range of higher density housing types from townhomes to apartments, condominiums and similar higher density typologies. R-36 Residential shall be located along arterial streets near transit and activity centers, where supportive neighborhood-serving uses and transit are within a 5- to 10-minute, or half-mile, walk.

#### Development Standards

##### Requirement

#### Land Use

<del>Allowed Primary</del> Uses	Apartments, Condominiums, Lofts and Townhomes
<del>Limited Secondary</del> Uses	Non-commercial Recreational Uses
	Senior Housing Facilities (1)

#### Development Characteristics

Density	Minimum 18.0 du/acre
	Maximum 36.0 du/acre

*(1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.*



## Traditional Mixed Use Neighborhood Development (TMUND) Up to 18.0 Dwelling Units per Acre and 1.0 Commercial FAR



This designation is intended for inclusive neighborhoods with a mix of residential and supportive non-residential uses in a walkable, pedestrian-oriented, urban village development pattern. Housing types could range from medium and small-lot single family homes to multifamily apartments and lofts. Mixed or non-residential uses could include offices, personal/business services, retail and live/work development. An interconnected grid of streets, pedestrian connections and parks is emphasized. The maximum density and intensity for this designation may be applied to the entire TMUND master planned development as opposed to specific sites.

All new development shall be consistent with the TMUND Design Guidelines, which provide greater detail for site, building and landscape design. (Bradburn Village is an example of a successful TMUND project.)

### Development Standards

#### Requirement

#### Land Use

<b>Allowed Primary</b> Uses	Apartments, Condominiums, Lofts and Townhomes Single Family Residences (attached or detached) Offices, Personal Services, Retail Commercial, Live/Work
<b>Limited-Secondary</b> Uses	Non-commercial Recreational Uses Senior Housing Facilities (1), Child Care
<b>Limited or Prohibited</b> Uses (2)	Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services

#### Development Characteristics

Density	Maximum 18.0 du/acre (23)
Floor Area Ratio	Maximum 1.0 for Commercial uses

(1) For facilities with beds rather than dwelling units, 2.5 beds shall equal one dwelling unit for purposes of calculating density.  
 (2) Uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city.  
 (23) Greater densities may be allowed if approved by the Planning Commission and City Council.

## Mixed Use

### 8.0 to 36.0 Dwelling Units per Acre and Maximum Combined FAR of 1.5



This designation is intended to foster development with a mix of residential and commercial uses. Stand-alone commercial use or a combination of residential and commercial use is permitted. Where residential development is proposed, a vertical mix of uses (such as residential or office use above ground floor retail) is required with a minimum 0.10 FAR of commercial use (retail, offices or personal/business services). Parking should be located behind buildings, below grade or in structures to ensure active uses face onto public streets. Auto-oriented uses and drive-throughs are strongly discouraged as part of residential mixed-use projects.

#### Development Standards

	Requirement
<b>Land Use</b>	
Allowed <del>Primary</del> Uses	Apartments, Condominiums, Lofts and Townhomes Offices, Personal Services, Retail Commercial <del>(1)</del> , Live/Work <del>(1)</del>
Limited <del>or Potentially Prohibited</del> Uses <del>(12)</del>	Auto-oriented uses Stand-alone uses with vehicle drive-throughs
Potentially Prohibited Uses	Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services
<b>Development Characteristics</b>	
Density	Minimum 8.0 du/acre, when provided Maximum 36.0 du/acre, when provided
Floor Area Ratio	Minimum 0.10 Commercial when Residential is provided Maximum 1.5 Combined Residential and Commercial

*(1) Uses may not be permitted as part of a mixed-use project that includes both residential and commercial uses. Specific Retail Commercial uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city. See the Retail Commercial classification for a list of Limited or Potentially Prohibited Uses.*

*(2) Applicable to mixed-use projects with both residential and commercial uses.*



## Mixed Use Center

### Minimum FAR of 0.75 and Maximum Combined FAR of 2.0\*



This designation establishes key activity centers in the city, typically to be located with access to transit. Uses may include a mix of residential, retail, office and hotel uses. Along pedestrian-oriented street frontages, ground floor uses should be active, such as retail stores, restaurants and cafes. A vertical mix of uses is encouraged with retail at the ground level and office, hotel and/or residential on upper floors. Parking is strongly encouraged to be structured or below grade, with minimal surface parking—which should be located away from public view. Auto-oriented uses and new standalone uses with drive-throughs are not permitted.

#### Development Standards

	<i>Requirement</i>
<b>Land Use</b>	
<b>Allowed Primary Uses (1)</b>	Apartments, Condominiums, Lofts and Townhomes Offices, Personal Services, Retail Commercial <del>(1)</del> , Live/Work <del>(1)</del>
<b>Potentially Prohibited Uses</b>	Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services
<b>Development Characteristics</b>	
Density	Minimum 18.0 du/acre, when provided
Floor Area Ratio	Minimum 0.75 Combined Residential and Commercial <del>(23)</del> <del>(34)</del> Maximum 2.0 Combined Residential and Commercial <del>(23)</del> <del>(34)</del> <del>(45)</del>

*(1) Auto-oriented uses and stand-alone uses with vehicle drive-throughs are prohibited. However, formerly-established drive through uses may be permitted as a component of new development, subject to the development review process. Specific Retail Commercial uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city. See the Retail Commercial classification for a list of Limited or Potentially Prohibited Uses.*

*(2) The Combined Floor Area Ratio (FAR) is calculated with both residential and commercial building area.*

*(3) Calculation of FAR for master planned developments excludes rights-of-way.*

*(4) Greater Maximum FAR may be permitted if otherwise determined by preliminary development plan (PDP) or other regulatory plan.*

## Retail Commercial

### Maximum FAR of 0.35



This designation serves a variety of neighborhood and regional commercial needs and can be comprised of retail stores, eating establishments, banks, supermarkets and business and professional offices. **Retail commercial uses are generally limited to arterial street intersections at one or two corners. Neighborhood commercial development is allowed on collector streets.** Auto service stations, convenience stores, drive-through facilities and other similar uses may be limited and may not be allowed in areas that directly abut residential districts, public/quasi-public or institutional uses or public space. When permitted, such facilities shall use enhanced architectural design to be compatible with surrounding uses. Design of all retail commercial development must be consistent with the Retail Commercial Design Guidelines.

#### Development Standards

	<i>Requirement</i>
<b>Land Use</b>	
<b>Allowed <del>Primary</del> Uses</b>	Retail stores, eating establishments, banks, supermarkets, and business and professional offices
<b>Limited Uses</b>	<b>Auto-oriented uses</b> <b>Stand-alone uses with vehicle drive-throughs</b>
<b><del>Limited or</del> Potentially Prohibited Uses <del>(1)</del></b>	Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services

#### Development Characteristics

Floor Area Ratio	Maximum 0.35
<b><del>Site Characteristics</del></b>	<b><del>Generally limited to arterial street intersections to one or two corners. Neighborhood commercial development is allowed on collector streets.</del></b>

*(1) Uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city.*



**Service Commercial**  
**Maximum FAR of 0.35**



This designation accommodates auto-oriented and general commercial uses including auto sales and service, nurseries and wholesale establishments. Retail commercial uses may also be located within this designation. Development is generally limited to arterial streets away from major intersections.

Development Standards	
	Requirement
<b>Land Use</b>	
Allowed <del>Primary</del> Uses	Auto-related sales and services, convenience stores, wholesale, nurseries Retail stores, eating establishments, banks, supermarkets, and business and professional offices
<b>Development Characteristics</b>	
Floor Area Ratio	Maximum 0.35
Site Characteristics	<del>Generally limited to arterial street intersections to one or two corners. Neighborhood commercial development is allowed on collector streets.</del>

**Office**

**Maximum FAR of 0.35**



This designation accommodates offices for medical, legal, banking, insurance and similar professional office uses. This designation is intended to be compatible with abutting residential and other sensitive uses. A limited amount of retail uses integrated into the office building is permitted as a portion of the project gross floor area, or GFA (see below for requirements).

Development Standards	
	Requirement
<b>Land Use</b>	
Allowed <del>Primary</del> Uses	Professional and commercial offices (medical, business, real estate, law and consulting offices)
Limited <del>Secondary</del> Uses	Support Commercial including eating establishments, pharmacies, personal business services, office supply (1)( <del>2</del> )
Potentially Prohibited Uses	Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services
<b>Development Characteristics</b>	
Floor Area Ratio	Maximum 0.35
Distribution of Uses	Maximum 15% of GFA Support Commercial or 10,000 sqft, whichever is less ( <del>23</del> )( <del>34</del> )
<p>(1) May be allowed through the city's development review process when developed in conjunction with, and accessory to, office buildings.</p> <p>(2) Specific Retail Commercial uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city. See the Retail Commercial classification for a list of Limited or Potentially Prohibited Uses.</p> <p>(<del>3</del>) Commercial building area shall not exceed 50 percent of the ground floor of any one building.</p> <p>(<del>34</del>) Support commercial uses may be further constrained by parking availability.</p>	



## Office/R&D Low Intensity

### Maximum FAR of 1.0



This designation is intended for campus-like development with offices, research and development facilities, medical facilities and supportive uses. Manufacturing and mass production space is limited to less than 30 percent of gross floor area on a lot. Accessory or small-scale supporting retail or personal/business services integrated into office buildings are also permitted up to 10 percent of gross floor area. Strategically located hotel uses that support employment uses may be permitted by PUD.

#### Development Standards

##### Requirement

##### Land Use

**Allowed Primary** Uses Professional offices, research and development labs, medical facilities

**Limited Secondary** Uses Hotel  
Manufacturing, warehouse, production  
Support Commercial including eating establishments, pharmacies, personal business services, office supply  
(1)(2)

**Potentially Prohibited** Uses Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services

##### Development Characteristics

Floor Area Ratio Maximum 1.0  
Distribution of Uses Maximum 10% of GFA Support Commercial or 15,000 sqft, whichever is less (23)  
Maximum 30% of GFA Manufacturing, Warehouse and/or Production use

(1) May be allowed through the city's development review process when developed in conjunction with, and accessory to, office/R&D buildings.

(2) Specific Retail Commercial uses may be limited or prohibited depending on their proximity to residential, public, or quasi-public uses or for other reasons as determined by the city. See the Retail Commercial classification for a list of Limited or Potentially Prohibited Uses.

(3) Support commercial uses may be further constrained by parking availability.

**Office/R&D High Intensity**  
**Minimum FAR of 0.30 and Maximum FAR of 2.0**



This designation identifies areas where higher-intensity employment uses are appropriate. These areas are located along major transportation corridors with high visibility and accessibility. Employment uses are emphasized, including high-rise or campus-like office developments and supportive research and development uses. Manufacturing and mass production space is limited to less than 10% of gross floor area. Accessory or small-scale supporting retail or personal/business service uses integrated into office buildings are also permitted up to 10% of gross floor area. Strategically located hotel uses are permitted by PUD. The desired type of development is multistory buildings served by a mix of structured and surface parking.

**Development Standards**

	<i>Requirement</i>
<b>Land Use</b>	
<b>Allowed Primary</b> Uses	Professional offices, research and development labs, medical facilities
<b>Limited Secondary</b> Uses	Hotel Manufacturing, warehouse, production Support Commercial including eating establishments, pharmacies, personal business services, office supply (1)(2)
<b>Potentially Prohibited</b> Uses	Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services
<b>Development Characteristics</b>	
Floor Area Ratio	Minimum 0.3 Maximum 2.0
Distribution of Uses	Maximum 10% of GFA Support Commercial use, or 15,000 sqft, whichever is less (23) Maximum 10% of GFA Manufacturing, Warehouse and/or Production use

(1) May be allowed through city’s development review process when developed in conjunction with, and accessory to, office/R&D buildings.

(2) Support commercial uses may be further constrained by parking availability.



## Flex/Light Industrial

### Maximum FAR of 0.5



This designation is intended to provide and protect land for flexible employment uses, including manufacturing and assembly, research and product development, warehousing and distribution facilities, and supportive office space. Flexible spaces may include storefront space for offices, sales and customer service. Auto-related service and self storage uses are also permitted. Uses that create objectionable levels of noise, vibration, odor, glare or hazards are not permitted. Outdoor storage must be screened from public right-of-way and non-industrial uses. Support commercial uses integrated into flex/light industrial buildings are also permitted up to 10% of gross floor area. In general, light industrial uses should be located away from residential areas and adequately buffered from other land uses. The city may impose a stricter standard for more intense industrial uses.

#### Development Standards

##### Requirement

##### Land Use

<b>Allowed Primary Uses</b>	Flex office space including professional office, research and development labs Warehousing, fabrication facilities, repair shops, wholesale distributors and light manufacturing
<b>Limited Secondary Uses</b>	Support Commercial including eating establishments, pharmacies, personal business services, studios, office supply (1)(2)
<b>Potentially Prohibited Uses</b>	Pawn shops, car sales, massage parlors, tattoo parlors, video and other arcades, night clubs, off-track betting, auction houses, thrift stores, used merchandise sales, billiard parlors, gun shops, adult businesses, check cashing offices and day labor services

##### Development Characteristics

Floor Area Ratio	Maximum 0.5
Distribution of Uses	Maximum 10% of GFA Support Commercial use, or 15,000 sqft, whichever is less (23)

(1) May be allowed through the city's development review process when developed in conjunction with, and accessory to, office/R&D buildings.

(2) Support commercial uses may be further constrained by parking availability.

### 3.1 DOWNTOWN WESTMINSTER FOCUS AREA

Downtown Westminster is a 105-acre area that constitutes the site of the former Westminster Mall. The area is bounded by Sheridan Boulevard/US 36 and Harlan Street to the east and west, and 92nd and 88th avenues to the north and south. Approximately 95 percent of the site is owned by the Westminster Economic Development Authority (WEDA), which worked to purchase the mall after years of significant vacancy and neglect. Although a few individual buildings remain, most of the mall structures were demolished by the end of 2012 in order to ready the site for redevelopment.



*Left: Looking southwest into the site from the northeast corner. Middle: Cottonwoods and Allen Ditch along 88th Avenue. Right: Existing JCPennneys building at the south end of the focus area.*

The site is strategically located in the heart of Westminster just 10 miles from Denver's central business district and 15 miles to Boulder. Development in the immediate area is primarily commercial, with some office and industrial flex space to the west. Residential development borders the area to the north, with US 36 and Sheridan Boulevard creating the eastern edge. Also bordering the site to the east is one of the most active RTD park-and-ride bus facilities within RTD's service area. A future RTD FasTracks commuter rail station is planned to the south of the site across 88th Avenue and just east of the Harlan Street alignment. Almost the entire focus area is located within a 10-minute walk of the planned station.

Westminster Mall was once a significant regional and citywide destination as well as an important gathering place for the Westminster community. In keeping with its original role as a community and regional destination, the City of Westminster envisions the focus area as a new downtown and regional hub (Figure 3-2). **As adopted in the Downtown Specific Plan, a high intensity mix of office, retail, residential and hotel uses will serve as the foundation for activity, to be enhanced by an interconnected network of plazas, parks and linear greens. A safe, walkable pedestrian environment will be emphasized along with clear navigation for bicyclists, vehicles and transit throughout the downtown area. A new street grid enhancing connectivity will be implemented, with maximized views to the mountains and downtown Denver. Finally, access and connectivity to existing and future transit will be a focus of future planning—ensuring** that employment and residential uses are connected to the larger metropolitan area.

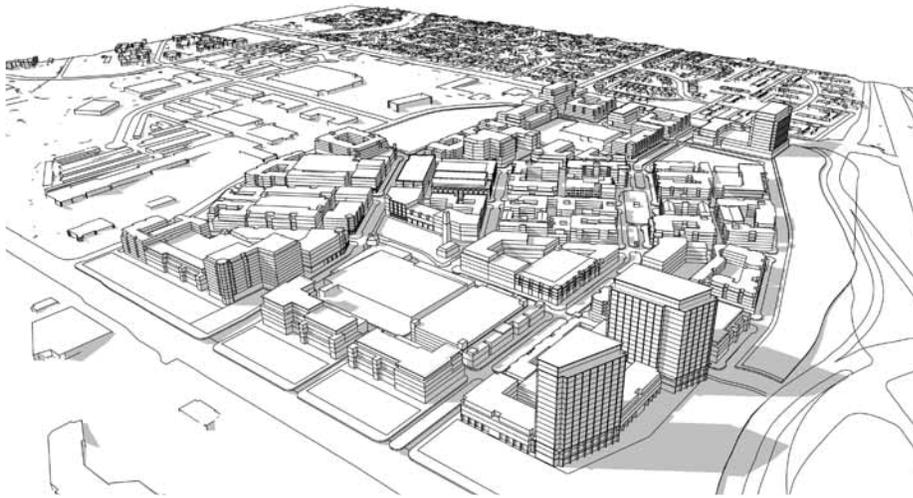


Figure 3-2: Downtown Specific Plan Illustrative Concept





## GOALS

- F-G-1** Establish the Downtown Westminster Focus Area as the city's new downtown.
- F-G-2** Create a vibrant destination that serves as a cultural center for the community and as a regional hub and destination.

## POLICIES

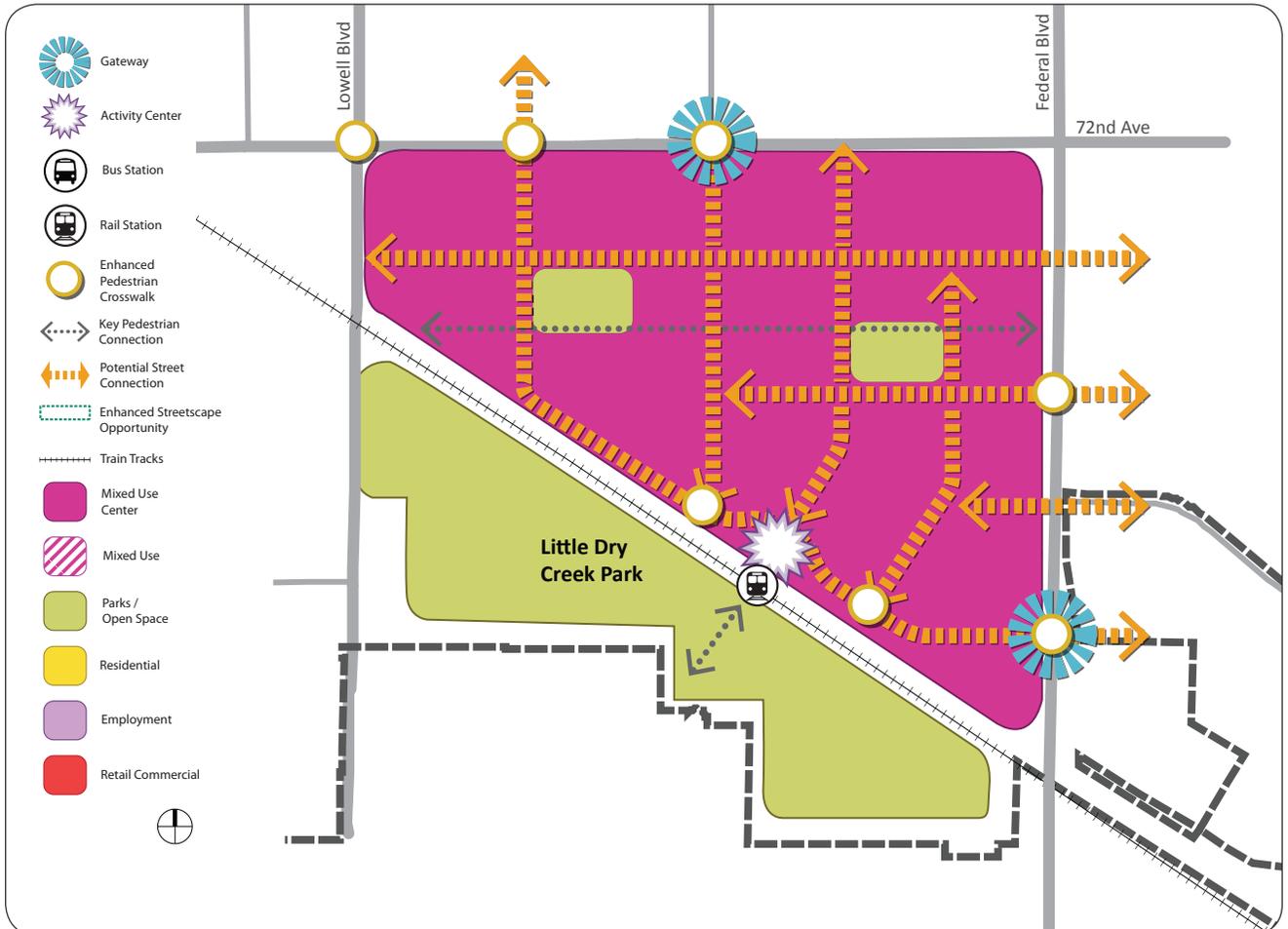
- F-P-1** Foster a synergistic mix of uses that will support transit and an active environment for retail, office and residential uses. **Ensure land uses are consistent with the Comprehensive Plan Land Use Diagram and Downtown Specific Plan Regulating Plan.**
- F-P-2** Encourage a vertical mix of uses throughout the focus area, with ground floor commercial uses and office, residential or hotel uses on upper floors.
- F-P-3** Ensure all development presents an “active frontage” to the street edge, with ample window area, frequent entries and enhanced façade articulation.
- F-P-4** Develop a vibrant public realm with a variety of experiences, public spaces and parks. Various plazas and parks should be designed as unique spaces that create distinct settings and environments throughout the area.
- F-P-5** Provide ample public and green space that will accommodate the needs of new residents, provide venues for community events and gathering, and establish identity for the downtown area.
- F-P-6** Design the street grid to foster connectivity for all modes of travel, with an emphasis on safe and comfortable pedestrian circulation.
- F-P-7** Facilitate direct, convenient access to transit with enhanced pedestrian crossings and connections.
- F-P-8** Ensure the downtown area is easy to access by all modes of transportation. Parking should be easy to find and allow visitors to park once and walk to key activity nodes.
- F-P-9** Enhance and complete trail connections to and within the downtown area, such as the Allen Ditch Trail and US 36 Commuter Bike Trail.





