



September 9, 2013  
7:00 P.M.

## CITY COUNCIL AGENDA

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

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

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Report of City Officials**
  - A. City Manager's Report
5. **City Council Comments**
6. **Presentations**
  - A. Constitution Week 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. Westminster Station – Utility Relocation Betterment Cost Approval
  - B. Pressure Zone 4 Water System Improvements Construction Contracts
  - C. Big Dry Creek Wastewater Treatment Facility 2013 Repairs Project Engineering Services Contract
  - D. Second Reading of Councillor's Bill No. 31 re Amend WMC Section 9-8-3 Infrastructure Fee
  - E. Second Reading of Councillor's Bill No. 32 re Amend WMC Title XV, Chapter 1 Purchasing Procedures
  - F. Second Reading of Councillor's Bill No. 33 re 2013 2<sup>nd</sup> Quarter Budget Supplemental Appropriation
  - G. Second Reading of Councillor's Bill No. 34 re Bushnell Open Space Acquisition Grant Supplemental Appropriation
  - H. Second Reading of Councillor's Bill No. 35 re Big Dry Creek Buffer Open Space Grant Supplemental Appropriation
  - I. Second Reading of Councillor's Bill No. 36 re Appropriating Money from CDOT re US 36 Managed Lanes Project
9. **Appointments and Resignations**
10. **Public Hearings and Other New Business**
  - A. Public Meeting on the Adopted 2014 City Budget
  - B. Reopen Continued Public Hearing to Appeal the Denial of a Sign Code Variance re Village at Standley Lake ODP
  - C. Request to Withdraw the Appeal for the Denial of a Sign Code Variance re Village at Standley Lake ODP
  - D. Close the Public Hearing to Appeal the Denial of a Sign Code Variance re Village at Standley Lake ODP
  - E. Resolution No. 21 re 2013 Private Activity Bond Allocation and Assignment to CHFA
11. **Old Business and Passage of Ordinances on Second Reading**
  - A. Second Reading of Councillor's Bill No. 37 re Appropriating Money from CDOT re 112<sup>th</sup> Ave./FRCC Traffic Signal
12. **Miscellaneous Business and Executive Session**
  - A. City Council
13. **Adjournment**

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## **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.



W E S T M I N S T E R

# Strategic Plan

2013-2018  
Goals and Objectives

## STRONG, BALANCED LOCAL ECONOMY

- Maintain/expand healthy retail base, increasing sales tax receipts
- Attract new targeted businesses, focusing on primary employers and higher paying jobs
- Develop business-oriented mixed use development in accordance with Comprehensive Land Use Plan
- Retain and expand current businesses
- Develop multi-modal transportation system that provides access to shopping and employment centers
- Develop a reputation as a great place for small and/or local businesses
- Revitalize Westminster Center Urban Reinvestment Area



## SAFE AND HEALTHY COMMUNITY

- Maintain citizens feeling safe anywhere in the City
- Public safety departments: well-equipped and authorized staffing levels staffed with quality personnel
- Timely response to emergency calls
- Citizens taking responsibility for their own safety and well being
- Manage disaster mitigation, preparedness, response and recovery
- Maintain safe buildings and homes
- Protect residents, homes, and buildings from flooding through an effective storm water management program



## FINANCIALLY SUSTAINABLE CITY GOVERNMENT PROVIDING EXCEPTIONAL SERVICES

- Invest in well-maintained and sustainable city infrastructure and facilities
- Secure and develop long-term water supply
- Focus on core city services and service levels as a mature city with adequate resources
- Maintain sufficient reserves: general fund, utilities funds and self insurance
- Maintain a value driven organization through talent acquisition, retention, development and management
- Prepare for next generation of leaders; managers and employees.
- Maintain and enhance employee morale and confidence in City Council and management
- Invest in tools, training and technology to increase organization productivity and efficiency



## VIBRANT NEIGHBORHOODS IN ONE LIVABLE COMMUNITY

- Develop transit oriented development around commuter rail stations
- Maintain and improve neighborhood infrastructure and housing
- Preserve and restore historic assets
- Have HOAs and residents taking responsibility for neighborhood private infrastructure
- Develop Westminster as a cultural arts community
- Have a range of quality homes for all stages of life (type, price) throughout the City
- Have strong community events and active civic engagement



## BEAUTIFUL AND ENVIRONMENTALLY SENSITIVE CITY

- Have energy efficient, environmentally sensitive city operations
- Reduce energy consumption citywide
- Increase and maintain green space (parks, open space, etc.) consistent with defined goals
- Preserve vistas and view corridors
- A convenient recycling program for residents and businesses with a high level of participation



***Mission statement: We deliver exceptional value and quality of life through SPIRIT.***

**CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, AUGUST 26, 2013, AT 7:00 P.M.**

**PLEDGE OF ALLEGIANCE**

Mayor Pro Tem Winter led the Council, Staff and audience in the Pledge of Allegiance.

**ROLL CALL**

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

**CONSIDERATION OF MINUTES**

Councillor Kaiser moved, seconded by Councillor Major, to approve the minutes of the regular meeting of August 12, 2013, as presented. The motion carried unanimously.

**CITY MANAGER'S REPORT**

Mr. McFall reminded everyone that next Monday was Labor Day and City administrative offices would be closed in observance of the holiday. Additionally, there would be no meeting of City Council. Persons wishing to access recreational facilities and the libraries were urged to consult the Internet for hours of operation on Labor Day.

Following this meeting, the Westminster Economic Development Authority Board of Directors would meet. At the conclusion of that meeting, a post-meeting on the initial draft of the development plan for the Westminster Center Urban Reinvestment Project would be conducted in the multi-purpose room on the lower level.

**COUNCIL REPORTS**

Mayor Pro Tem Winter reported that this was the 93<sup>rd</sup> anniversary of women's right to vote. It was exciting to be attending a Council meeting on the occasion.

**EMPLOYEE SERVICE AWARDS**

The Council was pleased to recognize employees celebrating 20 or more years of service to the organization. Councillor Kaiser presented 20-year certificates and pins to Boni Leuenberger, Joy Tallarico, and Walt Weinmeister. Mayor Pro Tem Winter presented certificates, pins and a \$2,500 stipend for 25 years of service to Bernard Von Feldt and Robert B. Wood. Councillor Lindsey presented a certificate and pin to Marsha Johnson for 35 years of service to the City.

**PROCLAMATIONS**

Mayor Pro Tem Winter proclaimed September 2 through 5 to be Employee Appreciation Week in recognition of and gratitude for the employees throughout the organization who worked continuously to provide exceptional services to the citizens of Westminster. She presented the proclamation to members of the Employee Advisory Committee and the Employee Recognition Action Team.

Councillor Briggs presented a proclamation, signed by the Mayor Pro Tem, to Mike Reddy, Emergency Management Coordinator, that designated September as National Preparedness Month. This designation occurred annually in recognition of the terrorism incidents against the United States that happened on September 11, 2001.

**CONSENT AGENDA**

The following items were submitted for Council's consideration on the consent agenda: acceptance of the July 2013 Financial Report; authorize the execution of the Orchard Lake Development Agreement between Orchard Lakes LLC