Little Dry Creek Park and Open Space Master Plan

Figure 3-3: Westminster Station Focus Area Illustrative Concept





*Above, an illustrative view of the station looking south into the planned Little Dry Creek Drainage and Open Space. Transit riders will need to cross south through the tunnel in order to access the train ticketing and platform. Below, an illustrative view of the north transit plaza that will become a community gathering and event space.*



*Above, an illustrative view showing conceptual development facing onto the north plaza and along Westminster Station Drive and Hooker Street. Below, an illustrative view showing the relationship of the north and south plaza areas.*



### *Wadsworth Parkway*

Wadsworth Parkway, State Highway 121, extends south to Highlands Ranch and to the north as US 287. As a true regional connection, Wadsworth Parkway (Wadsworth Boulevard south of 92nd Avenue) has a significant role in many of the cities it passes through. In Westminster, the character of the street is primarily commercial, with some residential development. Commercial development along the corridor is primarily larger in scale than along Federal or Sheridan boulevards. Retail centers include mid- and large-box anchors that provide both community- and regional-serving retail. Many of these centers are older, have limited visibility due to variations in grade and have persistent vacancies.

The Comprehensive Plan looks to encourage redevelopment of many of these centers with mixed-use or new commercial development. As described in Chapter 2: Land Use, the vision for the 80-acre Brookhill Shopping Center is of a ~~high-intensity~~ mixed-use district with a range of residential and commercial uses. The physical presence of development along the corridor will be emphasized along the street edge, along with unified landscaping and connections to open space, trails and sidewalks. Although a newer street, the corridor could also benefit visually from streetscape improvements like a raised landscaped median and street trees that are closer to the right-of-way. A key opportunity for right-of-way landscape improvements is the west side of the street between 94th and 98th avenues.



*Although development along Wadsworth Parkway is relatively newer than that along Sheridan and Federal boulevards, some centers are beginning to show their age. Others will benefit in the future from improvements or infill.*



*The city's expansive network of open space and parks includes Margaret's Pond, above, and the 205-acre City Park, below.*

## Overview

Over the past 40 years, the city has acquired or built four award-winning recreation centers, over 50 parks including the 205-acre City Park, two new libraries, two award-winning golf courses, an extensive 100-mile trail system and ~~over 3,000 thousands of~~ acres of open space throughout the community. Today (2013), this system of parks, recreation and open space occupies approximately 32 percent of the city's land area (Figure 7-1). As a result, most residents can easily access the city's network of trails, parks and open spaces within a ten-minute, or half-mile walk. In fact, the Big Dry Creek Trail, one of the most popular trails in the system, is used by an estimated 100,000 people annually. Likewise, recreational, learning and library services are also a key component of city life. In 2012 alone, over 4528,000 patrons visited one of the Westminster library facilities and over 6103,000 people participated in recreation classes.

This update to the Comprehensive Plan marks an important paradigm shift for parks and recreation planning. As the city becomes more densely developed, there will be significantly fewer opportunities to physically expand the park and open space network. Instead, optimizing the use of the city's existing parks, recreation facilities and open spaces will be emphasized. Planning will be focused on improving access, maintaining and improving existing facilities, and enhancing the quality and number of active recreation opportunities in the city. Additionally, the city will identify opportunities for providing high quality, well-designed parks and plazas to serve new residents in higher-intensity, mixed-use urban environments like downtown Westminster and the Westminster Station Area. The Plan provides a framework for ensuring that the city's existing and future parks and open spaces continue to provide a high quality of life and experience in the city.

## 7.1 PARKS AND RECREATION

Parks and recreation facilities provide opportunities for leisure, informal sports and gathering as well as formal recreation, sports activities and programs. Well-designed park spaces can contribute significantly to a city's identity and sense of place. However, these spaces must be accessible, safe and well-maintained, and must meet the needs of the city's changing demographics, activity trends and expectations for quality programming. As the city shifts its focus from expansion to maintenance of the city's parks, recreation facilities and open space these elements of design and function will be increasingly more significant.



## Existing Parks and Recreation

The city currently maintains and operates 53 neighborhood, community and citywide parks, ranging in size from 1.4 to 200 acres and comprising almost 600 acres in total. The city also owns 4560 acres of undeveloped parkland. In addition to the city’s neighborhood and community parks, the city operates the 2,327-acre Standley Lake Regional Park and multiple recreation and sports facilities. Westminster’s Parks and Recreation Master Plan provides a complete inventory of the city’s parks and community facilities, which is summarized in Table 7-1. **The Parks, Recreation, and Libraries Department’s mission for delivering exceptional services focuses on nature, wellness, and literacy.** A major element of the city’s parks and recreation system is the programming of sports and activities for youth, adults, and families. **These Key programs areas include sports leagues, trips for seniors, swimming, arts and crafts, preschool and fitness programs, wellness, outdoor, educational enrichment, swimming, and sports activities.**

Parks and community facilities are classified based on size, function and characteristics, as described in Table 7-2. Aside from the Standley Lake Regional Park, located at the western edge of the city, the majority of park space in the city is classified as neighborhood and community parks. These parks are an integral part of the city’s high quality of life and are utilized by approximately 75 percent of the city’s residents on a daily basis.



Existing parks include the regional Standley Lake Park, above, and neighborhood parks like Faversham Park, middle, and Bishop Square Park, bottom.

**Table 7-1: Parks, Recreation and Open Space Inventory**

Facility Type	Quantity	Total Acreage
Parks	54	2919.4
Neighborhood Parks	45	259.5
Community Parks**	7	160.0
Citywide Park	1	205.0
Regional Park	1	2327.0
Undeveloped Parklands		<b>4560.36</b>
Special Use Facilities	15	484.0
Recreation Centers**	5	30.0
Sports Facilities	2	10.0
Golf Courses	2	414.0
Other Special Use***	6	30.0
Conservation & Open Space		30792.1
Subtotal Public Parks, Open Space and Golf Course Lands		6,4682.3
Non-City Owned Golf Courses	2	291
<b>Total Parks, Open Space and Golf Course Lands</b>		<b>6,81147.81</b>

*\*Includes the 205-acre City Park facility.*

*\*\*City Park recreation and fitness facility acreage is included in the total 205-acre City Park acreage. An additional 11 acres is undeveloped at the Park Centre/Northeast Resource Center.*

*\*\*\* Refer to the City’s Parks and Recreation Master Plan for more detail.*



*The Jessica Ridgeway Memorial Park is one of the city's most recent park renovations, completed in 2013.*



*A rendering of the planned Little Dry Creek Park pond, looking east from the south station plaza area towards Federal Boulevard.*

## Proposed Parks and Improvements

Although the Comprehensive Plan does not specifically designate new parkland, the city will identify sites for potential new parks as part of new and infill development. Provision of well-designed and strategically located new park space ~~will be~~ is a specific focus for the downtown Westminster and Westminster Station areas ~~planning processes~~. Introduction of smaller pocket parks, squares and plazas will be focused in these higher-intensity, more urban areas in order to provide new residents a range of active and passive outdoor spaces within easy walking distance. ~~The Downtown Specific Plan, adopted in 2014, designates 15.3 acres of new parks and public spaces.~~

The most significant parks improvement underway is the new Little Dry Creek ~~Park Drainage and Open Space, which will be a~~ that encompasses 37.5-acres ~~community park~~ just south of the Burlington Northern Santa Fe rail corridor between Federal and Lowell boulevards. Additional new parks and improvements to existing facilities are outlined in the Parks and Recreation Master Plan, which is slated to be updated in 2014~~6~~. Specific improvements to park facilities currently under study include increased native planting areas and reduced potable and reclaimed water consumption. Use of reclaimed water to serve the city's public realm is a priority for the city.

## Needs Assessments

In addition to planning for new facilities as development occurs, the city conducts periodic surveys and needs assessments to ensure that trends in active and passive recreation uses in the city are met by its parks and recreation system. The most recent Parks, Recreation and Libraries survey, conducted in April of 2013, indicates that the Westminster community prioritizes:

- Protecting the natural environment and promoting environmental sustainability
- Creating and maintaining a more beautiful community
- Providing green, natural spaces within the community with parks, open space and golf courses
- Providing trails and paths for residents to use for exercise and non-motorized transportation
- Providing opportunities for residents to maintain or improve physical health
- Helping revitalize areas of the community through new or enhanced facilities

To complement the survey, ~~a more thorough needs assessment is planned for 2015, which will help identify opportunities for improvements and optimization of the city's parks and recreation system.~~ an additional Community Survey will be implemented for Parks, Recreation, and Libraries. A more thorough needs assessment will be completed in 2016.



## 7.2 COMMUNITY FACILITIES AND LIBRARIES

Year-round access to recreation and library services is a key amenity for the Westminster community. The city's active population has a range of indoor and outdoor opportunities for sports and fitness activities as well as educational and enrichment programs. As the city's population increases, maintaining the city's recreational offerings and availability will be essential for ensuring the continued high quality of life that current residents enjoy.

### Recreation Facilities

#### *Recreation and Sports Centers*

The city operates five recreation centers with a range of uses, including the City Park Recreation and Fitness centers, Swim and Fitness Center, Westview Recreation Center and the MAC Center. These facilities are available to residents and non-residents. Additionally, the city has two sports centers, the Westminster Sports Center indoor soccer facility and the Ice Centre at the Westminster Promenade. The city also has agreements with other organizations and districts to provide residents additional recreational options. These organizations include the Hyland Hills Park and Recreation District, the Adams and Jefferson County Open Space Programs and Great Outdoors Colorado Trust Fund, the Butterfly Pavilion, and the North Metro Arts Alliance to provide recreational and cultural amenities for its citizens and visitors.

#### *Golf Courses*

Three public golf courses are located within the city. These include the Heritage at Westmoor Golf Course (18 holes), Legacy Ridge Golf Course (18 holes) and Hyland Hills Golf Course (27 holes). The City of Westminster and Jefferson County developed the Heritage at Westmoor Golf Course in the Westmoor Technology Park, north of 108th Avenue between Wadsworth Parkway and Simms Street in 1999. Development of this course provided a golf amenity in the western portion of the city and accelerated the development of the Westmoor Technology Park as a new major employment center. The Legacy Ridge Golf Course, located south of 104th Avenue between Sheridan and Federal boulevards, provides a high quality golf facility with a regional draw. This course was developed in 1994. Together, these courses comprise 414 acres in the city and accommodate over 7264,000 rounds of golf annually.

Finally, the 230-acre Hyland Greens Golf Course, located at approximately 96th Avenue and Sheridan Boulevard, is owned and operated by the Hyland Hills Parks and Recreation District and open to the Westminster public. Additional private golf courses are located in the city, including the Ranch Country Club and Stoney Creek courses.



*Community facilities include the Westview Recreation Center, top; City Park Recreation Center, middle; and the Legacy Ridge Golf Course.*



*Irving Street Library, above, is the most recent addition to the city's library system. College Hill Library, below, is a shared facility with the Front Range Community College.*

## Libraries

The city operates two libraries—Irving Street Library and College Hill Library, constructed in 2004 and 1998, respectively. The Irving Street Library is located in South Westminster, adjacent to the Irving Street Park on Irving Street at 74th Avenue. The College Hill Library on 112th Avenue is a joint public and academic facility for the city and Front Range Community College. Both libraries offer a variety of services in addition to media rental, including free wifi, computer access, and a variety of youth and adult services and events. These services reflect the ever-evolving technology and cultural needs of the Westminster community. **Together, these Libraries serve over 420,000 visitors a year.**

## Planned Improvements

Planned improvements to city recreational facilities are outlined in the Parks and Recreation Master Plan. Facility improvements are focused on renovation and repair of older facilities, such as the recent improvements to the Swim and Fitness Center in 2012. These improvements included a complete renovation of the locker rooms with the addition of family changing rooms; improved handicap accessibility; improvements to the hot tub and sauna; and the addition of an outdoor patio area and splashpad. Future improvements to existing facilities will be similarly focused, and potentially more frequent as use of the facilities increases with new population.

In order to accommodate future population growth in the city, there may be need for an additional recreation facility to maintain the city's existing level of service for recreational facilities and programs. Likewise, new library or event space may be needed, as trends in technology, media and community meeting space evolve. Assessment of the location and timing of new facilities will be conducted in concert with planning for parks and programming to ensure that adequate space is available to serve the city's recreational needs.



### 7.3 OPEN SPACE AND TRAILS

Westminster's extensive open space system is a key element of its unique setting and identity as a Front Range community. The city has made preservation and protection of natural environments and habitats a priority, integrating their conservation into the physical development of the city. As a result, Westminster's visual landscape is rich with a variety of open spaces, trails, preserved historic sites and scenic vistas.

The city's extensive open space system began with authorization of an open space sales tax in 1985 to purchase land for preservation and natural habitat protection. Westminster was only the second city in Colorado to enact a sales tax for an open space acquisition program (after Boulder). As part of this effort, the city set a goal of preserving 15 percent of the city's overall land area as open space. With over 14 percent of the city's land area preserved as of 2013, the city has begun to transition efforts from acquisition to ~~the development of an open space~~ management and operations ~~plan~~ that will ensure this vital resource will be preserved and maintained into the future. A more limited open space acquisition program will still continue.

#### Existing Open Space and Trails

Since 1985, the city has acquired 3,0792 acres of open space to be preserved for passive recreational use and protection of natural wildlife habitat. These open space areas can be found throughout the city, as shown in Figure 7-1, but are concentrated in the city's western area near Standley Lake and along drainage ways and irrigation ditches that cross the community, including Walnut Creek, Big Dry Creek, the Farmers' High Line Canal and Little Dry Creek. Preserved open space by creek and natural corridors is summarized in Table 7-3.

Existing open space in the city provides for protection of sensitive habitat areas and wildlife movement corridors, view corridors and preservation of open and rural landscapes. Additionally, the city's open space system provides recreation opportunities such as hiking, biking, fishing, horseback riding and nature study. Many of the city's open spaces are linear connections that follow major creek corridors or serve as buffers between developments. These linear connections allow for an extensive network of trails that play a vital role in the city, linking neighborhoods, parks, schools and employment areas to a citywide and regional trail system. In all, Westminster currently has over 1065 miles of trails, as shown on Figure 7-1.

The city's open space and trail systems also connect to the larger regional system, particularly to the west of the city where vast areas of open space are preserved in the City of Boulder, Boulder County, Jefferson County and the Rocky Mountain National Wildlife Refuge.



*The city's open spaces are a major asset for the community, providing trails (Big Dry Creek, top), wide open spaces for recreation and passive use (Hyland Ponds) as well as habitat for wildlife (Loon Lake, bottom).*



Maintenance and improvements to the city's highly-used trail system are a key focus of the open space program.

**Table 7-3: Preserved Open Space by Corridor**

Corridor	Acres
Big Dry Creek	970:382.8
Little Dry Creek	76:38.5
Walnut Creek	187.2
Farmers' High Line and Niver Canals	147:750.3
Westminster Hills	1,029.2
McKay Lake	134.6
Hyland Ponds and South Hylands Creek	69:18.8
Wadsworth Wetlands	19.3
Vogel Pond	44.7
Natural Areas, Water, Trees & Wildlife	284.2
Other Areas	109:512.5
<b>Total Preserved Open Space</b>	<b>3,0792.1</b>

Source: City of Westminster, ~~October 2013~~ February 2015.

### Planned Improvements

~~Two master planning efforts serve the open space system—an Open Space Master Plan, which will be developed in 2014, and the city's Trails Master Plan. The Open Space Master Plan will be periodically updated and In 2014, the City completed the Open Space Stewardship Plan. This plan identifies~~ priorities for land acquisition and open space management. Future acquisitions will be limited and focused on protecting view sheds, preserving unique natural areas and purchasing properties that will improve trail access throughout the city. Enhancement of the city's open spaces will also be pursued including trail improvements and addition of educational areas in order to attract greater use of the system. However, maintenance and operations of the city's existing open space system will be the primary focus of future iterations of this plan, particularly as use of open space and trail facilities will only increase with the city's projected residential and employment population growth.

The Trails Master Plan identifies trails and connection points along the main trail corridors of Walnut Creek, Big Dry Creek, the Farmers' High Line Canal and Little Dry Creek. This plan was last updated in 2011~~4~~ and provides a basis for trail connections in both open space and new development in the city. Almost ~~5960~~ miles of new trail are proposed as part of this plan, as shown in Figure 7-1. These new trail alignments include completion of the Little Dry Creek Trail and other connections to facilitate the Refuge to Refuge Trail. Improvements to the open space and trails system are outlined in these master plans. ~~This plan will be updated in 2014.~~



*Provision of sports courts and other active uses will be a focus of the city's needs assessment to ensure that residents have access to a wide range of activities and that parks spaces are maximized.*

## Parks and Recreation

- PRLO-P-8 Promote the development of park facilities that encourage pedestrian and bicycle access, provide a range of services and meet the needs of a variety of all ages and abilities.
- PRLO-P-9 Plan for new parks near downtown Westminster and Westminster Station that support redevelopment efforts and add to the image of the city.
- PRLO-P-10 Pursue updated master plans for City Park and Standley Lake Regional Park.
- PRLO-P-11 Pursue park landscaping and planting schemes that will reduce water consumption.

## Community Facilities

- PRLO-P-12 Review infrastructure needs for recreation, and where appropriate, identify required improvements or new facility needs in the city's Capital Improvement Program.
- PRLO-P-13 Integrate mixed-use library facilities into high-intensity development areas, which should include library functions as well as cultural programs, event and meeting space. Evaluate the opportunity to locate such a facility within the downtown Westminster site.
- PRLO-P-14 Evaluate the possible alternative of locating library kiosks throughout the city to increase library access to all residents.

## Open Space and Trails

- PRLO-P-15 Enhance and fund the city's open space properties to provide unfettered public access while preserving the environmental and wildlife integrity of the property.
- PRLO-G-6 Direct more resources to the management and operation of open space, reducing resources to acquisitions.
- PRLO-P-16 ~~Develop an~~ Utilize the 2014 Open Space Stewardship Master Plan for Operations and Maintenance.
- PRLO-P-17 ~~Update and~~ Utilize the Trails Master Plan to develop connections between open space areas.
- PRLO-P-18 Work with proposed development projects to provide new linkages to existing trails and create new trails where feasible.
- PRLO-P-19 Work with the Adams County Open Space Program, the City and County of Broomfield Open Space and Trails Program, Jefferson County Open Space Program and Great Outdoors Colorado Trust Fund as partners in open space programs.



*The city will continue to add to the city's open space network. One of the most recent purchases of open space property include a 9.9-acre area south of Big Dry Creek on the southeast corner of 112th Avenue and Sheridan Boulevard.*



## 8.1 WATER SUPPLY

Water supply, treatment and distribution are essential elements of the city’s high quality of life and services. Ensuring that all residents and businesses in the city have access to high quality water service, even in periods of drought, is a necessity for both existing and future development in the city. As the city intensifies and builds out, and water costs continue to rise, maintaining a water supply to meet demand will be a key focus of land use and water supply planning.