and the City of Westminster; authorize the City Manager to execute a \$684,424.47 contract with the low bidder, T2 Construction, Inc., for construction of trail improvements within Tanglewood Creek Open Space to include earthwork, trail construction, and restoration, authorize the City Manager to execute a \$29,950 contract with Van Heukelem Concrete, Inc., doing business as Colorado Hardscapes, Inc., for construction of a sculpted concrete drop structure, authorize a 7% contingency of \$49,586.21 for these two vendors, procure subgrade and concrete testing Services from various and separate vendors during construction in an amount not to exceed \$4,750, and authorize a \$13,062 Contract Amendment with Muller Engineering Company, Inc. for the purpose of Construction Observation services for a total project cost of \$775,772.68; authorize the City Manager to execute contracts with Triple M Recreation LLC in the amount of \$151,000 for demolition, playground equipment purchase and installation, and safety surfacing installation for the Countryside Park Playground Renovation, authorize a 10% contingency of \$15,100, authorize Staff to purchase site furnishings from various vendors in an amount not to exceed \$15,000, and authorize Staff to obtain painting services from various vendors in an amount not to exceed \$5,000 for a total cost of \$186,100; approve the purchase of 650 citywide portable and mobile radios and related radio equipment from Motorola and Tait Communications in the amount of \$1,273,283; final passage on second reading of Councillor's Bill No. 28 adopting housekeeping amendments to sections within Chapters 1 and 6, Title IX, Public Ways and Property, and sections of Chapter 2, Title X, Traffic, of the Westminster Municipal Code; final passage on second reading of Councillor's Bill No. 29 appropriating funds received from the United States Department of Housing and Urban Development, Community Development Block Grant program, in the amount of \$591,925; and final passage on second reading of Councillor's Bill No. 30 authorizing the appropriation of \$144,604 from the 2012 Assistance to Firefighters Grant to the General Capital Improvement Fund Citywide Radio System Project.

Councillor Major moved, seconded by Councillor Kaiser, to approve the consent agenda as presented. The motion carried with all Council members present voting favorably.

**COUNCILLOR'S BILL NO. 31 AMENDING SECTION 9-8-3, W.M.C., INFRASTRUCTURE FEE**

Councillor Atchison moved to pass on first reading Councillor's Bill No. 31 amending Section 9-8-3 of the Westminster Municipal Code concerning the implementation dates of the Infrastructure Fee increase. Councillor Briggs seconded the motion. At roll call, the motion passed unanimously.

**COUNCILLOR'S BILL NO. 32 AMENDING PURCHASING PROCEDURES IN TITLE XV, CHAPTER 1**

Upon a motion by Councillor Major, seconded by Councillor Kaiser, the Council voted unanimously on roll call vote to pass on first reading Councillor's Bill No. 32 amending Purchasing Procedures in Title XV, Chapter 1 of the Westminster Municipal Code.

**COUNCILLOR'S BILL NO. 33 – 2013 2<sup>nd</sup> QUARTER BUDGET SUPPLEMENTAL APPROPRIATION**

It was moved by Councillor Briggs and seconded by Councillor Lindsey to pass on first reading Councillor's Bill No. 33 providing for a supplemental appropriation of funds to the 2013 budget of the General, Legacy Ridge, Heritage at Westmoor, Sales and Use Tax, Parks Open Space and Trails, and General Capital Improvement Funds appropriating funds from the 2012 Assistance to Firefighters Grant to the General Capital Improvement Fund, Citywide Radio System Project in the amount of \$144,604. At roll call, the motion passed unanimously.

**COUNCILLOR'S BILL NO. 34 – BUSHNELL OPEN SPACE PURCHASE SUPPLEMENTAL APPROPRIATION**

Councillor Major moved, seconded by Councillor Lindsey, to pass on first reading Councillor's Bill No. 34 appropriating funds received from the Adams County Open Space Grant Program in the amount of \$225,000 for the Bushnell open space acquisition grant. The motion passes unanimously at roll call.

**COUNCILLOR'S BILL NO. 35 SUPPLEMENTAL APPROPRIATION FOR OPEN SPACE ACQUISITION**

It was moved by Councillor Lindsey and seconded by Councillor Kaiser to pass on first reading Councillor's Bill No. 35 appropriating funds received from the Adams County Open Space Grant Program in the amount of \$607,899 for the Big Dry Creek Buffer open space acquisition. On roll call vote, the motion passed unanimously.

**US 36 MANAGED LANES PROJECT LAND EXCHANGE & EXPENDITURE FOR UPGRADES**

Councillor Briggs moved to authorize the City Manager to execute an agreement with the Colorado Department of Transportation pertaining to the exchange of certain properties associated with the US 36 Managed Lanes Project, and authorize the expenditure of \$815,253 for upgrades to the US 36 Managed Lanes Project. Councillor Kaiser seconded the motion, which carried by favorable vote of all Council members.

**COUNCILLOR'S BILL NO. 36 APPROPRIATING FUNDS FROM CDOT – US 36 MANAGED LANES**

Upon a motion by Councillor Briggs, seconded by Councillor Kaiser, the Council voted unanimously at roll call to pass on first reading Councillor's Bill No. 36 appropriating money received from the Colorado Department of Transportation into the General Capital Improvement Fund.

**COUNCILLOR'S BILL NO. 37 APPROPRIATING FUNDS FROM CDOT – 112<sup>TH</sup> AVENUE TRAFFIC SIGNAL**

It was moved by Councillor Atchison and seconded by Councillor Major to pass on first reading Councillor's Bill No. 37 appropriating additional grant monies to be received from the Colorado Department of Transportation and the local match reimbursement from Front Range Community College for the design and construction of a new traffic signal on 112<sup>th</sup> Avenue. Councillor Kaiser announced he would abstain due to a potential conflict of interest. At roll call, the motion carried on a 5:1 vote with Councillor Kaiser abstaining.

**112<sup>TH</sup> AVE/FRONT RANGE COMMUNITY COLLEGE TRAFFIC SIGNAL CONSTRUCTION CONTRACT**

It was moved by Councillor Atchison and seconded by Councillor Major to authorize the City Manager to execute a \$247,859 contract with W.L. Contractors, Inc. for the construction of a traffic signal at the intersection of 112<sup>th</sup> Avenue and Front Range Community College, contingent upon approval of Councillor's Bill No. 37 on second reading. Councillor Kaiser abstained due to a potential conflict of interest. The motion carried by a 5:1 margin with Councillor Kaiser abstaining.

**ADJOURNMENT**

With no further business to come before the City Council, the meeting adjourned at 7:28 p.m.

ATTEST:

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Mayor Pro Tem

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



W E S T M I N S T E R

## Agenda Item 6 A

### Agenda Memorandum

City Council Meeting  
September 9, 2013



**SUBJECT:** Constitution Week Proclamation

**Prepared By:** Linda Yeager, City Clerk

### Recommended City Council Action

Councillor Major will proclaim September 17-23 as Constitution Week in Westminster in recognition of the two hundred twenty-sixth anniversary of the drafting of Constitution of the United States of America.

### Summary Statement

- Thursday, September 17, 2013 begins the national celebration of Constitution Week.
- Barbara Adair, Regent, and other members of the Daughters of the American Revolution, will be in attendance to accept the proclamation.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

None identified

**Alternative**

None identified

**Background Information**

This yearly observance was started by the Daughters of the American Revolution (DAR). In 1955, the Daughters petitioned Congress to set aside September 17-23 annually to be dedicated for the observance of Constitution Week. The resolution was later adopted by the U.S. Congress and signed into Public Law #915 on August 2, 1956 by President Dwight D. Eisenhower.

The aims of the celebration are to: (1) emphasize citizens' responsibilities for protecting and defending the Constitution, preserving it for posterity; (2) inform the people that the Constitution is the basis for America's great heritage and the foundation for our way of life; and (3) encourage the study of the historical events that led to the framing of the Constitution in September 1787.