### Water System

The city’s water supply is composed of a system of raw water, potable water and reclaimed water (treated recycled water). The water supply system is centered on Standley Lake, which receives raw (untreated) water from several sources including Clear Creek, Coal Creek, and the West Slope via the City of Denver’s raw water system. Currently, approximately 23,000 acre-feet of water is diverted to the city’s water supply system each year. This **potable** water is treated at one of the city’s two **potable** water treatment facilities and then distributed as potable drinking water throughout the city. The city’s raw water supply is designed to meet the demand of the city in a drought equal to the most severe recorded drought. With Colorado’s arid environment, the city aggressively works to protect existing water supply and ensure sufficient supply to meet future needs.

### Reclaimed Water

The city complements its raw water supply by using highly-treated waste water, or “reclaimed water”, for use as an irrigation source, while preserving potable drinking water for human consumption. During peak irrigation season, the city’s Reclaimed Water Treatment Facility treats up to 10 million gallons per day of waste water from the Big Dry Creek Waste Water Treatment Facility with additional filtering and disinfection. This high quality reclaimed water currently provides an estimated 1,600 acre feet to **99110 permitted** reclaimed water customers, including golf courses, parks, commercial properties, rights-of-way, and common areas of homeowners’ associations. By 2035, a projected 3,500 acre feet will be treated and distributed to reclaimed water customers through separate reclaimed water distribution mains during summer irrigation months, significantly reducing the burden on the city’s potable water system.



*Standley Lake is the primary storage facility for the city’s water supply, top. Bottom, the Labrynth Spillway, which is part of Standley Lake Dam.*

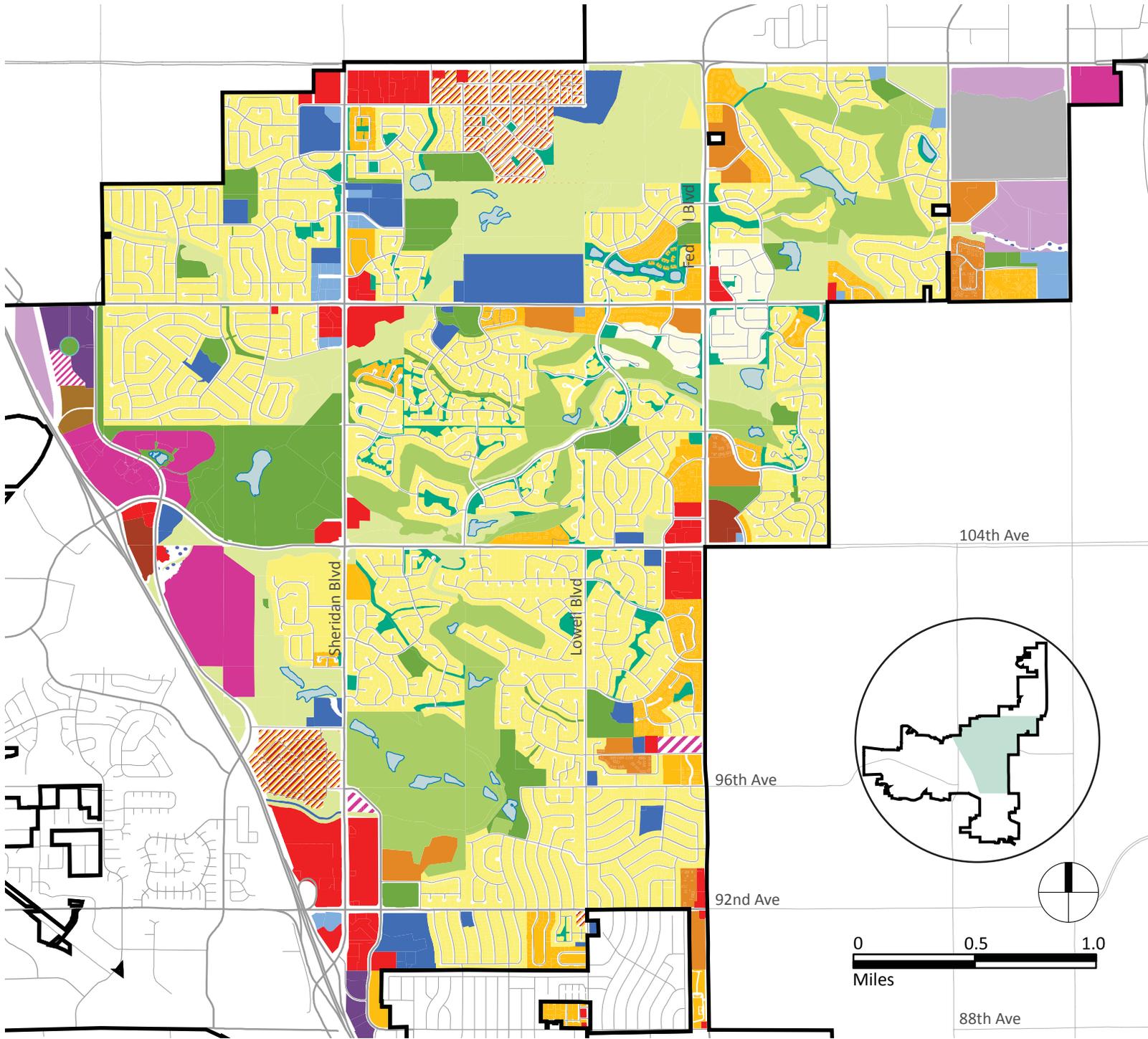
### 9.3 FOCUS AREA SPECIFIC PLANS

Specific plans for focus areas identified in this Comprehensive Plan will be completed to provide more detailed direction for future development. The purpose of these plans is to ensure that development is planned and designed cohesively with a synergistic mix of uses; connected, multimodal circulation system; access to transit and public amenities; and adequate provision of public utilities and services. The location and boundaries of each focus area are identified in Figure 3-1. These areas include downtown Westminster, Westminster Station, North I-25, Church Ranch and Brookhill.

#### Implementation

The City of Westminster will coordinate planning efforts for each focus area and determine the appropriate time for plan preparation. A work program will be prepared to complete the plan, including a schedule for preparation and a program for public outreach. The plans at a minimum will include a cohesive vision for land use, urban design, multimodal circulation, public amenities and adequate utilities and services. Upon completion, each specific plan with associated rezoning or updates to the Comprehensive Plan, if applicable, will be adopted by City Council and incorporated by reference into the Comprehensive Plan. **Adopted Specific Plans include the Westminster Downtown Specific Plan, adopted in 2014.**

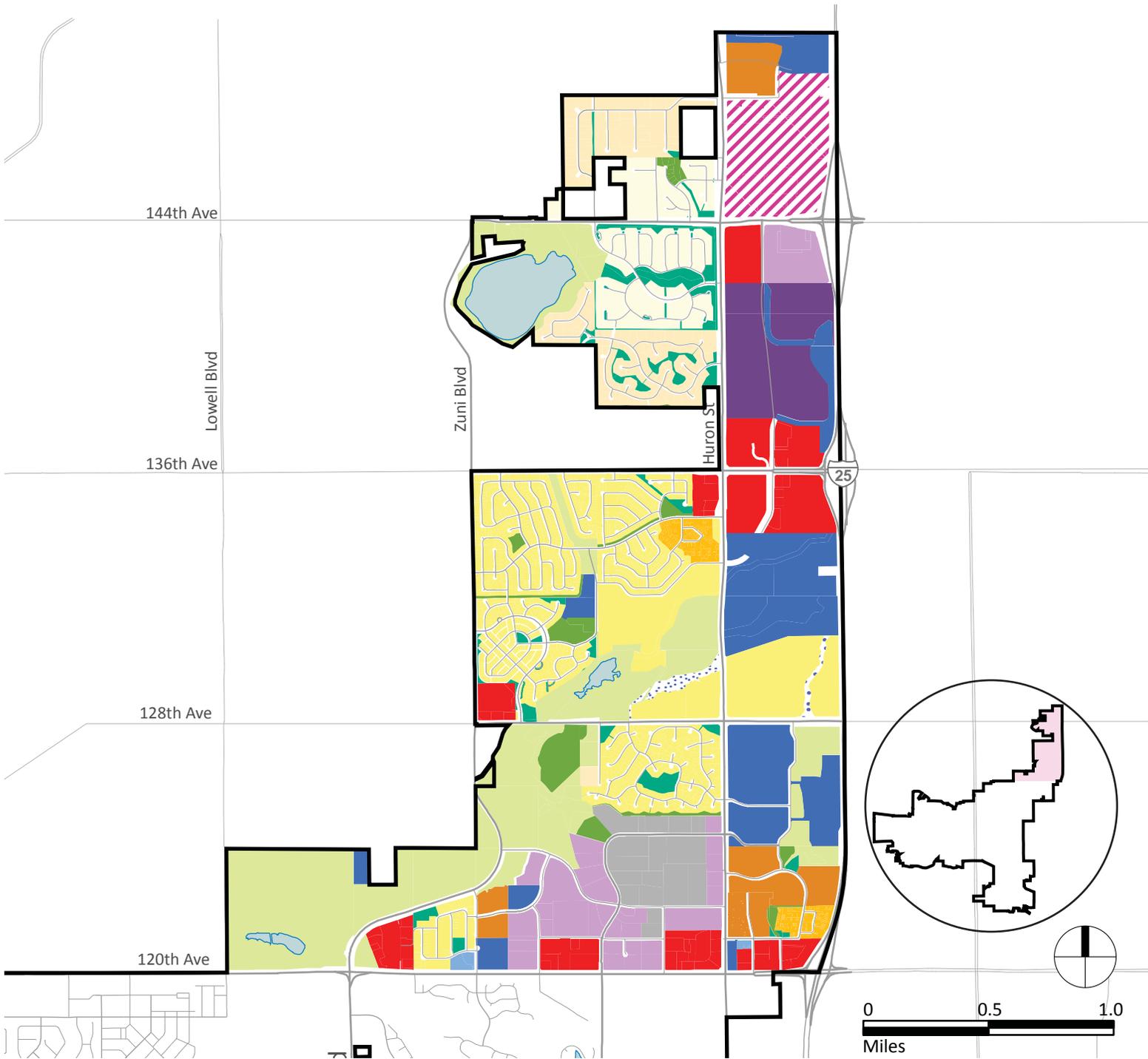
**Figure C-1: Central Area Land Use Diagram**



- |  |   |   |
|--|---|---|
|  Residential R-1   |  Mixed Use                 |  Public/Quasi-Public                     |
|  Residential R-2.5 |  Mixed Use Center          |  Public Parks                            |
|  Residential R-3.5 |  Retail Commercial         |  City Owned Open Space                   |
|  Residential R-5   |  Service Commercial        |  Golf Courses                            |
|  Residential R-8   |  Office                    |  Private Parks/Open Space                |
|  Residential R-18  |  Office/R&D Low Intensity  |  Major Creek Corridor on Non-Public Land |
|  Residential R-36  |  Office/R&D High Intensity |  City Limits                             |
|  TMUND             |  Flex/Light Industrial     |  Water                                   |

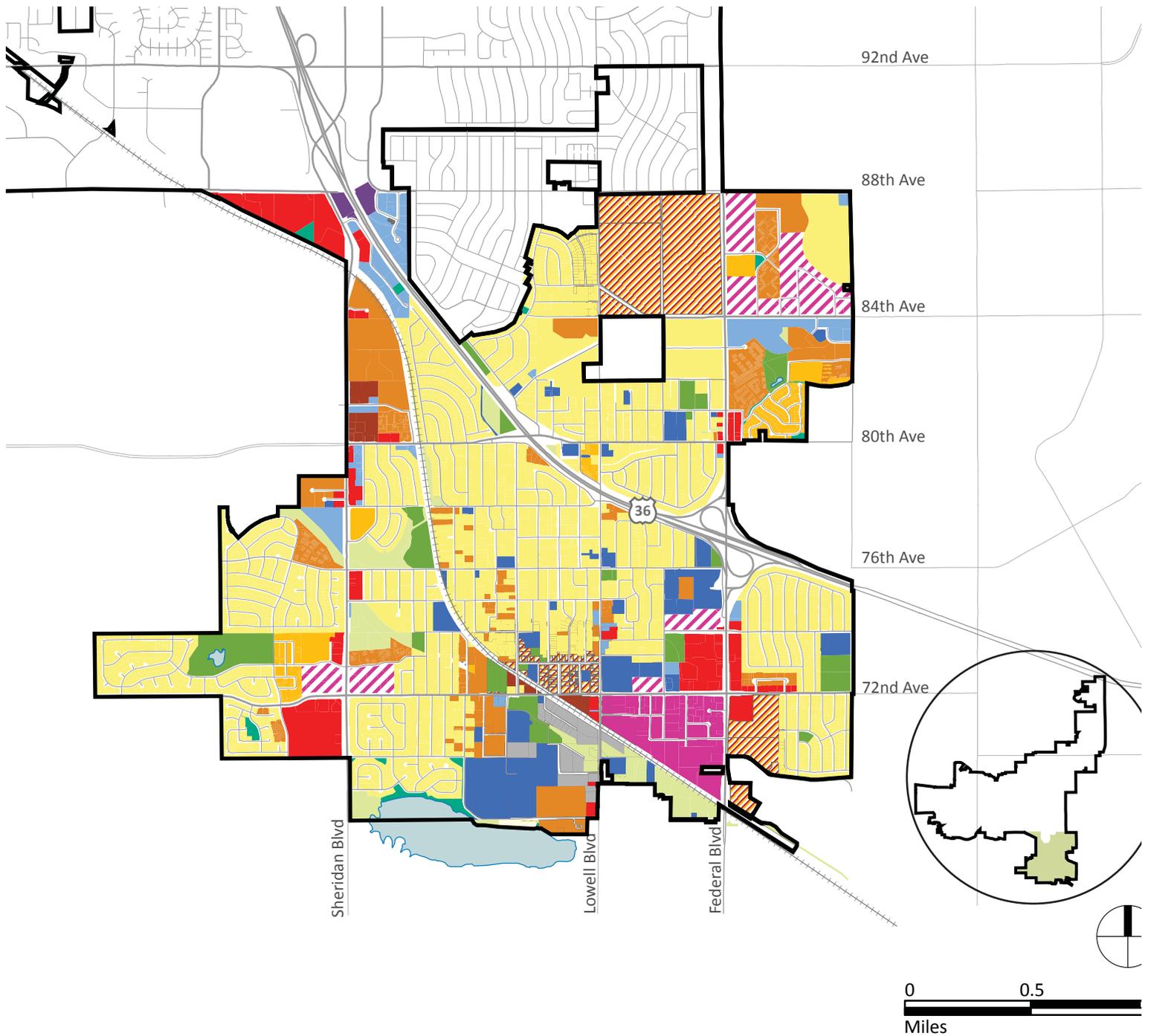
Updated 2/4/15

**Figure C-2: Northeast Area Land Use Diagram**



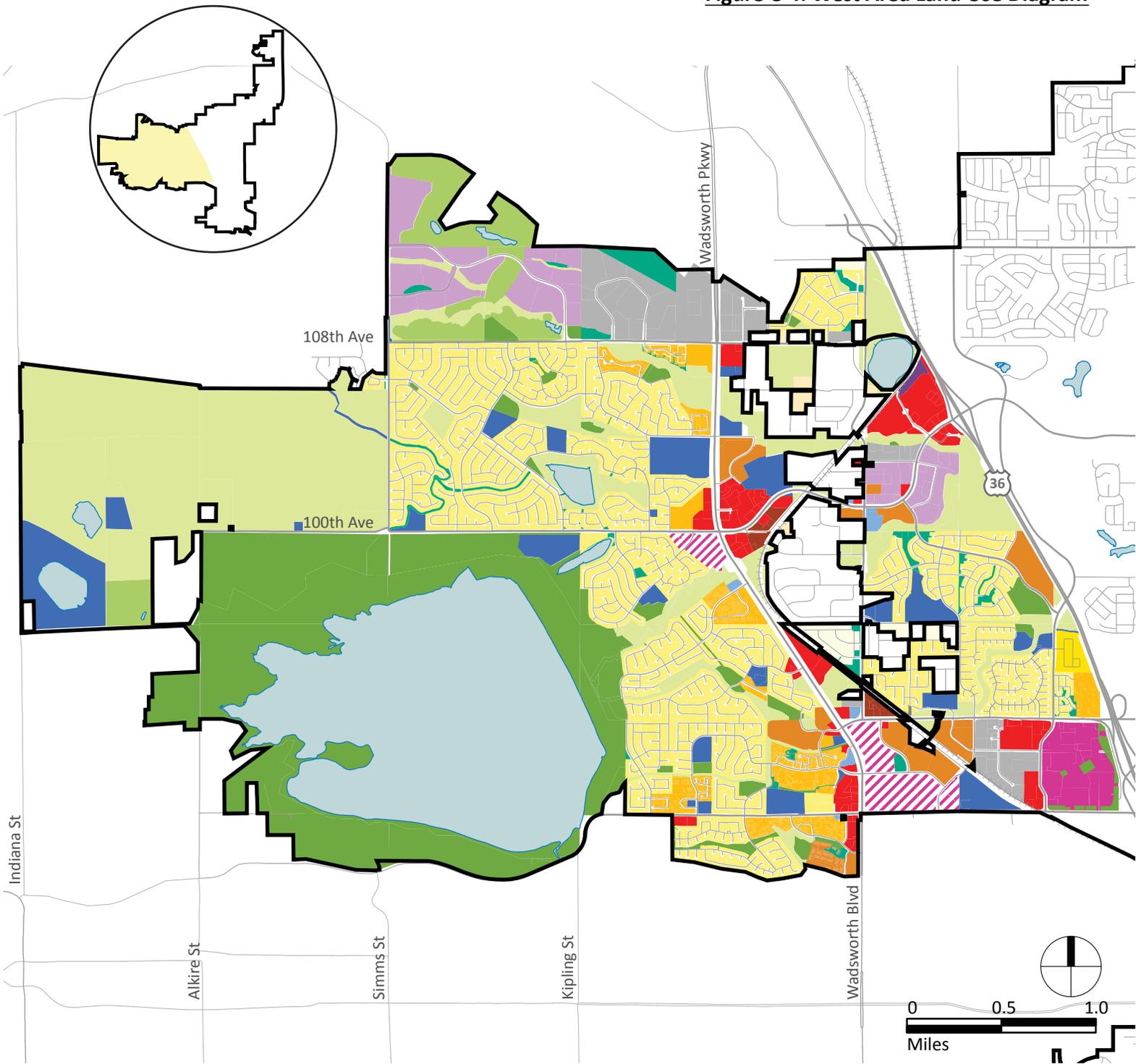
- |  |   |   |
|--|---|---|
|  Residential R-1   |  Mixed Use                 |  Public/Quasi-Public                     |
|  Residential R-2.5 |  Mixed Use Center          |  Public Parks                            |
|  Residential R-3.5 |  Retail Commercial         |  City Owned Open Space                   |
|  Residential R-5   |  Service Commercial        |  Golf Courses                            |
|  Residential R-8   |  Office                    |  Private Parks/Open Space                |
|  Residential R-18  |  Office/R&D Low Intensity  |  Major Creek Corridor on Non-Public Land |
|  Residential R-36  |  Office/R&D High Intensity |  City Limits                             |
|  TMUND             |  Flex/Light Industrial     |  Water                                   |

**Figure C-3: Southeast Area Land Use Diagram**



- |   |   |   |
|---|---|---|
|  Residential R-1   |  Mixed Use                 |  Public/Quasi-Public                   |
|  Residential R-2.5 |  Mixed Use Center          |  Public Parks                          |
|  Residential R-3.5 |  Retail Commercial         |  City Owned Open Space                 |
|  Residential R-5   |  Service Commercial        |  Golf Courses                          |
|  Residential R-8   |  Office                    |  Private Parks/Open Space              |
|  Residential R-18  |  Office/R&D Low Intensity  |  Major Creek Corridor on Non-Public La |
|  Residential R-36  |  Office/R&D High Intensity |  City Limits                           |
|  TMUND             |  Flex/Light Industrial     |  Water                                 |

**Figure C-4: West Area Land Use Diagram**



- |  |   |   |
|--|---|---|
|  Residential R-1   |  Mixed Use                 |  Public/Quasi-Public                     |
|  Residential R-2.5 |  Mixed Use Center          |  Public Parks                            |
|  Residential R-3.5 |  Retail Commercial         |  City Owned Open Space                   |
|  Residential R-5   |  Service Commercial        |  Golf Courses                            |
|  Residential R-8   |  Office                    |  Private Parks/Open Space                |
|  Residential R-18  |  Office/R&D Low Intensity  |  Major Creek Corridor on Non-Public Land |
|  Residential R-36  |  Office/R&D High Intensity |  City Limits                             |
|  TMUND             |  Flex/Light Industrial     |  Water                                   |



## Agenda Item 10 A

### Agenda Memorandum

City Council Meeting  
August 24, 2015



**SUBJECT:** First Reading of Councillor's Bill No. 42 Appropriating 2015 Community Development Block Grant (CDBG) Funds

**Prepared By:** Heather Ruddy, Community Development Program Planner

### Recommended City Council Action

Pass Councillor's Bill No. 42 on first reading appropriating funds received from the United States Department of Housing and Urban Development, Community Development Block Grant program, in the amount of \$578,221.