The United States of America functions as a Republic under the Constitution, which is the oldest document still in active use that outlines the self-government of a people. This landmark idea that people had the inalienable right as individuals to be free and live their lives under their own governance was the impetus of the American Revolution. Today, the Constitution stands as an icon of freedom for people around the world.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment – Proclamation

**WHEREAS**, It is the privilege and duty of the American people to commemorate the two hundred twenty-sixth anniversary of the drafting of the Constitution of the United States of America with appropriate ceremonies and activities: and

**WHEREAS**, Every American shares in this legacy of liberty, and we are grateful for the courage, conviction, and sacrifice of all those who have helped preserve and uphold the principles of a free society. As we remember the enduring importance of the Constitution we also recognize our responsibility as citizens to respect and defend the values of our founding, and participate in the unfolding story of freedom; and

**WHEREAS**, In celebration of the signing of the Constitution and in recognition of the Americans who strive to uphold the duties and responsibilities of citizenship, the Congress, by joint resolution of August 2, 1956 (36 U.S.C., 108, as amended), request the proclamation that the week of September 17 and ending September of each year as "Constitution Week."

**NOW, THEREFORE I, Nancy McNally, Mayor of the City of Westminster, CO do hereby proclaim on behalf of the entire City Council and Staff the week of September 17 through the 23 to be**

## **CONSTITUTION WEEK**

and urge all citizens to proudly fly the American flag during that week, to study the Constitution, and to reflect on the privilege of being an American with all the rights and responsibilities that privilege involves.

Signed this 9th day of September, 2013.

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Nancy McNally, Mayor



W E S T M I N S T E R

## Agenda Item 8 A

### Agenda Memorandum

City Council Meeting  
September 9, 2013



**SUBJECT:** Westminster Station — Utility Relocation Betterment Cost Approval

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

### Recommended City Council Action

Authorize payment of \$263,113, plus a 10% construction contingency in the amount of \$26,311 for a total construction budget of \$289,424 to the Regional Transportation District for the cost of betterments associated with the relocation of sanitary sewers in the area of the Westminster commuter rail station.

### Summary Statement

- On April 11, 2011, City Council approved a Utility Relocation Agreement (URA) with the Regional Transportation District (RTD) that outlines parameters for relocating City-owned utilities in conflict with the FasTracks project.
- The URA outlines a Work Order process through which the City and RTD agree on scopes of work and schedules for utility relocations, as well as upgrade (betterment) requests to the utilities being relocated at a negotiated cost.
- As part of the work to support the master plan for development in the Transit Oriented Development (TOD) area, the City requested that RTD implement several betterments to the sanitary sewers being relocated that are adjacent to the proposed Westminster Station.
- Betterments identified by City staff included; 1) upsizing of sewer pipes to accommodate future build-out conditions in south Westminster, 2) sewer main extensions to nearby lots around the station to support anticipated redevelopment, and 3) specific manhole features to enhance access and protect against corrosion.
- Having RTD implement this work saves the City money and effort on projects that would have been required and implemented anyway.
- Staff negotiated with Denver Transit Partners (DTP) for a net betterment cost to the City of \$263,113. Staff believes this price, plus a 10% construction contingency of \$26,311 is reasonable under the circumstances and recommends a total expenditure approval of \$289,424.
- Funds have been appropriated and are available for this expense in the South Westminster TOD project account.

**Expenditure Required:** \$289,424

**Source of Funds:** South Westminster TOD Utilities - Wastewater

**Policy Issue**

Should the City pay betterment costs to RTD in the amount of \$263,113, plus a 10% contingency of \$26,311 for a total expenditure amount of \$289,424 for upgrades to sanitary sewer utilities in the area of the Westminster commuter rail station?

**Alternatives**

1. City Council could chose not to pay betterments to RTD for upgrades to the sanitary sewer utilities in the area of the Westminster Station. This alternative is not recommended since sanitary sewer upgrades in this area are necessary to support future development in the southern portion of the City. Building larger sewers in the future would be overall more expensive for the City.
2. City Council could chose to re-negotiate betterment costs with RTD and DTP. This alternative is not recommended since Staff feels that the costs are fair and the design DTP presented to the City for the betterments is a good product.