### Summary Statement

- City Council action is requested to pass the attached Councillor's Bill on first reading appropriating the City's 2015 Community Development Block Grant (CDBG) funds in the amount of \$578,221, awarded by the U.S. Department of Housing and Urban Development (HUD).
- The 2015 CDBG allocation was designated to fund the 2015 CDBG projects, pursuant to City Council approval on April 27, 2015. Project funding includes \$90,000 towards the Emergency and Essential Home Repair Program, \$372,577 towards the Bradburn Boulevard Street Enhancement Project, and \$115,644 towards administration.
- The amount awarded to the City represents a six percent reduction over the City's 2014 award of \$614,010.

**Expenditure Required:** \$578,221

**Source of Funds:** 2015 Community Development Block Grant Funds

**Policy Issue**

Should the 2015 CDBG funds in the amount of \$578,221 be appropriated to support 2015 CDBG eligible projects?

**Alternative**

Do not appropriate the 2015 CDBG funds in the amount of \$578,221. This alternative is not recommended because CDBG funds assist in funding much needed improvements in South Westminster.

**Background Information**

The 2015 CDBG budget and projects were developed from input provided by Westminster residents and City staff through the Consolidated Plan and 2015 Action Plan public participation process. Public notices, a City-wide survey, and community meetings were used to solicit community input on the development of the 2015 CDBG Action Plan. CDBG funds are used for community development projects that primarily benefit the City’s low- to moderate-income populations. The following are a list of uses for the City’s 2015 CDBG funds previously approved by City Council.

**2015 CDBG Program Administration \$115,644**

Federal regulations allow grantees to utilize up to 20 percent of the CDBG funding for administration and planning expenses. HUD requires the City to provide a number of services that require a significant amount of staff time. These duties include submission of the five-year Consolidated Plan, preparation of the annual action and performance reports, hosting citizen participation activities and community meetings, monitoring minority business contract reports, conducting environmental reviews, compliance with the Davis-Bacon Wage Act, national objective and eligibility review, affirmatively furthering fair housing activities, and contracting and procurement regulatory procedures. This program administration portion of the grant may also be used for consulting, planning, and costs such as computers used by CDBG staff. This funding also pays the salary of the full-time CDBG Technician and the one-half time Community Development Program Planner. Any unspent administration funds revert to the CDBG uncommitted fund balance at the end of the program year to be reallocated to future projects and/or studies.

**Emergency and Essential Home Repair Program \$90,000**

The Emergency and Essential Home Repair Program (previously known as the Minor Home Repair Program) will provide up to \$5,000 in eligible essential and emergency home repairs free of charge to income qualified households located within Westminster.

**Bradburn Boulevard Street Enhancement Project \$372,577**

This project will provide additional funding to further extend street enhancements along Bradburn Boulevard north from about 75<sup>th</sup> or 76<sup>th</sup> Avenues. The improvements will include additional decorative street lighting and tree planting beyond similar improvements budgeted in 2014 and the completion of curb and gutter, sidewalk, and pavers at the northeast corner of 73<sup>rd</sup> Avenue and Bradburn Boulevard to match improvements immediately adjacent on 73<sup>rd</sup> Avenue.

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

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Block Grant-CDBG	7600.40610.0025	\$0	<u>\$578,221</u>	\$578,221
Total Change to Revenues			<u>\$578,221</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
CDBG Block Grant	80576030722.80400.8888	\$402,122	<u>\$578,221</u>	\$980,343
Total Change to Expenses			<u>\$578,221</u>	

The appropriation of the 2015 Community Development Block Grant funds meets the City Strategic Plan goal of *Dynamic, Diverse Economy* and *Financially Sustainable Government Providing Excellence in City Services*.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **42**

SERIES OF 2015

INTRODUCED BY COUNCILLORS

---

**A BILL  
FOR AN ORDINANCE INCREASING THE 2015 BUDGET OF THE COMMUNITY  
DEVELOPMENT BLOCK GRANT (CDBG) FUND AND AUTHORIZING A SUPPLEMENTAL  
APPROPRIATION FROM THE 2015 ESTIMATED REVENUES IN THIS FUND**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2015 appropriation for the CDBG Fund, initially appropriated by Ordinance No.3737, is hereby increased by \$578,221. This appropriation is the amount approved by the U.S. Department of Housing and Urban Development (HUD) for the City for 2015.

Section 2. The \$578,221 increase in the CDBG Fund shall be allocated to City revenue and expense accounts as described in the City Council Agenda Item 10 A, dated August 24, 2015, (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

CDBG Fund	<u>\$578,221</u>
Total	<u>\$578,221</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 24th day of August, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of September, 2015.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



Agenda Memorandum

City Council Meeting  
August 24, 2015



**SUBJECT:** Councillor's Bill No. 43 re 2015 2<sup>nd</sup> Quarter Budget Supplemental Appropriation

**Prepared By:** Karen Barlow, Accountant

**Recommended City Council Action**

Pass Councillor's Bill No. 43 on first reading, providing for a supplemental appropriation of funds to the 2015 budget of the General, Legacy Ridge, Heritage at Westmoor, Parks Open Space and Trails, and General Capital Improvement Funds.

**Summary Statement**

- At the end of each quarter, Staff prepares an ordinance to appropriate unanticipated revenues received during the quarter. Preparing quarterly supplemental appropriation requests is done to simplify administrative procedures and reduce paper work.
- General Fund amendments:
  - \$178,011 Transfer
  - \$64,255 Reimbursements
  - \$43,213 Grant Proceeds
  - \$7,689 Intergovernmental
- Legacy Ridge Fund amendments:
  - \$2,190 Grant Proceeds
- Heritage at Westmoor Fund amendments:
  - \$1,990 Grant Proceeds
- Parks, Open Space, and Trails Fund amendments:
  - \$10,000 Grant Proceeds
- General Capital Improvement Fund amendments:
  - \$29,466 Grant Proceeds

**Expenditure Required:** \$336,814

**Source of Funds:** The funding sources for these budgetary adjustments include grants, reimbursements, transfers, and intergovernmental.

**Policy Issue**

Does City Council support amending the appropriations for the 2015 budget of the General, Legacy Ridge, Heritage at Westmoor, Parks Open Space and Trails, and General Capital Improvement Funds as outlined?

**Alternative**

The alternative would be not to amend the 2015 budget appropriations for the General, Legacy Ridge, Heritage at Westmoor, Parks Open Space and Trails, and General Capital Improvement Funds and to utilize these funds for other purposes. Staff does not recommend this alternative as the various departments have already incurred expenses and covered them with their current budget or planned projects in anticipation of appropriation of these additional funds.

**Background Information**

The attached Councillor's Bill is a routine action addressing the need to adjust revenue and expenditure appropriations as a result of activities or events that were not anticipated during the normal budget process.

The Westminster Economic Development Authority (WEDA) received funds from the City of Thornton, and staff recommends transferring a portion of those funds in the amount of \$178,011 to the City for the payoff of the Thornton loan. On January 8, 2007, the City entered into an agreement with the City of Thornton and the Colorado Department of Transportation for the bridge replacement on West 128th Avenue over I-25. The agreement provided for CDOT to replace the old bridge with a new two-lane wide structure. The Cities agreed that a four-lane facility was needed and that the Cities would share equally the incremental difference for the additional two lanes. Thornton agreed to "front" the additional costs, with Westminster reimbursing Thornton in accordance with the Interstate 25 Corridor Growth Area Intergovernmental Agreement (revenue sharing agreement) dated November 10, 2004. This revenue sharing agreement provides for each City to share with the other 1% of the general sales tax collected within the revenue sharing boundaries generally along I-25 between 150th Avenue on the north, Washington Street on the east, 132nd Avenue on the south, and Huron Street on the west. Annually each City pays to the other City their respective 1% share. Additionally, the receiving City is to use the revenue sharing funds to repay any outstanding obligation to the other City. As such, Thornton repays costs "fronted" by Westminster related to Thornton's side of the interchange at 144th and I-25 and Westminster repays costs "fronted" by Thornton for the improvements at 128th Avenue and I-25. At the time the 2015 budget was prepared, Staff estimated receiving \$475,000 in accordance with the revenue sharing agreement that would be used to make a payment in 2015 toward the bridge improvements. The actual amount received from Thornton was \$464,994. It is important to note that the improvements to 128<sup>th</sup> Avenue are located within the WEDA North Huron URA. Staff has determined that the use of prior year excess incremental revenues held in the North Huron Supplemental Reserve Trust account is allowable under the loan agreement. Comparing the low interest currently earned on the Supplemental Reserve account and the higher interest rate paid to Thornton on the loan, it is more fiscally responsible to pay off the loan in 2015. This supplemental appropriation is only for the amount received from WEDA that is necessary to provide sufficient budget to pay off the Thornton loan in 2015. Staff may return to Council at a later date to appropriate the balance of the funds received from WEDA.

The Public Works and Utilities department received \$7,689 from the Colorado Department of Transportation (CDOT) for an IGA agreement regarding snow and ice control services. Staff is requesting that the funds be appropriated to the Maintenance Construction Materials account for costs associated with the City performing these services on a CDOT roadway.

The Parks, Recreation, and Libraries (PRL) Department received \$1,000 from the Colorado Section of the Professional Golfers' Association of America (PGA) Growth of the Game grant. The grant is designed to support golf courses and their programs that are free, low cost and designed around growing the game of golf. The City was awarded the grant to support Golf in Parks, Ladies Clinics, and Puma Ladies Night. The funding will be used on items to help the programs be successful, such as supplies, clubs, instructor

fees, and transportation. The funds are being appropriated to Temporary Salaries and Supplies in the Legacy Ridge and Heritage at Westmoor funds.

The PRL Department received a grant of \$3,180 from the Westminster Legacy Foundation. The grant will be used to purchase a total of four golf bikes, two for Legacy Ridge and two for Heritage at Westmoor. These bikes will provide PRL with another unique opportunity to grow the game of golf while pursuing our department's three key elements of "nature, wellness and literacy." The grant funds are being appropriated to the Other Equipment account.

The PRL Department received a grant of \$10,000 from the State of Colorado Department of Agriculture for the removal of Russian-olive trees in Big Dry Creek corridor. This is a 50% match to City funds for a total project cost of \$20,000. The funds are being appropriated to the Professional Services account in POST.

The PRL Department received a grant of \$6,000 from the Colorado Tree Coalition and Xcel Energy Foundation. The funds will be used to plant trees along 88<sup>th</sup> Avenue and the Allen Ditch between Harlan and Sheridan. The project will under-plant new trees under the existing cottonwood trees. The funds are being appropriated to the CIP Tree Mitigation Program account in the GCIF.

The Community Development Department was awarded a grant in the amount of \$23,466 from the Colorado Historical Society. The grant will be used for a cultural resource survey of California Ranch style houses in Westminster and a historical context study. The funds are being appropriated to the CIP Grants for Historical Preservation in the GCIF.

The Police Department received \$466 from the US Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG). This is a reimbursement for the aircard charges associated with the Police Department's graffiti pole cameras. The funds are being appropriated to the department's Telephone account.

The Police Department received \$4,984 from the State of Colorado Department of Transportation for overtime incurred while officers worked the Click It or Ticket (CIOT) May Mobilization enforcement. The funds are being appropriated to the department's Overtime account.

The Police Department received \$29,030 from the State of Colorado Department of Transportation, Law Enforcement Assistance Funding (LEAF) Grant, for overtime incurred while officers worked DUI enforcement campaigns. The funds are being appropriated to the department's Overtime account.

The Police Department received \$3,960 from the State of Colorado Department of Transportation for their participation in the High Visibility Impaired Driving Enforcement (HVIDE) campaign. The grant reimburses overtime incurred by enforcement officers while working the Spring Event and Memorial Day enforcement campaigns. The funds are being appropriated to the department's Overtime account.

The Police Department received \$500 from Target Corporation for the Public Safety Grant. The funds will be used for supplies for the National Night Out events and are being appropriated to the department's Supplies account.

The Police Department received \$4,741 from the North Metro Task Force as reimbursement for overtime incurred by the department's Task Force members working on Federal High Intensity Drug Tracking Area (HIDTA) cases during the first quarter of 2015. The reimbursement is being appropriated to the department's Overtime account.

The Police Department received \$1,014 from the Jefferson County Emergency Communications Authority Board (E911). These funds were for overtime incurred by a dispatch supervisor during a Critical Incident Dispatch Taskforce (CIDT) callout and for replacement computer keyboard equipment in the communications center. The funds are being appropriated to the department's Overtime and Supplies accounts.

The Police Department received \$58,500 from the Jefferson County Emergency Communications Authority Board (E911) for the PD’s portion of the airbus communications City-wide radio service and maintenance contract. The funds are being appropriated to the PD’s radio system Maintenance and Repair account.

The Police Department received \$3,426 from the Colorado Internet Crimes Against Children (ICAC) grant for expenses associated with one detective and one criminalist who attended ICAC training. The amount also includes reimbursement for an access data license renewal for the PD’s access to the ICAC computer program. The funds are being appropriated to the department’s Career Development and Maintenance and Repair accounts.

The Police Department received \$847 from the City of Lakewood Colorado Auto Theft Task Force for overtime incurred during the month of April by a Westminster officer involved in an investigation with the task force. The funds are being appropriated to the department’s Overtime account.

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

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Governmental	1000.40345.0000	\$0	\$7,689	\$7,689
Federal Grants	1000.40610.0000	35,000	8,876	43,876
State Grants	1000.40620.0000	72,028	33,837	105,865
Other Grants	1000.40650.0057	0	500	500
Reimbursements	1000.43080.0000	56,565	64,255	120,820
TRF WEDA	1000.45000.0680	0	<u>178,011</u>	178,011
Total Change to Revenues			<u>\$293,168</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Contract Services Thornton	10010900.67800.0850	\$475,000	\$178,011	\$653,011
Telephone	10020050.66900.0000	134,174	466	134,640
Salaries OT-Investigation Section	10020300.60400.0344	197,500	5,588	203,088
Salaries OT-Communications Section	10020300.60400.0345	65,000	646	65,646
Career Development-Investigation Section	10020300.61800.0344	16,366	2,307	18,673
Maint/Repair Equip-Inv Section	10020300.66100.0344	6,850	1,119	7,969
Maint/Rep Radios-Comm Section	10020300.66300.0345	127,746	58,500	186,246
Supplies-Prof Svcs	10020300.70200.0341	8,867	500	9,367
Supplies-Comm Section	10020300.70200.0345	4,697	368	5,065
Salaries OT-Traffic	10020500.60400.0348	64,028	37,974	102,002
Maint Const Mtrls	10035450.72400.0000	439,018	<u>7,689</u>	446,707
Total Change to Expenses			<u>\$293,168</u>	

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

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Grants	2200.40650.0057	\$0	\$2,190	\$2,190
Total Change to Revenues			<u>\$2,190</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Salaries - Temp Instructors	22050720.60600.0011	\$13,000	\$350	\$13,350
Supplies Club Ops	22050720.70200.0249	29,760	250	30,010
Other Equip Club Ops	22050720.76000.0249	0	<u>1,590</u>	1,590
Total Change to Expenses			<u>\$2,190</u>	

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

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Grants	2300.40650.0057	\$0	<u>\$1,990</u>	\$1,990
Total Change to Revenues			<u>\$1,990</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Salaries Temp Golf Instructors	23050720.60600.0011	\$10,000	\$400	\$10,400
Other Equip Club Ops	23050720.76000.0249	0	<u>1,590</u>	1,590
Total Change to Expenses			<u>\$1,990</u>	

These appropriations will amend Parks, Open Space, and Trails Fund revenue and expense accounts as follows:

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
State Grants	5400.40620.0000	\$0	<u>\$10,000</u>	\$10,000
Total Change to Revenues			<u>\$10,000</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Prof Services	54050550.65100.0000	\$95,168	<u>\$10,000</u>	\$105,168
Total Change to Expenses			<u>\$10,000</u>	

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

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
State Grants	7500.40620.0000	\$0	\$23,466	\$23,466
Other Grants	7501.40650.0057	0	<u>6,000</u>	6,000
Total Change to Revenues			<u>\$29,466</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Tree Mitigation Program	80575050425.80400.8888	\$20,070	\$6,000	\$26,070
CD-Grants (Historical/CLG)	80675030428.80400.8888	0	<u>23,466</u>	23,466
Total Change to Expenses			<u>\$29,466</u>	

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

The proposed action supports all of City Council's strategic goals, including: Visionary Leadership, Effective Governance and Proactive Regional Collaboration; Vibrant, Inclusive and Engaged Community; Beautiful, Desirable, Safe and Environmentally Responsible City; Dynamic, Diverse Economy; Financially Sustainable Government Providing Excellence in City Services; and Ease of Mobility.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment – Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **43**

SERIES OF 2015

INTRODUCED BY COUNCILLORS

**A BILL**

**FOR AN ORDINANCE AMENDING THE 2015 BUDGETS OF THE GENERAL, LEGACY RIDGE, HERITAGE AT WESTMOOR, PARKS OPEN SPACE AND TRAILS, AND GENERAL CAPITAL IMPROVEMENT FUNDS, AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2015 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2015 appropriation for the General, Legacy Ridge, Heritage at Westmoor, Parks Open Space and Trails, and General Capital Improvement Funds, initially appropriated by Ordinance No. 3737 is hereby increased in aggregate by \$336,814. This appropriation is due to the receipt of funds from grants, reimbursements, transfers, and intergovernmental.

Section 2. The \$336,814 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10B dated August 24, 2015 (a copy of which may be obtained from the City Clerk) amending City fund budgets as follows:

General Fund	\$293,168
Legacy Ridge Fund	2,190
Heritage at Westmoor Fund	1,990
Parks, Open Space and Trails Fund	10,000
General Capital Improvement Fund	<u>29,466</u>
Total	<u>\$336,814</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 24th day of August, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of September, 2015.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk



**Agenda Memorandum**

City Council Meeting  
August 24, 2015



**SUBJECT:** Councillor's Bill No. 44 Authorizing Lease Agreement for the Kids Nite Out Programs with ABC Entertainment, L.L.C.

**Prepared By:** Tim Lachermeier, Recreation Supervisor  
Justin Cutler, Recreation Services Manager

**Recommended City Council Action**

Pass Councillor's Bill No. 44 on first reading authorizing the City Manager to sign a three-year lease agreement with ABC Entertainment, L.L.C. for the continuation of the Kids Nite Out Program.

**Summary Statement**

- The lease agreement for the Kids Nite Out Program currently being offered at the City Park Recreation Center has expired.
- The original lease was for three years, with one, three-year renewable option.
- The new lease agreement with ABC Entertainment, L. L.C. would be for three years running through 2018. It includes one, three-year renewal option.
- This privately-run program offers a variety for activities in a safe, highly supervised and controlled environment for youth from 7 to 14 years old.
- The program operates form the hours for 7:00 p.m. to 10:30 p.m. on Friday nights during the school year, September through May.
- Activities offered include a disc jockey with dancing, organized games, swimming, and concessions.
- This program generates up to \$18,000 per year of revenue for the City.
- Leasing of property owned by the City must be approved and ratified by ordinance under Section 13.4 of the City's Charter.
- Staff is pleased with the performance of ABC Entertainment and believes the Kids Nite Out Program is very beneficial for the community.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Does City Council wish to continue the Kids Nite Out Program?

**Alternatives**

- Request that staff investigate other options besides the Kids Nite Out program to address safe and secure alternative activities for children in the 7 to 14 age group. Staff does not recommend this alternative as Staff has explored additional options in the past and has found few, if any, recreation programs being offered by municipal agencies that are as successful as the Westminster Kids Nite Out Program.
- Council could choose not to renew this lease and no program would be offered in its place. Staff does not recommend this option as this has been a positive program for the youth in the City and is revenue producing as well.

**Background Information**

Kids Nite Out is an established program that leases existing facilities to offer a safe and fun opportunity for the youth in many local communities. Amanda Lau, owner and operator of ABC Entertainment, L.L.C., purchased and took over operations of this program for over 18 years and successfully expanded the Kids Nite Out franchising to other agencies in the Denver-Metro area.

Rent is paid weekly based on the number of program participants. Kids Nite Out charges a \$10 admission fee, of which 20 percent of the admission is paid to the City, along with an additional \$120 fee for use of the pool. The Kids Nite Out Program has use of the City Park Recreation Center's gymnasium, pool locker rooms, community room, and classrooms.

Supervision is required at all times while these areas are in use. The City requires the Lessee to hire at least one off-duty City of Westminster police officer to provide security for the program and facility.

Under the terms of the lease, the City may cancel the right of the Lessee (ABC Entertainment, L.L.C.) to use the premises (City Park Recreation Center) upon written notice no later than one month in advance of the date to be cancelled.

The Kids Nite Out Program has been well received by participants, parents, and City employees. Staff recommends the continuation of this program.

This project meets City Council's Strategic Plan Goal of "Financially Sustainable Government Providing Excellence in City Services" by providing the City with additional revenues.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachments: Councillor's Bill  
Lease Agreement

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **44**

SERIES OF 2015

INTRODUCED BY COUNCILLORS

---

**A BILL  
FOR AN ORDINANCE APPROVING AND RATIFYING A LEASE AGREEMENT WITH  
ABC ENTERTAINMENT, L.L.C. TO OPERATE THE "KIDS NITE OUT" PROGRAM  
WITHIN THE CITY PARK RECREATION CENTER**

WHEREAS, the City owns the City Park Recreation Center, located at 10455 Sheridan Boulevard; and

WHEREAS, it is in the City's best interest to maximize the income generated from such operation by collecting rental income from space located in the City Park Recreation Center.

NOW, THEREFORE, THE CITY OF WESTMINSTER ORDAINS:

Section 1. Pursuant to City Charter Section 13.4, the Lease Agreement attached hereto as Exhibit A is hereby approved and ratified.

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

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The lease agreement attached hereto as Exhibit A shall be executed by the lessee prior to consideration of this ordinance on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of August, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of September, 2015.

---

Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

---

City Clerk

---

City Attorney's Office

## **Exhibit A**

### **LEASE AGREEMENT**

This Lease is made and entered into by and between the **CITY OF WESTMINSTER, COLORADO**, a Colorado home-rule municipality, referenced hereinafter as “Lessor” and **ABC Entertainment, L.L.C.**, a Colorado corporation, referenced hereinafter as “Lessee.”

In consideration of the mutual covenants and agreements set forth in this Lease, and other good and valuable consideration, Lessor does hereby demise and Lease to Lessee, and Lessee does hereby Lease from Lessor, certain portions of the City Park Recreation Center located at 10455 Sheridan Boulevard, Westminster, Jefferson County, Colorado (“the Premises”), more particularly described in Exhibit “A” attached to this Lease. These Premises are referenced in this Lease as “the Premises” or “the Leased Premises.”

#### **ARTICLE 1. TERM**

**1.01. Term of Lease.** The term of this Lease shall be for each Friday during the one (3) year period commencing at six o’clock p.m. on September 1, 2015, and ending at 12 o’clock midnight on the Saturday following the last Friday of May 31, 2018 (the “Expiration Date”), unless sooner terminated as provided in this Lease.

**1.02 Hours of Lease.** During the term of this Lease, Lessee shall have exclusive use of certain portions of the Leased Premises between the times of six o’clock p.m. of each Friday until twelve o’clock midnight. Specific areas/usage hours are 5:30 p.m.-7:00 p.m.- set-up, 7:00 p.m.-12:00 midnight -program usage and cleaning of upper level, 7:00 p.m.-11:00 pm – program usage and cleaning of lower level.

#### **1.02. Extension.**

- a. Lessor and Lessee may agree to extend this Lease beyond the Expiration Date provided in 1.01 above, for one (1) additional three-year period, on terms the Parties may negotiate. Such extension shall be for a period of three (3) years, with the additional term to begin on the Friday following the Expiration Date of the Lease term specified in 1.01 above. Any such extension shall be subject to the approval of Lessor’s City Council.
- b. Lessee shall notify Lessor of its desire to extend this Lease or to allow the Lease to expire without extension not later than thirty (30) days prior to the Expiration Date of the Lease term. Notice shall be in writing and sent to Lessor by registered mail or facsimile transmission to Lessor at the address provided in this Lease. If Lessee fails to provide notice to Lessor, the Lease shall automatically expire on the Expiration Date.

**1.03. Lessor’s Right to Cancel.** Lessor shall have the right, at its discretion, to cancel Lessee’s use of the Premises on a specific date without cause and without recourse against Lessor upon written notice to Lessee no later than one (1) month in advance of the date to be canceled.

## **ARTICLE 2. RENT**

**2.01. Rent.** For the initial three (3) year term of this Lease, Lessee agrees to pay to Lessor the sum of 20% of admission revenues received by Lessee from users of the Premises, on or before the Friday of each week. The rent for any extended term pursuant to section 1.01 shall be adjusted by agreement of the Parties. Should Lessee choose to use the aquatics area, Lessee also agrees to pay Lessor \$135 for the use of the aquatics area and locker room from the times of 7:00 p.m. to 9:00 p.m.

## **ARTICLE 3. USE OF PREMISES**

**3.01. Permitted Use.** Lessee shall operate the Leased Premises as a Youth Activity Center during the term of this agreement and shall use the Premises for no other purpose.

**3.02. Youth Activity Center Defined.** The term “Youth Activity Center” as used in this Lease (also known as “Kids Nite Out”) means that the Leased Premises shall be used for activities on Friday nights for persons from and including the ages 7 through 14, for, but not limited to, the following activities:

- i. Game Activities: consisting of, for example, games such as volleyball, basketball, racquetball, wallyball, dancing, ping pong, video games, and the like, including any activities which may be available but not listed stemming from the uniqueness of the Leased Premises;
- ii. Audio and Video Activities: including, but not limited to, performances of person(s) to coordinate and direct the playing of records, videos, laserdiscs and the like. Lessee shall be solely responsible for obtaining any necessary licenses and for paying any applicable royalties or penalties in connection with its use of any copyrighted audio or video works;
- iii. Food, Drink, and Concession Activities: including the sale of soft drinks, sandwiches, chips, candy bars, banners, T-shirts, and;
- iv. All advertising and marketing promotions related to the Youth Activity Center.

**3.03. Manner of Operation.** During the term of this Lease and any extensions, Lessee shall keep Leased premise reasonably stocked with concession merchandise, including soft drinks and food, and reasonably staffed to adequately serve the patrons. Lessee must operate the Youth Activity Center on the Leased Premises in a diligent and efficient manner. Lessee must keep the Leased Premises open for business from 7:00 p.m. to 10:30 p.m. on each Friday of the month during the term of this Lease, except Lessee is not required to operate its business on legal holidays, nor during any time when such operations must be suspended because of casualty loss to the Leased Premises or the building in which the Leased Premises are located, strike, insurrection, or other cause beyond the control of the Lessee. Lessee will require either a parent or responsible adult to sign in all youth attendees. Lessee will not allow a parent or responsible adult to enter the program without being accompanied by a Kids Nite Out staff member.

**3.04. Preparation and Clean-up.** Preparation of the Leased Premises and clean-up of the Leased Premises shall be the sole responsibility of the Lessee during the term of the Lease. Lessee agrees that it shall have sufficient staff available on the Leased Premises to assure proper and efficient preparation and clean-up.

**3.05. Nuisance and Illegal Activity.** Lessee shall not use, or permit the use of, the Leased Premises in any manner that results in waste of the Leased Premises or constitutes a nuisance. Nor shall Lessee use, or permit the use of the Leased Premises for any illegal purpose. Lessee will comply, and will cause its officers, employees, agents, patrons, and other invitees to comply, with all applicable laws and ordinances and with all applicable rules and regulations of governmental agencies concerning the use of the Leased Premises.

**3.06. Security.** Lessee shall hire at least one (1) off-duty Westminster police officer to provide security. The officer shall be on the Premises during the hours Lessee is open for business.

**3.07. Supervision.** Lessee shall provide adequate supervision at all times. All supervisors shall be at least eighteen (18) years of age. Lessee shall staff supervisors at a ratio of not less than one (1) supervisor to every twenty-five (25) Youth Activity Program participants. A background investigation including a police record check must be performed on all employees assigned to work at City Park Recreation Center. A complete copy of the results of the background investigation must be provided to the City and approved by the City before the employee is assigned to work at City Park Recreation Center.

**3.08. Conduct.** Any guests who conduct themselves in an unbecoming manner or become a nuisance to Kids Nite Out, or other guests, may be suspended or expelled from Kids Nite Out. Thereupon, all privileges of such guest shall be automatically terminated without proration or refund. At that time, the suspended guest will wait for a parent(s) or a responsible adult to be notified to pick up their youth immediately. All participants and staff members are to conduct themselves in a manner deemed appropriate as agreed upon between Lessor and Lessee. Kids Nite Out staff will closely monitor behavior and dress code.

**3.09. Injury or Accident.** Kids Nite Out staff will immediately notify City Park Recreation Center staff and police officers if any injury or accident occurs during the operation of the program.

#### **ARTICLE 4. MAINTENANCE AND SURRENDER**

**4.01 Maintenance by Lessor.** Lessor shall, at its own expense and risk, maintain the Leased Premises including but not limited to maintenance of the roof, foundation, plumbing, heating and air conditioning systems, fire protection sprinkling systems, structural soundness of the exterior walls (including all windows, window glass, plate glass, and doors), parking lots, walkways surrounding the Leased Premises or the building in which the Leased Premises are located, stairways, and elevators, including repairs and all necessary replacements of these items.

**4.02 Wear and Tear.** Except as provided in 4.01, Lessee shall maintain the Leased Premises and keep them free from waste or nuisance throughout the Lease term and any extension. Lessee is responsible for damages incurred by participants. At the termination of the Lease, Lessee shall surrender and deliver the Leased Premises to Lessor in as good a state of repair and condition as they were in at the time Lessor delivered possession to Lessee, reasonable wear and tear and damage by fire, tornado, or other casualty excepted. Lessee and Lessor recognize that ordinary wear and tear may include stains from food, drinks, candy, and gum. Lessee will make a good faith effort to clean up such stains but shall not be required to undertake major capital expenditures for removal of such stains nor any structural repairs which may be caused by such stains.

**4.03 Failure to Perform.** In event either party fails to perform its obligation to repair or maintain as set forth in 4.01 and 4.02 above after notice from the other party of the need for such repair or maintenance and the passage of a reasonable amount of time for performance after such notice, the other party may terminate this Lease or, at its option, suspend business operations until such repairs or maintenance are completed.

## **ARTICLE 5. TAXES AND ASSESSMENTS**

**5.01 Personal Property Taxes.** Lessee shall pay and fully discharge all taxes, special assessments, and governmental charges of every character imposed during the term of this Lease on the business activities or personal property placed by Lessee in, on, or about the Leased Premises. These taxes include but are not limited to Lessor's sales and use tax.

**5.02 Real Property Taxes.** Lessor shall pay and fully discharge all property taxes, special assessments, and governmental charges of every character imposed on the Leased Premises during the term of this Lease, including any special assessments imposed on or against the Leased Premises for the construction or improvement of public works.

## **ARTICLE 6. UTILITIES AND GARBAGE REMOVAL**

**6.01 Utility Charges.** Lessor shall pay all utility charges for water, electricity, heat, gas, and telephone service used in and about the Leased Premises during the term of the Lease, all such charges to be paid by Lessor directly to the utility company or municipality furnishing the same before the same shall be delinquent.

**6.02 Garbage Removal.** Lessor shall pay for the removal of all garbage and rubbish from the Leased Premises during the term of the Lease.

## **ARTICLE 7. ALTERATIONS, ADDITIONS, AND IMPROVEMENTS**

**7.01 Consent of Lessor.** Lessee shall not make any alterations, additions, or improvements to the Leased Premises without the prior written consent of Lessor.

## **ARTICLE 8. SIGNS**

**8.01 Signs.** Lessee may erect signs on portions of the Leased Premises and portions of the building in which the Leased Premises are located, subject to the approval of the City Recreation Services Manager as to the number, size, and placement of the signs.

## **ARTICLE 9. INSURANCE AND INDEMNITY**

**9.01 Property Insurance.** Lessor shall, at its own expense, during the term of this Lease, keep all buildings, structures, improvements, fixtures, and equipment, which are not part of the Leased Premises but are required for access or enjoyment of the Leased Premises, insured against loss or damage by fire or theft.

**9.02 Liability Insurance.** Lessee shall, at its own expense, obtain general commercial liability insurance. Such insurance shall provide liability coverage, at a minimum, in the amount of One Million Dollars (\$1,000,000). Lessor shall be named as an additional insured on the policy.

**9.03 Lessee Hold Harmless Clause.** Lessee agrees to indemnify and hold Lessor harmless against any and all claims, demands, damages, costs, and expenses, including reasonable attorney's fees for the defense of such claims and demands, arising from the conduct or management of Lessee's business on the Leased Premises or from its use of the Leased Premises, or from any breach on the part of Lessee of any conditions of the Lease, or from any act or negligence of Lessee, its agents, contractors, employees, subtenants, concessionaires, or licensees in or about the Leased Premises.

## **ARTICLE 10. DEFAULT**

**10.01. Default by Lessee.** If Lessee shall allow the rent to be in arrears more than fourteen (14) days after written notice of such delinquency, or shall remain in default under any of the other conditions of this Lease for a period of twenty (20) days after written notice from Lessor, Lessor may, without notice to Lessee, immediately terminate this Lease, re-enter and take possession of the Leased Premises and remove all persons and property without being deemed guilty of any manner of trespass, and re-let the Premises, or any part of the Premises, for all or any part of the remainder of the Lease term to a party satisfactory to Lessor, and at such monthly rental as Lessor may with reasonable diligence be able to secure. Should Lessor be unable to re-let after reasonable efforts to do so or, should such monthly rental be less than the rental Lessee was obligated to pay under this Lease, Lessee shall pay to Lessor the expense of re-letting plus the amount of any deficiency in the rent.

**10.02 Default by Lessor.** If Lessor defaults in its performance of any term, covenant, or condition required to be performed by it under this agreement, Lessee may terminate this Lease on giving ten (10) days' notice to Lessor of such intention. The Lease will be terminated on the date designated in Lessee's notice, unless Lessor has cured the default prior to the expiration of the ten (10) day period.

**10.03 Waiver of Breach.** A waiver by either Lessor or Lessee of a breach of this Lease by the other party does not constitute a continuing waiver or waiver of any subsequent breach of the Lease.

**ARTICLE 11. INSPECTION BY LESSOR**

**11.01 Access by Lessor.** Lessee shall permit Lessor and Lessor’s agents, representatives, and employees to enter into and on the Leased Premises at all reasonable times for the purpose of inspection, maintenance, making repairs or alterations to the Premises, or any other purpose necessary to protect Lessor’s interest in the Premises or to perform Lessor’s duties under this Lease so long as such access does not interfere with the quiet use and enjoyment by Lessee of the Leased Premises.

**ARTICLE 12. ASSIGNMENT AND SUBLEASE**

**12.01 Assignment and Subletting by Lessee.** Lessee may not sublet, assign, or otherwise transfer this Lease or any right or interest in this Lease, or in the Leased Premises or the improvements on the Leased Premises, without the prior written consent of Lessor. Any such sublet, assignment, or transfer shall not relieve Lessee of any of its obligations under this Lease.

**ARTICLE 13. MISCELLANEOUS**

**13.01 Notice and Addresses.** All notice required under this Lease must be given by certified mail or registered mail, addressed to the proper party, at the following address:

Lessor:           Name:                   City of Westminster  
                      Attn:                   Chris Johnson  
                      Address:               4800 West 92<sup>nd</sup> Avenue  
                      City                    Westminster, CO 80031  
                      Telephone No.:       (303) 658-2834  
                      FAX No.:              (303) 438-0320

Lessee:           Name:                   ABC Entertainment, L.L.C.  
                      Attn:                   Amanda Lau  
                      Address:               2019 Monte Vista Circle  
                      City:                   Loveland, CO 80538  
                      Telephone No.:       (970) 308-0439

Either party may change the address for notice, in whole or in part, by giving the other party written notice of the new address.

**13.02 Parties Bound.** This agreement shall be binding upon, and inure to the benefit of, the parties to this Lease and their respective heirs, executors, administrators, legal representatives, successors, and assigns when permitted by this agreement.

**13.03 Colorado Law to Apply.** This agreement shall be construed under, and in accordance with, the laws of the state of Colorado.

**13.04 Legal Construction.** In case any one or more of the provisions contained in this agreement shall for any reason be held by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision of the agreement, and this agreement shall be construed as if the invalid, illegal, or unenforceable provision had never been included in the agreement.

**13.05 Prior Agreements Superseded.** This agreement constitutes the sole and only agreement of the parties and supersedes any prior understandings or written or oral agreements between the parties respecting the subject matter of same.

**13.06 Attorney's Fees and Costs.** If, as a result of a breach of this agreement by a party hereto, the other party employs an attorney or attorneys to enforce its rights under this Lease, then the prevailing party shall be paid by the other party the reasonable attorney fees and costs incurred to enforce the Lease.

**13.07 Force Majeure.** Neither Lessor nor Lessee shall be required to perform any term, condition, or covenant in this Lease so long as performance is delayed by Force Majeure, which shall mean acts of God, strikes, lockouts, material or labor restrictions by any governmental authority, civil riots, floods, and any other cause not reasonably within the control of Lessor or Lessee and which by the exercise of due diligence Lessor is unable, wholly or in part, to prevent or overcome.

**13.08 Rights and Remedies Cumulative.** The rights and remedies provided by this Lease are cumulative, and use of any one right or remedy by a party shall not preclude or waive its right to use any or all other remedies. These rights and remedies are given in addition to any other rights provided by law, statute, ordinance, or otherwise.

**13.09 Time of Essence.** Time is of the essence of this agreement.

The undersigned Lessor and Lessee agree that this agreement shall be effective as of the first day of September, 2015, regardless of when executed.

**LESSOR: CITY OF WESTMINSTER**

**LESSEE: ABC Entertainment, L.L.C.**

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

ATTEST: \_\_\_\_\_  
City Clerk

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Attorney



## Agenda Item 10 D

### Agenda Memorandum

City Council Meeting  
August 24, 2015



**SUBJECT:** Councillor's Bill No. 45 re Metzger Farm South Trail Grant Supplemental Appropriation

**Prepared By:** Heather Cronenberg, Open Space Coordinator

### Recommended City Council Action

Pass Councillor's Bill No. 45 on first reading appropriating grant funds received from the Adams County Open Space Grant Program in the amount of \$400,000 for the Metzger Farm South Trail.

### Summary Statement

- Council previously authorized the Parks, Recreation, and Libraries Department to pursue a grant in the amount of \$400,000 from the Adams County Open Space grant program for assistance with constructing the Metzger Farm South Trail between Lowell Boulevard and Federal Parkway along 120<sup>th</sup> Avenue (see attached map). Adams County awarded the grant to Westminster in the requested amount of \$400,000. The City provided a match of \$1,015,000 using funds already budgeted on the Ranch Creek Trail and Underpass project.
- City Council action is needed to appropriate these grant funds.

**Expenditure Required:** \$400,000

**Source of Funds:** Adams County Open Space Grant

**Policy Issue**

Should the Adams County grant be appropriated to the General Capital Improvement Fund to pay for the construction of the Metzger Farm South Trail?

**Alternative**

The alternative would be to decline the Adams County Open Space grant money. Staff does not recommend this alternative because the City does not have funds budgeted to complete this project without these grant funds.

**Background Information**

Council previously authorized the Parks, Recreation, and Libraries Department to pursue a grant in the amount of \$400,000 with the Adams County Open Space grant program for the construction of the Metzger Farm South Trail between Lowell Boulevard and Federal Parkway along 120<sup>th</sup> Avenue. There is currently no sidewalk along 120<sup>th</sup> Avenue so this project will provide a direct connection for commuters in this part of the City. The City used \$1,015,000 as matching funds that were already budgeted towards the Ranch Creek Trail and Underpass project currently under construction. This project provides an underpass under 120<sup>th</sup> Avenue east of Federal Parkway, a trail along Ranch Creek, and improvements to the underpass under Federal Parkway to connect to the Big Dry Creek Trail. The City will not expend any funds over the \$400,000 grant amount to construct the Metzger Farm South Trail.

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

**REVENUES**

Description	Account Number	Current Budget	Amendment	Revised Budget
Adams County Grant	7501.40630.0010	\$0	<u>\$400,000</u>	\$400,000
Total Change to Revenues			<u>\$400,000</u>	

**EXPENSES**

Description	Account Number	Current Budget	Amendment	Revised Budget
ACOS-Metzger Farm South Trail	81575050141.80400.8888	\$0	<u>\$400,000</u>	\$400,000
Total Change to Expenses			<u>\$400,000</u>	

This acquisition fits with Council’s goal of Beautiful, Desirable, Safe and Environmentally Responsible City by providing trails and open space to residents. It also contributes to the goals of Dynamic, Diverse Economy and Visionary Leadership, Effective Governance and Proactive Regional Collaboration by leveraging City funds and partnering with Adams County to provide amenities for our citizens.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachments: Councillor’s Bill  
Vicinity Map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **45**

SERIES OF 2015

INTRODUCED BY COUNCILLORS

---

**A BILL  
FOR AN ORDINANCE AMENDING THE 2015 GENERAL CAPITAL IMPROVEMENT  
FUND BUDGET AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM  
THE 2015 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2015 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3737 is hereby increased by \$400,000. This appropriation is due to the receipt of Adams County grant funds.

Section 2. The \$400,000 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item #10 D, dated August 24, 2015 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Capital Improvement Fund	<u>\$400,000</u>
Total	<u>\$400,000</u>

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 24th day of August, 2015.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 14th day of September, 2015.

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

# Metzger Farm South Trail

Metzger Farm Open Space

Big Dry Creek Open Space

Metzger Farm Ponds

Big Dry Creek Trail

Federal Pkwy

Lowell Boulevard Underpass (Under Construction)

Nissen Channel

Metzger Farm Open Space

Federal Parkway Underpass

Ranch Creek Open Space

Ranch Creek

20th Ave

Federal Blvd

Federal Blvd

Federal Blvd

119th Dr

Exact Spillway Crossing To Be Determined

Big Dry Creek

Big Dry Creek Open Space

120th Avenue Underpass (Under Construction)

Ranch Creek Villas

119th Ave

Decatur St

- Metzger Farm Open Space South Trail
- Lowell Boulevard Sidewalk (Under Construction)
- CDOT Sidewalk and Trail Connections (Under Construction)
- Ranch Creek Trail (Under Construction)
- Existing Trails
- Streams
- Open Space





## Agenda Item 10 E

### Agenda Memorandum

City Council Meeting  
August 24, 2015



**SUBJECT:** Resolution No.27 re 2015 Private Activity Bond Allocation and Assignment

**Prepared By:** Heather K. Ruddy, Community Development Program Planner

### Recommended City Council Action

Adopt Resolution No. 27 authorizing the assignment of \$5,515,800 of the City's private activity bond allocation for 2015 to the Colorado Housing and Finance Authority for the qualified purposes set forth in the resolution and authorize the Mayor to execute the necessary documents.

### Summary Statement

- The City's 2015 private activity bond (PAB) allocation is \$5,515,800. This allocation needs to be assigned or it will revert to the State of Colorado for projects to be determined by the Department of Local Affairs.
- The Colorado Housing and Finance Authority (CHFA) has requested that the City assign PAB capacity to CHFA for use in its Mortgage Credit Certificate (MCC) Program and/or its single family and multifamily mortgage bond program. If the City's PAB allocation is not assigned or carried forward by September 15, 2015, it will revert to the state pool.
- The attached Resolution has been reviewed and approved by the City Attorney's Office and is ready for City Council's formal action. This Resolution will assign the allocation to the CHFA.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should the City assign the City's 2015 private activity bond allocation to the Colorado Housing Finance Authority or allow the allocation to revert back to the state pool?

**Alternative**

Take no action and allow the City's allocation to revert to the state pool, or make a different assignment. This option is not recommended as CHFA has requested the City's PAB capacity for its Mortgage Credit Certificate Program and single and multifamily mortgage bond program and staff knows of no other project needing a PAB allocation.

**Background Information**

When cities intend to issue tax-exempt bonds to finance certain eligible "private activities" as allowed by the Internal Revenue Code, they can do so only to the extent they have received a PAB allocation from the federal government. Each year, the City of Westminster receives an allocation of private activity bonds to use towards bond financing of certain eligible "private activities" as defined by federal law. The issuance of low-interest, tax-exempt bonds can save developers and the City from the higher costs of commercial financing that can provide a significant savings to the project. Qualified purposes of the bonds include:

- Qualified single-family mortgage revenue bonds and mortgage credit certificates;
- Qualified manufacturing industrial development bonds;
- Qualified residential rental multi-family housing bonds;
- Student loans;
- Certain types of exempt facility bonds; and
- Qualified redevelopment bonds.

If the PAB allocation is not specifically designated to a specific project by September 15, 2015, federal law allows the allocation to be carried forward and preserved through February 15<sup>th</sup> of the following year. By February 15, 2016, a specific assignment of the allocation must be made or the City and the state will lose the PAB allocation and it will revert to the federal government. To maintain flexibility and to consider competitive projects, it is important that the City act to either assign or carry forward this allocation.

CHFA has requested that the City assign cap for its Mortgage Credit Certificate (MCC Program. In 2012 through 2015 year-to-date, CHFA executed MCCs for 152 homeowners in Westminster totaling \$27 million in MCCs. The average gross yearly income of the Westminster homeowners receiving MCCs during this time period was \$56,606. The City will receive another allocation of PAB in December 2015 providing additional opportunity to assist any new proposed projects.

Assigning the City's 2015 private activity bond allocation to the Colorado Housing Finance Authority supports the City Council's Strategic Plan Goal of *Vibrant, Inclusive and Engaged Community and Dynamic, Diverse Economy* by addressing the need for a range of quality homes for all stages of life throughout the City. The City's assignment of its PAB increases CHFA's ability to assist Westminster residents seeking home purchase assistance through its MCC Program.

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachments: Resolution  
Assignment of Allocation

RESOLUTION

RESOLUTION NO. 27

INTRODUCED BY COUNCILLORS

SERIES OF 2015

---

A RESOLUTION AUTHORIZING ASSIGNMENT TO THE COLORADO HOUSING AND FINANCE AUTHORITY OF A PRIVATE ACTIVITY BOND ALLOCATION OF THE CITY OF WESTMINSTER PURSUANT TO THE COLORADO PRIVATE ACTIVITY BOND CEILING ALLOCATION ACT.

WHEREAS, the City of Westminster, Colorado (the "City") is authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of financing multi-family rental housing facilities for low- and moderate-income persons and families and making single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to provide such mortgage loans and for certain other purposes; and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Colorado Housing and Finance Authority (the "Authority") and other governmental units in the State, and further providing for the assignment of such allocations from such other governmental units to the Authority; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the City of Westminster has an allocation of the 2015 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2013 (the "2015 Allocation"); and

WHEREAS, the City has determined that, in order to increase the availability of adequate affordable housing for low- and moderate-income persons and families within the City and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2015 Allocation; and

WHEREAS, the City has determined that the 2015 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Authority to issue Private Activity Bonds for the purpose of financing multi-family rental housing facilities for low- and moderate-income persons and families or making single-family mortgage loans to low- and moderate-income persons and families; and

WHEREAS, the City Council of the City of Westminster has determined to assign \$5,515,800 of its 2015 Allocation to the Authority, which assignment is to be evidenced by an Assignment of Allocation between the City and the Authority (the "Assignment of Allocation").

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Westminster, Colorado as follows:

1. The assignment to the Authority of \$5,515,800 of the City's 2015 Allocation be and hereby is approved.

2. The form and substance of the Assignment of Allocation be and hereby are approved; provided, however, that the City Attorney and City Manager be and hereby **are** authorized to make such technical variations, additions or deletions in or to such Assignment of Allocation as they shall deem necessary or appropriate and not inconsistent with the approval thereof by this resolution.

3. The Mayor of the City of Westminster be and hereby is authorized to execute and deliver the Assignment of Allocation on behalf of the City and to take such other steps or actions as may be necessary, useful or convenient to effect the aforesaid assignment in accordance with the intent of this resolution.

4. If any section, paragraph, clause, or provision of this resolution shall for any reason be held to be 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.

5. This resolution shall be in full force and effect upon its passage and approval.

PASSED, ADOPTED AND APPROVED this 24th day of August, 2015.

\_\_\_\_\_  
Mayor

(SEAL)

Attest:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

## ASSIGNMENT OF ALLOCATION

(Multi-family Housing Facility Bonds/Single Family Mortgage Revenue Bonds)

This Assignment of Allocation (the "Assignment"), dated this \_\_ day of \_\_\_\_\_, 2015, is between the City of Westminster, Colorado (the "Assignor") and the Colorado Housing and Finance Authority (the "Assignee").

### WITNESSETH:

WHEREAS, the Assignor and the Assignee are authorized and empowered under the laws of the State of Colorado (the "State") to issue revenue bonds for the purpose of financing qualified residential rental projects for low- and moderate-income persons and families; and

WHEREAS, the Internal Revenue Code of 1986, as amended (the "Code"), restricts the amount of tax-exempt bonds ("Private Activity Bonds") which may be issued in the State to finance such projects and for certain other purposes (the "State Ceiling"); and

WHEREAS, pursuant to the Code, the Colorado legislature adopted the Colorado Private Activity Bond Ceiling Allocation Act, Part 17 of Article 32 of Title 24, Colorado Revised Statutes (the "Allocation Act"), providing for the allocation of the State Ceiling among the Assignee and other governmental units in the State, and further providing for the assignment of allocations from such other governmental units to the Assignee; and

WHEREAS, pursuant to an allocation under Section 24-32-1706 of the Allocation Act, the Assignor has an allocation of the 2013 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 15, 2015, (the "2015 Allocation"); and

WHEREAS, the Assignor has determined that, in order to increase the availability of adequate affordable rental housing for low- and moderate-income persons and families within the City of Westminster, Colorado and elsewhere in the State, it is necessary or desirable to provide for the utilization of all or a portion of the 2015 Allocation; and

WHEREAS, the Assignor has determined that the 2015 Allocation, or a portion thereof, can be utilized most efficiently by assigning it to the Assignee to issue Private Activity Bonds for the purpose of financing one or more multi-family rental housing projects for low- and moderate-income persons and families or to issue Private Activity Bonds for the purpose of providing single-family mortgage loans to low- and moderate-income persons and families ("Revenue Bonds"), and the Assignee has expressed its willingness to attempt to issue Revenue Bonds with respect to the 2013 Allocation; and

WHEREAS, the City Council of the Assignor has determined to assign to the Assignee \$5,515,800 of its 2015 Allocation, and the Assignee has agreed to accept such assignment, which is to be evidenced by this Assignment.

NOW, THEREFORE, in consideration of the premises and the mutual promises hereinafter set forth, the parties hereto agree as follows:

1. The Assignor hereby assigns to the Assignee \$5,515,800 of its 2015 Allocation, subject to the terms and conditions contained herein. The Assignor represents that it has received no monetary consideration for said assignment.
2. The Assignee hereby accepts the assignment to it by the Assignor of \$5,515,800 of Assignor's 2015 Allocation, subject to the terms and conditions contained herein. The

Assignee agrees to use its best efforts to issue and sell Revenue Bonds in an aggregate principal amount equal to or greater than \$5,515,800, in one or more series, and to make proceeds of such Revenue Bonds available from time to time for a period of two (2) years from the date of this Assignment to finance multi-family rental housing projects located in the City of Westminster or to issue Revenue Bonds for the purpose of providing single-family mortgage loans to low- and moderate income persons and families in the City of Westminster.

3. The Assignor hereby consents to the election by the Assignee, if the Assignee in its discretion so decides, to treat all or any portion of the assignment set forth herein as an allocation for a project with a carryforward purpose or to make a mortgage credit certificate election, in lieu of issuing Revenue Bonds.

4. The Assignor and Assignee each agree that it will take such further action and adopt such further proceedings as may be required to implement the terms of this Assignment.

5. Nothing contained in this Assignment shall obligate the Assignee to finance any particular multi-family rental housing project located in the City of Westminster, Colorado or elsewhere or to finance single-family mortgage loans in any particular amount or at any particular interest rate or to use any particular percentage of the proceeds of its Revenue Bonds to provide mortgage loans or mortgage credit certificates to finance single-family housing facilities in the City of Westminster, provided that any Revenue Bond proceeds attributable to the Assignor's 2015 Allocation shall be subject to paragraph 2 above.

6. This Assignment is effective upon execution and is irrevocable.

IN WITNESS WHEREOF, the parties hereto have duly executed this Assignment on the date first written above.

CITY OF WESTMINSTER

[S E A L]

By: \_\_\_\_\_

ATTEST:

Title: Mayor

By: \_\_\_\_\_

Title: City Clerk

COLORADO HOUSING AND FINANCE  
AUTHORITY

[S E A L]

By: \_\_\_\_\_

ATTEST:

Chief Financial Officer

By: \_\_\_\_\_

Assistant Secretary



## Agenda Item 11 B

### Agenda Memorandum

City Council Meeting  
August 24, 2015



**SUBJECT:** Second Reading of Councillor's Bill No. 40 Creating the City of Westminster Downtown General Improvement District

**Prepared By:** Tammy Hitchens, Finance Director  
Robert Byerhof, Treasury Manager  
Karen Creager, Special District Accountant

### Recommended Board Action

Pass Councillor's Bill No. 40 on second reading creating the City of Westminster Downtown General Improvement District.

### Summary Statement

- General Improvement Districts (GIDs) are a financing tool utilized to help fund improvements and operational costs within certain developments to ensure financial sustainability.
- Under a GID structure, a property tax mill levy is assessed on owners within the GID boundaries as they are the primary beneficiaries of public improvements, such as streets, lights, parks, parking improvements, etc. to be built and maintained for the benefit of the users.
- After the GID is created, City Council will sit as the ex-officio Board of the special district.
- To comply with deadlines set forth in State law, voter acceptance of the proposed mill levy, subsequent tax increase, and the ability to enter into contractual obligations between the District and other governmental entities, such as the City and Westminster Economic Development Authority, will need to be passed by voters within the district in a special election this November.
- Approval of the special election ballot language will be presented to the GID Board following the second reading creating the GID tonight.
- Councillor's Bill 40 passed on first reading on August 10, 2015.

**Expenditure Required:** \$0

**Source of Funds:** N/A

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment: Councillor's Bill

BY AUTHORITY

ORDINANCE NO. **3797**

COUNCILLOR'S BILL NO. **40**

SERIES OF 2015

INTRODUCED BY COUNCILLORS  
**Briggs - Seitz**

A BILL

FOR AN ORDINANCE ACCEPTING A PETITION FOR THE ORGANIZATION OF A GENERAL IMPROVEMENT DISTRICT IN THE CITY OF WESTMINSTER AND MAKING CERTAIN FINDINGS AND DETERMINATIONS; WAIVING ALL REQUIREMENTS FOR NOTICE, PUBLICATION AND A HEARING AS PERMITTED BY STATUTE; DECLARING THE NECESSITY OF THE FORMATION OF THE GENERAL IMPROVEMENT DISTRICT; ESTABLISHING AND CREATING THE CITY OF WESTMINSTER DOWNTOWN GENERAL IMPROVEMENT DISTRICT; PROVIDING OTHER DETAILS RELATING THERETO

WHEREAS, a Petition for the organization of a general improvement district in the City of Westminster, Colorado (the "Petition") has been filed in the office of the City Clerk of the City of Westminster (the "City"); and

WHEREAS, the Petition has been reviewed by the City Clerk; and

WHEREAS, the Petition has been signed by one hundred percent of the owners of taxable real property to be included in the proposed district and contains a request, pursuant to Section 31-25-607 (3.5), Colorado Revised Statutes, for waiver of all requirements for notice, publication and a hearing set forth in Sections 31-25-606 and 31-25-607, Colorado Revised Statutes, and of the organizational bond set forth in Section 31-25-605, Colorado Revised Statutes.

**THE CITY OF WESTMINSTER ORDAINS:**

Section 1. FINDINGS AND DETERMINATIONS. The City Council hereby accepts the Petition for Organization of a General Improvement District in the City of Westminster, Colorado (the "Petition"), which requests the formation of a general improvement district to be known as "City of Westminster Downtown General Improvement District." The Council hereby finds that the signatures on the Petition are genuine, that the Petition is signed by one hundred percent of the owners of taxable real property of the proposed district, and that the Petition contains a request for waiver of all requirements for notice, publication and a hearing set forth in Sections 31-25-606 and 31-26-607, Colorado Revised Statutes, and of the organizational bond set forth in Section 31-25-605, Colorado Revised Statutes.

The Council does hereby determine that the proposed improvements and facilities do not duplicate or interfere with any municipal improvement already constructed or planned to be

constructed within the limits of the proposed district. The Council finds that the creation of the district and proposed improvements therein will confer a general benefit on the district and that the costs of the improvements will not be excessive as compared with the value of the property in the district. The Council hereby finds, determines and declares that the organization of the district will serve a public use and will promote the health, prosperity, security and general welfare of the inhabitants of the City and the district. The Council hereby determines to grant such request for waiver and finds that the allegations of the Petition are true and that the district should be established.

Section 2. ESTABLISHMENT OF DISTRICT. It appearing that the Petition has been duly signed and presented in conformity with Colorado law and that the allegations of the Petition are true, the Council, by this ordinance, hereby finds that it has full jurisdiction under the law to adopt this ordinance, that the district for which the Petition has been filed is hereby declared organized, and that the district shall be known as the City of Westminster Downtown General Improvement District (the "District"), by which, in all proceedings, it shall hereafter be known. The District shall be a public or quasi-municipal subdivision of the State of Colorado and a body corporate with the limited proprietary powers set forth in Part 6, Article 25, Title 31, Colorado Revised Statutes.

Section 3. DISTRICT BOUNDARIES. The District is located entirely within the boundaries of the City and the legal description of the District boundaries is as follows:

**DOWNTOWN WESTMINSTER  
PARCEL 6  
LEGAL DESCRIPTION  
SHEET 1 OF 2**

A 10' BY 20' PARCEL OF LAND WITHIN A PORTION OF BLOCK A-2 OF WESTMINSTER CENTER SUBDIVISION, FILING NO. 1 AS RECORDED AT RECEPTION NUMBER 2015002087, LOCATED IN THE SOUTHEAST QUARTER OF SECTION 24, TOWNSHIP 3 SOUTH, RANGE 69 WEST, OF THE 6TH PRINCIPAL MERIDIAN; CITY OF WESTMINSTER, COUNTY OF JEFFERSON, STATE OF COLORADO; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH ONE-QUARTER CORNER OF SAID SECTION 24; THENCE S89°17'30"E A DISTANCE OF 334.92 FEET ALONG THE SOUTHERLY LINE OF SAID SOUTHEAST QUARTER OF SECTION 24; THENCE DEPARTING SAID SOUTHERLY LINE, N00°42'30"E A DISTANCE OF 746.02 FEET TO THE EASTERLY MOST CORNER OF SAID BLOCK A-2 BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID BLOCK A-2, S58°10'03"W A DISTANCE OF 20.00 FEET; THENCE N31°49'57"W A DISTANCE OF 10.00 FEET, THENCE, N58°10'03"E A DISTANCE OF 20.00 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID BLOCK A-2; THENCE ALONG SAID NORTHEASTERLY LINE S31°49'57"E A DISTANCE OF 10.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 0.005 ACRES (200 SQUARE FEET), MORE OR LESS.

BASIS OF BEARING

BEARINGS ARE BASED ON THE CITY OF WESTMINSTER GIS HORIZONTAL CONTROL NETWORK. BEARINGS HAVE BEEN ROTATED 00°08'32" COUNTERCLOCKWISE FROM THE PLATTED BEARINGS FOR WESTMINSTER MALL AMENDMENT PLAT, RECORDED AT RECEPTION NO. 86016236.

Section 4. DISTRICT IMPROVEMENTS AND SERVICES. A general description of the improvements to be acquired, constructed and installed within the District and the services to be provided are as follows:

IMPROVEMENTS generally to be acquired, constructed, installed, operated, and/or maintained may include but are not limited to public roadways, including road and pedestrian underpasses, site grading, sidewalks, parking improvements, water and sewer lines, landscaping, irrigation, site and traffic lighting, drainage improvements, site amenities such as benches, fountains, required signage, and relocating businesses.

SERVICES generally to be provided may include but are not limited to police and fire protection, municipal and building code enforcement, professional services including but not limited to planning, engineering, building and construction inspection, financial administration and legal services, and any other service that the City is authorized to provide.

Section 5. FILING OF ORDINANCE. Within thirty days after Council action on this ordinance, the City Clerk shall transmit to the County Clerk and Recorder of Jefferson County a copy of this ordinance.

Section 6. ORDINANCE CONCLUSIVE. This ordinance shall finally and conclusively establish the regular organization of the District against all persons unless an action attacking the validity of the organization is commenced in a court of competent jurisdiction within thirty days after the adoption of this ordinance. Thereafter, any such action shall be perpetually barred.

Section 7. REPEALER CLAUSE. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

Section 8. SEVERABILITY CLAUSE. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this ordinance.

Section 9. CHARTER CONTROLS. Pursuant to Article XX of the State Constitution and the Charter, all State statutes that might otherwise apply in connection with the provisions of this ordinance are hereby superseded to the extent of any inconsistencies or conflicts between the provisions of this ordinance and the Sale Certificate authorized hereby and such statutes. Any such inconsistency or conflict is intended by the Council and shall be deemed made pursuant to the authority of Article XX of the State Constitution and the Charter.

Section 10. EFFECTIVE DATE, RECORDING AND AUTHENTICATION. This ordinance shall take effect upon passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ARE ORDERED PUBLISHED THIS 10th day of August, 2015.

PASSED, ENACTED ON SECOND READING, AND THE FULL TEXT OF THIS ORDINANCE ORDERED PUBLISHED THIS 24th day of August, 2015.

CITY OF WESTMINSTER, COLORADO

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
DATE

STATE OF COLORADO )  
 )  
 COUNTIES OF ADAMS ) SS.  
 AND JEFFERSON )  
 )  
 CITY OF WESTMINSTER )

I, Linda Yeager, the duly appointed, qualified and acting City Clerk of the City of Westminster, Colorado (the “City”), do hereby certify:

1. That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council of the City (the “Council”) at a regular meeting of the Council held at the City Hall on August 10, 2015.

2. The passage of the Ordinance on first reading on August 10, 2015, was duly moved and seconded and the Ordinance was approved by vote of 6 to 1 of the members of the Council as follows:

Name	“Yes”	“No”	Absent	Abstain
Herb Atchison	X			
Bob Briggs	X			
Bruce Baker		X		
Maria De Cambra	X			
Alberto Garcia	X			
Emma Pinter	X			
Anita Seitz	X			

3. The passage of the Ordinance on second and final reading, was duly moved and seconded at a regular meeting of the Council on August 24, 2015, and the Ordinance was approved on second and final reading by a vote of \_\_\_ to \_\_\_ of the members of the Council as follows:

Name	“Yes”	“No”	Absent	Abstain
Herb Atchison				
Bob Briggs				
Bruce Baker				
Maria De Cambra				
Alberto Garcia				
Emma Pinter				
Anita Seitz				

4. The members of the Council were present at such meeting and voted on the passage of the Ordinance as set forth above.

5. The Ordinance has been signed by the Mayor, sealed with the corporate seal of the City, attested by me as Secretary, and duly recorded in the books of the City; and that the same remains of record in the book of records of the City.

6. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of the Ordinance.

7. Notices of the meetings of August 10, 2015 and August 24, 2015, in the forms attached hereto as **Exhibit A**, were duly given to the Council members and were posted in a designated public place within the boundaries of the City no less than twenty-four hours prior to the meeting as required by law.

8. The ordinance was published by title after first reading and published in full after adoption on second reading in the Westminster Window, a newspaper of general circulation within the City on \_\_\_\_\_, 2015. The affidavits of publication are attached hereto as **Exhibit B**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this \_\_\_\_\_ day of July, 2015.

(SEAL)

---

City Clerk

EXHIBIT A

(Attach Notices of Meetings)

**EXHIBIT B**

(Attach Affidavits of Publication)



**Agenda Memorandum**

City Council Meeting  
August 24, 2015



**SUBJECT:** Second Reading of Councillor's Bill No. 41 Creating the City of Westminster Park 1200 General Improvement District.

**Prepared By:** Jason Genck, PRL Director  
Tammy Hitchens, Finance Director

**Recommended City Council Action**

Pass Councillor's Bill No. 41 on second reading creating the City of Westminster Park 1200 General Improvement District.

**Summary Statement**

- This Councillor's Bill was approved on first reading on August 10, 2015.
- The first step in the creation of a General Improvement District (GID) is for owner(s) of taxable real property to file a Petition for the organization of a GID with the City Clerk. The petition must meet all legal requirements as set forth in the appropriate sections of the Colorado Revised Statutes.
- Such petition to form the City of Westminster Park 1200 GID has been properly filed with the City Clerk by the petitioners.
- The next procedural step requires that the City Council adopt an ordinance creating the GID. If the GID is created, the Council will become the ex-officio Board of the GID. To comply with deadlines set forth in State law, the appropriate ballot question for voter acceptance of the proposed mill levy and subsequent tax increase has been drafted. If the above action is approved by City Council, approval of the ballot language will be presented at the August 24, 2015 meeting for consideration by the GID Board's (City Council will sit as the Board).
- If the Park 1200 Development is not approved by City Council, the GID will be dissolved.

**Expenditure Required:** \$0

**Source of Funds:** N/A

Respectfully submitted,

Stephen P. Smithers  
Acting City Manager

Attachment – Councillor's Bill No. 41

BY AUTHORITY

ORDINANCE NO. **3798**

COUNCILLOR’S BILL NO. **41**

SERIES OF 2015

INTRODUCED BY COUNCILLORS  
**Briggs - Seitz**

A BILL

FOR AN ORDINANCE ACCEPTING A PETITION FOR THE ORGANIZATION OF A GENERAL IMPROVEMENT DISTRICT IN THE CITY OF WESTMINSTER AND MAKING CERTAIN FINDINGS AND DETERMINATIONS; WAIVING ALL REQUIREMENTS FOR NOTICE, PUBLICATION AND A HEARING AS PERMITTED BY STATUTE; DECLARING THE NECESSITY OF THE FORMATION OF THE GENERAL IMPROVEMENT DISTRICT; ESTABLISHING AND CREATING THE CITY OF WESTMINSTER PARK 1200 GENERAL IMPROVEMENT DISTRICT; PROVIDING OTHER DETAILS RELATING THERETO

WHEREAS, a Petition for the organization of a general improvement district in the City of Westminster, Colorado (the “Petition”) has been filed in the office of the City Clerk of the City of Westminster (the “City”); and

WHEREAS, the Petition has been reviewed by the City Clerk; and

WHEREAS, the Petition has been signed by one hundred percent of the owners of taxable real property to be included in the proposed district and contains a request, pursuant to Section 31-25-607 (3.5), Colorado Revised Statutes, for waiver of all requirements for notice, publication and a hearing set forth in Sections 31-25-606 and 31-25-607, Colorado Revised Statutes, and of the organizational bond set forth in Section 31-25-605, Colorado Revised Statutes.

**THE CITY OF WESTMINSTER ORDAINS:**

Section 1. FINDINGS AND DETERMINATIONS. The City Council hereby accepts the Petition for Organization of a General Improvement District in the City of Westminister, Colorado (the “Petition”), which requests the formation of a general improvement district to be known as “City of Westminister Park 1200 General Improvement District.” The Council hereby finds that the signatures on the Petition are genuine, that the Petition is signed by one hundred percent of the owners of taxable real property of the proposed district who own real property in the proposed district, and that the Petition contains a request for waiver of all requirements for notice, publication and a hearing set forth in Sections 31-25-606 and 31-26-607, Colorado Revised Statutes, and of the organizational bond set forth in Section 31-25-605, Colorado Revised Statutes.

The Council does hereby determine that the proposed improvements and facilities do not duplicate or interfere with any municipal improvement already constructed or planned to

be constructed within the limits of the proposed district. The Council finds that the creation of the district and proposed improvements therein will confer a general benefit on the district and that the costs of the improvements will not be excessive as compared with the value of the property in the district. The Council hereby finds, determines and declares that the organization of the district will serve a public use and will promote the health, prosperity, security and general welfare of the inhabitants of the City and the district. The Council hereby determines to grant such request for waiver and finds that the allegations of the Petition are true and that the district should be established.

Section 2. ESTABLISHMENT OF DISTRICT. It appearing that the Petition has been duly signed and presented in conformity with Colorado law and that the allegations of the Petition are true, the Council, by this ordinance, hereby finds that it has full jurisdiction under the law to adopt this ordinance, that the district for which the Petition has been filed is hereby declared organized, and that the district shall be known as the City of Westminster Park 1200 General Improvement District (the "District"), by which, in all proceedings, it shall hereafter be known. The District shall be a public or quasi-municipal subdivision of the State of Colorado and a body corporate with the limited proprietary powers set forth in Part 6, Article 25, Title 31, Colorado Revised Statutes.

Section 3. DISTRICT BOUNDARIES. The District is located entirely within the boundaries of the City and the legal description of the District boundaries is as follows:

A PARCEL OF LAND BEING A PART OF LOT 1C OF THE SECOND REPLAT LUCENT TECHNOLOGIES RECORDED AT RECEPTION NO. 2014000081836 IN THE RECORDS OF THE ADAMS COUNTY CLERK AND RECORDER, SITUATED IN THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 2 SOUTH, RANGE 68 WEST OF THE 6TH PRINCIPAL MERIDIAN, CITY OF WESTMINSTER, COUNTY OF ADAMS, STATE OF COLORADO DESCRIBED AS FOLLOWS:

**COMMENCING** AT THE CENTER QUARTER CORNER OF SAID SECTION 4, AND CONSIDERING THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 4 TO BEAR NORTH 00°19'13" WEST, WITH ALL BEARINGS HEREON RELATIVE THERTO;

THENCE NORTH 61°15'23" EAST A DISTANCE OF 71.64 FEET TO A POINT ON THE THE WESTERLY LINE OF SAID LOT 1C AND THE **POINT OF BEGINNING**;

THENCE NORTH 00°19'13" WEST ALONG THE WESTERLY LINE OF SAID LOT 1C A DISTANCE OF 963.77 FEET TO THE NORTHWESTERLY CORNER OF SAID LOT 1C; THENCE NORTH 89°55'45" EAST ALONG THE NORTHERLY LINE OF SAID LOT 1C A DISTANCE OF 545.13 FEET;

THENCE SOUTH 00°04'15" EAST A DISTANCE OF 376.20 FEET;

THENCE NORTH 89°55'45" EAST A DISTANCE OF 148.27 FEET;

THENCE SOUTH 00°04'15" EAST A DISTANCE OF 91.00 FEET;

THENCE NORTH 89°55'45" EAST A DISTANCE OF 622.36 FEET;

THENCE SOUTH 00°04'15" EAST A DISTANCE OF 33.70 FEET;

THENCE NORTH 89°55'45" EAST A DISTANCE OF 270.50 FEET;

THENCE NORTH 00°04'15" WEST A DISTANCE OF 33.70 FEET;

THENCE NORTH 89°55'45" EAST A DISTANCE OF 227.59 FEET;

THENCE SOUTH 00°04'15" EAST A DISTANCE OF 475.86 FEET;

THENCE SOUTH 89°16'26" WEST A DISTANCE OF 1,809.77 FEET TO THE **POINT OF BEGINNING**;

SAID PARCEL CONTAINS AN AREA OF 1,138,994 SQUARE FEET, OR 26.15 ACRES, MORE OR LESS.

Section 4. DISTRICT IMPROVEMENTS AND SERVICES. A general description of the improvements to be acquired, constructed and installed within the District and the services to be provided are as follows:

IMPROVEMENTS generally to be acquired, constructed, installed, operated, and/or maintained may include but are not limited to site grading, sidewalks, parking improvements, water and sewer lines, landscaping, irrigation, site lighting, drainage improvements, site amenities such as benches, fountains, and required signage.

SERVICES generally to be provided may include but are not limited to police and fire protection, municipal and building code enforcement, professional services including but not limited to planning, engineering, building and construction inspection, financial administration and legal services, and any other service that the City is authorized to provide.

Section 5. FILING OF ORDINANCE. Within thirty days after Council action on this ordinance, the City Clerk shall transmit to the County Clerk and Recorder of Adams County a copy of this ordinance.

Section 6. ORDINANCE CONCLUSIVE. This ordinance shall finally and conclusively establish the regular organization of the District against all persons unless an action attacking the validity of the organization is commenced in a court of competent jurisdiction within thirty days after the adoption of this ordinance. Thereafter, any such action shall be perpetually barred.

Section 7. REPEALER CLAUSE. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or part of any ordinance heretofore repealed.

Section 8. SEVERABILITY CLAUSE. If any section, paragraph, clause or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this ordinance.

Section 9. CHARTER CONTROLS. Pursuant to Article XX of the State Constitution and the Charter, all State statutes that might otherwise apply in connection with the provisions of this ordinance are hereby superseded to the extent of any inconsistencies or conflicts between the provisions of this ordinance and the Sale Certificate authorized hereby and such statutes. Any such inconsistency or conflict is intended by the Council and shall be deemed made pursuant to the authority of Article XX of the State Constitution and the Charter.

Section 10. EFFECTIVE DATE, RECORDING AND AUTHENTICATION. This ordinance shall take effect upon passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ARE ORDERED PUBLISHED THIS 10th day of August, 2015.

PASSED, ENACTED ON SECOND READING, AND THE FULL TEXT OF THIS ORDINANCE ORDERED PUBLISHED THIS 24th day of August, 2015.

CITY OF WESTMINSTER, COLORADO

\_\_\_\_\_  
Mayor

(SEAL)

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney

\_\_\_\_\_  
DATE

STATE OF COLORADO )  
 )  
 COUNTIES OF ADAMS ) SS.  
 AND JEFFERSON )  
 )  
 CITY OF WESTMINSTER )

I, Linda Yeager, the duly elected, qualified and acting City Clerk of the City of Westminster, Colorado (the "City"), do hereby certify:

1. That the foregoing pages are a true, correct, and complete copy of an ordinance adopted by the City Council of the City (the "Council") at a regular meeting of the Council held at the City Hall on August 10, 2015.

2. The passage of the Ordinance on first reading on August 10, 2015, was duly moved and seconded and the Ordinance was approved by vote of 6 to 1 of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Herb Atchison	X			
Bob Briggs	X			
Bruce Baker		X		
Maria De Cambra	X			
Alberto Garcia	X			
Emma Pinter	X			
Anita Seitz	X			

3. The passage of the Ordinance on second and final reading, was duly moved and seconded at a regular meeting of the Council on August 24, 2015, and the Ordinance was approved on second and final reading by a vote of a \_\_\_ to \_\_\_ of the members of the Council as follows:

Name	"Yes"	"No"	Absent	Abstain
Herb Atchison				
Bob Briggs				
Bruce Baker				
Maria De Cambra				
Alberto Garcia				
Emma Pinter				
Anita Seitz				

4. The members of the Council were present at such meeting and voted on the passage of the Ordinance as set forth above.

5. The Ordinance has been signed by the Mayor, sealed with the corporate seal of the City, attested by me as Secretary, and duly recorded in the books of the City; and that the same remains of record in the book of records of the City.

6. There are no bylaws, rules or regulations of the Council which might prohibit the adoption of the Ordinance.

7. Notices of the meetings of August 10, 2015 and August 24, 2015, in the forms attached hereto as **Exhibit A**, were duly given to the Council members and were posted in a designated public place within the boundaries of the City no less than twenty-four hours prior to the meeting as required by law.

8. The ordinance was published by title after first reading and published in full after adoption on second reading in the Westminster Window, a newspaper of general circulation within the City on \_\_\_\_\_, 2015. The affidavits of publication are attached hereto as **Exhibit B**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City  
this \_\_\_\_\_ day of July, 2015.

---

City Clerk

(SEAL)

EXHIBIT A

(Attach Notices of Meetings)

EXHIBIT B

(Attach Affidavits of Publication)

**AGENDA**

**CITY OF WESTMINSTER DOWNTOWN  
GENERAL IMPROVEMENT DISTRICT  
MEETING**

**MONDAY, AUGUST 24, 2015**

**AT 7:00 P.M.**

1. **Roll Call**
2. **Minutes of Previous Meeting (N/A)**
3. **New Business**
  - A. Resolution No. 1 re City of Westminster Downtown General Improvement District Special Election
4. **Adjournment**

# City of Westminster Downtown GID Agenda Item 3 A

## Agenda Memorandum

City of Westminster Downtown General Improvement District Meeting  
August 24, 2015



**SUBJECT:** Resolution No. 1 re City of Westminster Downtown General Improvement District Special Election

**Prepared By:** Tammy Hitchens, Finance Director  
Robert Byerhof, Treasury Manager  
Karen Creager, Special District Accountant

### Recommended Board Action

Adopt Resolution No. 1 calling for a special election for the City of Westminster Downtown General Improvement District to be held in November 2015.

### Summary Statement

By adopting the attached Resolution calling for a special election this November, City Council, as the ex-officio Board of the General Improvement District (GID), authorizes the ballot language to be presented to electors within the City of Westminster Downtown GID (District). The ballot language to be approved includes two questions:

- Mill Levy/TABOR (deBrucing) Question: To authorize the GID to levy property taxes against the property owners up to 50 mills, to assist in paying for public infrastructure and ongoing operating and maintenance costs within the District and exempts the property tax revenues and expenditures for the improvements and ongoing operations and maintenance from the TABOR calculations required by cities each year, as a part of the requirements of the 1992 constitutional amendment.
- Obligation Question: To authorize the GID to enter into multi-year obligations and intergovernmental agreements with the City of Westminster, Westminster Economic Development Authority (WEDA), or any other political subdivision for the purpose of jointly financing public improvements and services.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should the GID Board call a special election for this November and approve the specific language to be voted on by the District's electors?

**Alternative**

Do not proceed with the November election. This is not recommended, as this will prevent the questions from appearing on the 2015 election ballot. The petition to form the District along with the reasoning for the mill levy has been accepted by the Petitioner. By not approving the ballot language, the ability to efficiently develop and sustain a viable Downtown Westminster development with a rational and prudent revenue stream may be jeopardized. The revenues from the District mill levy will be used to fund ongoing operating costs as well as capital improvements associated with the Downtown Westminster development.

**Background Information**

On August 10, 2015, Council approved on first reading the creation of the Westminster Downtown GID on a 6:1 vote, and Staff anticipates that Council will approve the creation ordinance on second reading at the Council meeting held prior to this meeting. A petition by a property owner within the GID boundaries facilitated the formation of the District, which is anticipated to be expanded to include property owned by the Westminster Economic Development Authority ("WEDA") at a later date. Since only tax paying property owners can petition the formation a GID, the inclusion of tax exempt property can be added only after the District has been approved.

Now that the GID has been established, the next step is for the GID Board to authorize a special election and the ballot language needed to levy a property tax on current and future owners of taxable property. Given the significant projected costs to build the public infrastructure along with the associated operating and maintenance costs, it is prudent to establish a sustainable property tax revenue stream to support Council's vision of a successful Downtown Westminster development.

Although the final build-out of Downtown Westminster is years from completion, Staff projected a build-out based on the development standards and intensity established within the Downtown Westminster Specific Plan adopted by Council in November 2014. Based on this pro forma, a 50 mill levy rate will produce a revenue stream that will ramp as the project develops from a projected initial phase of \$685,000 to \$5.88 million annually at build out to pay for the estimated annual maintenance and operating costs of \$3 million. The remaining funds would be used for other project priorities including capital improvement needs.

The ballot language shown in the attached resolution provides for the ability of the Board to apply a mill levy rate of up to 50 mills to pay for operating and public infrastructure needs within the Westminster Downtown GID and authorize the GID to enter into multi-year obligations and intergovernmental agreements, foremost with the City of Westminster and Westminster Economic Development Authority (WEDA) for the purpose of jointly paying for public improvements and services that are directly incurred within the District. The language includes an estimate of first year GID revenues of up to \$1,000,000. While it is unlikely that the GID will generate this level of revenues, it is important to be transparent for the potential revenue, and to ensure the District gets to keep and productively use all the revenue it generates.

The existing property owner within the GID boundaries is aware of the necessity for the election to generate this crucial revenue stream to pay for capital and operating costs that directly benefit owners within the GID. The ballot will be voted on this November and is necessary to be in compliance with the State's Taxpayers Bill of Rights (TABOR) Amendment requiring a vote of the constituents on tax related issues.

The action requested in this agenda memorandum relates to the City's Strategic Plan goal of Visionary Leadership, Effective Governance and Proactive Regional Collaboration and to a Financially Sustainable Government Providing Excellence in City Services by creating a governmental entity to oversee the ongoing needs to fund a financially sustainable Downtown Westminster development.

Respectfully submitted,

Stephen P. Smithers  
Acting Executive Director

Attachment: Resolution

RESOLUTION

RESOLUTION NO. **1**

INTRODUCED BY COUNCILLORS

SERIES OF 2015

**A RESOLUTION CALLING A SPECIAL ELECTION IN THE CITY OF WESTMINSTER DOWNTOWN GENERAL IMPROVEMENT DISTRICT; AND PROVIDING OTHER DETAILS RELATING THERETO**

WHEREAS, the City of Westminster Downtown General Improvement District (the "District") is a public improvement district and a quasi-municipal corporation duly organized pursuant to Part 6, Article 25, Title 31, Colorado Revised Statutes, and Ordinance of the City of Westminster, Colorado (the "City") adopted by the Council of the City (the "City Council") on August 24, 2015; and

WHEREAS, the members of the City Council have been duly elected and qualified and serve ex officio as the Board of Directors of the District (the "Board"); and

WHEREAS, Article X, Section 20 of the Constitution ("TABOR") requires voter approval for incurring debt, the creation of any tax, and for spending certain moneys above limits established thereby; and

WHEREAS, Section 31-25-611(n), C.R.S. authorizes the District to conduct an election in accordance with Title 31, Article 10, C.R.S. (the "Municipal Election Code") for any purpose the Board deems necessary or required; and

WHEREAS, TABOR requires that ballot issues (as defined in TABOR) be submitted to the electors of the District (as so defined in Section 31-26-602(2), the "Electors") on limited election days before action can be taken on such ballot issues; and

WHEREAS, November 3, 2015, is a date scheduled for a general election in the State of Colorado, and is one of the election dates at which ballot issues and spending questions may, under TABOR, be submitted to the District electors; and

WHEREAS, the Board hereby determines that it is necessary to submit to the Electors of the District at an independent mail ballot election to be held on November 3, 2015 (the "Election") (i) a question regarding the imposition of ad valorem taxes on the taxable property within the District to finance improvements and services set forth in the petition submitted to the City requesting the creation of the District (the "Improvements" and "Services") and to pay the annual administrative expenses of the District; and (ii) a question allowing the District to enter into multiple fiscal year financial obligations with respect to any Improvements or Services as described in the petition; and

WHEREAS, the Board elects to utilize the provisions of the Municipal Election Code of 1965, Title 31, Article 10, C.R.S., as amended (the "Municipal Election Code"), to conduct the Election; and

WHEREAS, the City Clerk of the City ("City Clerk") will conduct the Election as an independent mail ballot election; and

WHEREAS, it is necessary to set the language for the mail ballot and to set forth certain procedures concerning the conduct of the Election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WESTMINSTER, COLORADO, AS THE *EX OFFICIO* BOARD OF DIRECTORS OF THE CITY OF WESTMINSTER DOWNTOWN GENERAL IMPROVEMENT DISTRICT, AS FOLLOWS:

1. All action heretofore taken (consistent with the provisions of this resolution) by the District and the officers thereof, directed toward the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in Article 31, Section 10 (the "Municipal Election Code").

3. Pursuant to TABOR and the Municipal Election Code, the Board hereby determines to call a special election to be conducted on November 3, 2015, as an independent mail ballot election (the "Election"). The Board hereby determines that at the Election there shall be submitted to the eligible electors of the District the questions set forth in Section 4 hereof.

4. The Board hereby designates the City Clerk as the election official and certifies thereto the following questions in substantially the forms hereinafter set forth to be submitted to the eligible electors of the District at the Election:

**BALLOT ISSUE 5A:**

SHALL CITY OF WESTMINSTER DOWNTOWN GENERAL IMPROVEMENT DISTRICT TAXES BE INCREASED \$1,000,000 IN 2017 (FIRST FULL FISCAL YEAR) AND BY WHATEVER AMOUNTS AS MAY BE GENERATED ANNUALLY THEREAFTER BY THE IMPOSITION OF A MILL LEVY OF NOT TO EXCEED FIFTY (50) MILLS AS MAY BE NECESSARY TO PAY THE COST OF SUCH IMPROVEMENTS AND SERVICES AS THE DISTRICT IS AUTHORIZED TO PROVIDE BY LAW; AND SHALL THE PROCEEDS OF SUCH TAXES AND INVESTMENT INCOME THEREON AND ANY OTHER REVENUES BE COLLECTED AND SPENT BY THE DISTRICT AS A VOTER-APPROVED REVENUE CHANGE IN 2017 AND IN EACH YEAR THEREAFTER, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW?

**BALLOT ISSUE 5B:**

SHALL CITY OF WESTMINSTER DOWNTOWN GENERAL IMPROVEMENT DISTRICT BE AUTHORIZED TO ENTER INTO ONE OR MORE MULTIPLE FISCAL YEAR FINANCIAL OBLIGATIONS OR INTERGOVERNMENTAL AGREEMENTS WITH THE CITY OF WESTMINSTER, THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY, OR ANY POLITICAL SUBDIVISION OF THE STATE, FOR THE PURPOSE OF JOINTLY FINANCING THE COSTS OF ANY PUBLIC IMPROVEMENTS, FACILITIES, PROJECTS, SYSTEMS, PROGRAMS, OR SERVICES WHICH THE DISTRICT MAY LAWFULLY PROVIDE OR FOR OPERATIONS AND MAINTENANCE EXPENSES OF THE DISTRICT, WHICH AGREEMENT MAY CONSTITUTE A DEBT OR INDEBTEDNESS AND A MULTIPLE-FISCAL YEAR OBLIGATION OF THE DISTRICT TO THE EXTENT PROVIDED THEREIN AND OTHERWISE AUTHORIZED BY LAW, AND IN CONNECTION THEREWITH SHALL THE DISTRICT BE AUTHORIZED TO MAKE COVENANTS REGARDING THE ESTABLISHMENT AND USE OF AD VALOREM TAXES, RATES, FEES, TOLLS, PENALTIES, AND OTHER CHARGES OR REVENUES OF THE DISTRICT, AND COVENANTS, REPRESENTATIONS, AND WARRANTIES AS TO OTHER MATTERS ARISING UNDER THE AGREEMENTS, ALL AS MAY BE DETERMINED BY THE BOARD OF DIRECTORS OF THE DISTRICT?

5. If a majority of the votes cast on the question to authorize the increase of tax submitted at the Election shall be in favor of the increase of tax as provided in such question, the Board shall be authorized to proceed with the necessary action to increase such tax in accordance with such question. Any authority to increase in tax, if conferred by the results of the Election, shall be deemed and considered a continuing authority to increase taxes so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

6. Pursuant to Section 31-10-1308(2), C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

7. The ballot titles in Section 4 hereof are set based upon the requirements of TABOR and, pursuant to Section 31-11-102, C.R.S., are an alternative to the provisions of Section 31-11-111, C.R.S. regarding both a title and a submission clause. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

8. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution.

9. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

The effective date of this resolution shall be immediately upon adoption.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the City Council of the City of Westminster, Colorado, acting ex-officio as the Board of Directors of the City of Westminster Downtown General Improvement District, on August 24, 2015.

CITY OF WESTMINSTER DOWNTOWN  
GENERAL IMPROVEMENT DISTRICT

\_\_\_\_\_  
Mayor/Chairman of the Board of Directors

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Clerk/District Secretary

\_\_\_\_\_  
City Attorney

STATE OF COLORADO )  
 )  
 COUNTIES OF ADAMS ) SS.  
 AND JEFFERSON )  
 )  
 CITY OF WESTMINSTER )  
 DOWNTOWN GENERAL )  
 IMPROVEMENT DISTRICT )

I, Linda Yeager, the duly elected, qualified and acting Secretary of the Board of Directors of the City of Westminster Downtown General Improvement District (the "District") do hereby certify:

1. That the foregoing pages are a true, correct, and complete copy of a resolution (the "Resolution") adopted by Board of Directors (the "Board") of the District at a regular meeting of the Board held at the Westminster City Hall on August 24, 2015.

2. The passage of the Resolution was duly moved and seconded and the resolution was approved by vote of \_\_\_ of \_\_\_ of the members of the Board as follows:

Name	"Yes"	"No"	Absent	Abstain
Herb Atchison				
Bob Briggs				
Bruce Baker				
Maria De Cambra				
Alberto Garcia				
Emma Pinter				
Anita Seitz				

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

4. The Resolution has been signed by the President, sealed with the corporate seal of the District, attested by me as Secretary, and duly recorded in the books of the District; and that the same remains of record in the book of records of the District.

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

6. Notices of the meeting of August 24, 2015, in the form attached hereto as **Exhibit A**, was duly given and was posted in a designated public place no less than twenty-four hours prior to the meeting as required by law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this \_\_\_\_\_ day of August, 2015.

\_\_\_\_\_  
 Secretary

(SEAL)

EXHIBIT A

(Attach Notice of Meeting)

**AGENDA**

**CITY OF WESTMINSTER PARK 1200  
GENERAL IMPROVEMENT DISTRICT  
MEETING**

**MONDAY, AUGUST 24, 2015**

**AT 7:00 P.M.**

1. **Roll Call**
2. **Minutes of Previous Meeting (N/A)**
3. **New Business**
  - A. Resolution No. 1 re City of Westminster Park 1200 General Improvement District Special Election
4. **Adjournment**

# City of Westminster Park 1200 GID Agenda Item 3 A

## Agenda Memorandum

City of Westminster Park 1200 General Improvement District Meeting  
August 24, 2015



**SUBJECT:** Resolution No. 1 re City of Westminster Park 1200 General Improvement District Special Election

**Prepared By:** Tammy Hitchens, Finance Director  
Robert Byerhof, Treasury Manager  
Karen Creager, Special District Accountant

### Recommended Board Action

Adopt Resolution No. 1 calling for a special election for the City of Westminster Park 1200 General Improvement District to be held in November 2015.

### Summary Statement

By adopting the attached Resolution calling for a special election this November, City Council, as the ex-officio Board of the General Improvement District (GID), authorizes the ballot language to be presented to electors within the City of Westminster Park 1200 GID (District). The ballot language to be approved includes the following action:

Mill Levy/TABOR (deBrucing) Question: To authorize the GID to levy property taxes against the property owners up to 10 mills, to assist in paying for public infrastructure and ongoing operating and maintenance costs within the District and exempts the property tax revenues and expenditures for the improvements and ongoing operations and maintenance from the TABOR calculations required by cities each year, as a part of the requirements of the 1992 constitutional amendment.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

Should the GID Board call a special election for this November and approve the specific language to be voted on by the District's electors?

**Alternative**

Do not proceed with the November election. This is not recommended, as this will prevent the questions from appearing on the 2015 election ballot. The petition to form the District along with the reasoning for the mill levy has been accepted by the Petitioner. By not approving the ballot language, the ability to efficiently develop and maintain the proposed park with a rational and prudent revenue stream may be jeopardized. The revenue generated from the mill levy will contribute to the cost of improvements and ongoing operating costs to provide services for the park.

**Background Information**

Park 1200 is a proposed 320-unit, multi-family development at the northeast corner of 116<sup>th</sup> Avenue and Pecos Street. The developer submitted a rezoning request, including a Preliminary Development Plan (PDP) and an Official Development Plan (ODP) for this development. If this development is approved by City Council, the applicants would like to provide a park on the site. As part of the discussions, property owners within the boundaries of the proposed GID have been working with the City on the possibility of a future park on this site. The property owners would like to help support the maintenance and operating costs of the park. While a specific decision on a public park within the GID has yet to be determined, without this funding, it is possible that a public park will not be built on the site due to other City priorities. It should be noted that GID fees will be limited to the extent of the direct maintenance and operating costs of the park and future capital replacement within the boundaries and aligned with the timing of site improvements.

On August 10, 2015, Council approved on first reading the creation of the City of Westminster Park 1200 GID District on a 6:1 vote, and Staff anticipates that Council will approve the creation ordinance on second reading at the Council meeting held prior to this meeting. A petition by the property owners within the GID boundaries facilitated the formation of the District.

Now that the GID has been established, the next step is for the GID Board to authorize a special election and the ballot language needed to levy a property tax. The attached resolution, if approved by the Board, will present the owners within the District a ballot to vote on the mill levy increase and the TABOR deBrucing language needed to ensure GID revenues are collected and kept for their intended use. The vote is limited to property owners within the Park 1200 GID.

The existing property owners within the GID boundaries are aware of the necessity for the vote affirming the need to generate this revenue stream to pay for capital and operating costs which will directly benefit owners/residents within the GID. The ballot will be voted on this November and is necessary to be in compliance with the State's Taxpayers Bill of Rights (TABOR) Amendment requiring a vote of the constituents on tax related issues.

The action requested in this agenda memorandum relates to the City's Strategic Plan goal of Visionary Leadership, Effective Governance and Proactive Regional Collaboration and to a Financially Sustainable Government Providing Excellence in City Services by creating a governmental entity to oversee the ongoing needs to fund a financially sustainable park.

Respectfully submitted,

Stephen P. Smithers  
Acting Executive Director

Attachment: Resolution

RESOLUTION

RESOLUTION NO. **1**

INTRODUCED BY COUNCILLORS

SERIES OF 2015

---

**A RESOLUTION CALLING A SPECIAL ELECTION IN THE CITY OF  
WESTMINSTER PARK 1200 GENERAL IMPROVEMENT DISTRICT; AND  
PROVIDING OTHER DETAILS RELATING THERETO**

WHEREAS, the City of Westminster Park 1200 General Improvement District (the "District") is a public improvement district and a quasi-municipal corporation duly organized pursuant to Part 6, Article 25, Title 31, Colorado Revised Statutes, and Ordinance of the City of Westminster, Colorado (the "City") adopted by the Council of the City (the "City Council") on August 24, 2015; and

WHEREAS, the members of the City Council have been duly elected and qualified and serve ex officio as the Board of Directors of the District (the "Board"); and

WHEREAS, Article X, Section 20 of the Constitution ("TABOR") requires voter approval for incurring debt, the creation of any tax, and for spending certain moneys above limits established thereby; and

WHEREAS, Section 31-25-611(n), C.R.S. authorizes the District to conduct an election in accordance with Title 31, Article 10, C.R.S. (the "Municipal Election Code") for any purpose the Board deems necessary or required; and

WHEREAS, TABOR requires that ballot issues (as defined in TABOR) be submitted to the electors of the District (as so defined in Section 31-26-602(2), the "Electors") on limited election days before action can be taken on such ballot issues; and

WHEREAS, November 3, 2015, is a date scheduled for a general election in the State of Colorado, and is one of the election dates at which ballot issues and spending questions may, under TABOR, be submitted to the District electors; and

WHEREAS, the Board hereby determines that it is necessary to submit to the Electors of the District at an independent mail ballot election to be held on November 3, 2015 (the "Election") a question regarding the imposition of ad valorem taxes on the taxable property within the District to finance improvements and services set forth in the petition submitted to the City requesting the creation of the District (the "Improvements" and "Services") and to pay the annual administrative expenses of the District; and;

WHEREAS, the Board elects to utilize the provisions of the Municipal Election Code of 1965, Title 31, Article 10, C.R.S., as amended (the "Municipal Election Code"), to conduct the Election; and

WHEREAS, the City Clerk of the City ("City Clerk") will conduct the Election as an independent mail ballot election; and

WHEREAS, it is necessary to set the language for the mail ballot and to set forth certain procedures concerning the conduct of the Election.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CITY OF WESTMINSTER, COLORADO, AS THE *EX OFFICIO* BOARD OF DIRECTORS OF THE CITY OF WESTMINSTER PARK 1200 GENERAL IMPROVEMENT DISTRICT, AS FOLLOWS:

1. All action heretofore taken (consistent with the provisions of this resolution) by the District and the officers thereof, directed toward the election and the objects and purposes herein stated is hereby ratified, approved and confirmed.

2. Unless otherwise defined herein, all terms used herein shall have the meanings defined in Article 31, Section 10 (the "Municipal Election Code").

3. Pursuant to TABOR and the Municipal Election Code, the Board hereby determines to call a special election to be conducted on November 3, 2015, as an independent mail ballot election (the "Election"). The Board hereby determines that at the election to be held on November 3, 2015, there shall be submitted to the eligible electors of the District the question set forth in Section 4 hereof.

4. The Board hereby designates the City Clerk as the election official and certifies thereto the following question in substantially the form hereinafter set forth to be submitted to the eligible electors of the District at the Election:

**BALLOT ISSUE 5A:**

**SHALL CITY OF WESTMINSTER PARK 1200 GENERAL IMPROVEMENT DISTRICT TAXES BE INCREASED \$50,000 IN 2017 (FIRST FULL FISCAL YEAR) AND BY WHATEVER AMOUNTS AS MAY BE GENERATED ANNUALLY THEREAFTER BY THE IMPOSITION OF A MILL LEVY OF NOT TO EXCEED TEN (10) MILLS AS MAY BE NECESSARY TO PAY THE COST OF SUCH IMPROVEMENTS AND SERVICES AS THE DISTRICT IS AUTHORIZED TO PROVIDE BY LAW; AND SHALL THE PROCEEDS OF SUCH TAXES AND INVESTMENT INCOME THEREON AND ANY OTHER REVENUES BE COLLECTED AND SPENT BY THE DISTRICT AS A VOTER-APPROVED REVENUE CHANGE IN 2017 AND IN EACH YEAR THEREAFTER, WITHOUT REGARD TO ANY SPENDING, REVENUE-RAISING, OR OTHER LIMITATION CONTAINED WITHIN ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION, OR ANY OTHER LAW?**

5. If a majority of the votes cast on the question to authorize the increase of tax submitted at the Election shall be in favor of the increase of tax as provided in such question, the Board shall be authorized to proceed with the necessary action to increase such tax in accordance with such question. Any authority to increase in tax, if conferred by the results of the Election, shall be deemed and considered a continuing authority to increase taxes so authorized at any one time, or from time to time, and neither the partial exercise of the authority so conferred, nor any lapse of time, shall be considered as exhausting or limiting the full authority so conferred.

6. Pursuant to Section 31-10-1308(2), C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

7. The ballot titles in Section 4 hereof are set based upon the requirements of TABOR and, pursuant to Section 31-11-102, C.R.S., are an alternative to the provisions of Section 31-11-111, C.R.S. regarding both a title and a submission clause. Pursuant to Section 1-11-203.5, C.R.S., any election contest arising out of a ballot issue or ballot question election concerning the order of the ballot or the form or content of the ballot title shall be commenced by petition filed with the proper court within five days after the title of the ballot issue or ballot question is set.

8. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no manner affect any remaining provisions of this resolution.

9. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

The effective date of this resolution shall be immediately upon adoption.

INTRODUCED, PASSED AND ADOPTED at a regular meeting of the City Council of the City of Westminster, Colorado, acting ex-officio as the Board of Directors of the City of Westminster Park 1200 General Improvement District, on August 24, 2015.

CITY OF WESTMINSTER PARK 1200 GENERAL  
IMPROVEMENT DISTRICT

\_\_\_\_\_  
Mayor/Chairman of the Board of Directors

ATTEST:

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
City Clerk/District Secretary

\_\_\_\_\_  
City Attorney

STATE OF COLORADO )  
 )  
 COUNTIES OF ADAMS ) SS.  
 AND JEFFERSON )  
 )  
 CITY OF WESTMINSTER )  
 PARK 1200 GENERAL )  
 IMPROVEMENT DISTRICT )

I, Linda Yeager, the duly elected, qualified and acting Secretary of the Board of Directors of the City of Westminster Park 1200 General Improvement District (the "District") do hereby certify:

1. That the foregoing pages are a true, correct, and complete copy of a resolution (the "Resolution") adopted by Board of Directors (the "Board") of the District at a regular meeting of the Board held at the Westminster City Hall on August 24, 2015.

2. The passage of the Resolution was duly moved and seconded and the resolution was approved by vote of \_\_\_ of \_\_\_ of the members of the Board as follows:

Name	"Yes"	"No"	Absent	Abstain
Herb Atchison				
Bob Briggs				
Bruce Baker				
Maria De Cambra				
Alberto Garcia				
Emma Pinter				
Anita Seitz				

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

4. The Resolution has been signed by the President, sealed with the corporate seal of the District, attested by me as Secretary, and duly recorded in the books of the District; and that the same remains of record in the book of records of the District.

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

6. Notices of the meeting of August 24, 2015, in the form attached hereto as **Exhibit A**, was duly given and was posted in a designated public place no less than twenty-four hours prior to the meeting as required by law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said City this \_\_\_\_\_ day of August, 2015.

\_\_\_\_\_  
 Secretary

(SEAL)

EXHIBIT A

(Attach Notice of Meeting)