**Background Information**

The City is working with RTD to develop portions of the Eagle P3 project known as the Northwest Electrified Segment and the Goldline Segment. Some City-owned water and sanitary sewer utilities are located in the path of these project segments and require relocations due to conflicts with the proposed rail and station improvements. To promote the success of the project, RTD worked with the Utilities Planning and Engineering Division and the City Attorney's Office to establish procedures to resolve utility conflicts identified. Pursuant to City Council authorization, a Utilities Relocation Agreement (URA) was executed with RTD and the City in June 2011. The URA outlines a Work Order process through which the City and RTD agree on scope of work and schedule for the utility relocations. The City can request upgrades (betterments) to utilities being relocated but must negotiate costs with RTD.

During the design of the proposed Westminster Station, City staff requested several betterments to the sanitary sewer being relocated. The betterments include provisions to support the City's master plan for the development of the TOD area and redevelopment in south Westminster through build-out. Having RTD implement this work saves the City money and effort on projects that would have been required and implemented anyway. The betterments included are as follows:

- 1) Upsizing of sewer pipes for increased hydraulic capacity;
- 2) Adding sewer main extensions to nearby lots around the station that will re-develop; and
- 3) Specific manhole features to enhance access, such as hinged/locking manhole lids, and corrosion protection that includes long-life coatings.

Staff worked with RTD and Denver Transit Partners regarding the requested betterments and negotiated a cost of \$263,113, to be paid to RTD in accordance with the URA and Work Order process. A 10% construction contingency was added to this cost to cover any unknown expenses encountered during construction. A total expenditure of \$289,424 is requested for approval. Staff feels that this pricing is comparable with other utility work the City has recently completed.

The utility betterments at Westminster Station help achieve the City Council's Strategic Plan Goals of providing a "Financially Sustainable City Government Providing Exceptional Services" and "Vibrant Neighborhoods In One Livable Community" by contributing to the objectives of well-maintained City infrastructure and facilities and supporting the development of a multi-modal transportation system.

Respectfully submitted,

J. Brent McFall  
City Manager



## Agenda Item 8 B

### Agenda Memorandum

City Council Meeting  
September 9, 2013



**SUBJECT:** Pressure Zone 4 Water System Improvements Construction Contracts

**Prepared By:** Kent W. Brugler, Senior Engineer  
Stephen Grooters, Senior Projects Engineer

### Recommended City Council Action

Authorize the City Manager to execute a contract with the low bidder B T Construction, Inc. in the amount of \$3,900,920 for construction of the Pressure Zone 4 Water System Improvements and authorize a 10% construction contingency in the amount of \$390,092, for a total construction budget of \$4,291,012; and execute a contract amendment with HDR Engineering, Inc. in the amount of \$538,740 to provide construction phase engineering services for the Pressure Zone 4 Water System Improvements project and authorize a 10% contingency in the amount of \$53,874, for a total construction phase engineering services budget of \$592,614.

### Summary Statement

- Pressure Zone 4 is generally located west of Wadsworth Boulevard between West 86th Avenue and West 92nd Avenue and is currently served by a single water source, the Silo Pump Station.
- The Water Master Plan Update completed in 2011 recommended the construction of a redundant supply to the zone.
- This project also includes recommended pipeline improvements within Zone 4 to increase pressures in the higher elevation areas of the zone and improve fire flows.
- On August 13, 2012, City Council authorized a final design contract with HDR Engineering, Inc. (HDR) for the design of the Pressure Zone 4 Water System Improvements. Design and bidding are now complete and construction bids have been received.
- The City solicited bids from eight qualified contractors and received four bids on August 13, 2013. B T Construction, Inc. (BTC) submitted the lowest qualified bid and Staff recommends contracting with them for construction of the project.
- Staff negotiated a contract amendment with HDR in the amount of \$538,740 to include construction phase engineering services for the project. The value of these services represents 13.8% of the construction cost. This is slightly higher than the typical range of 10-12% because their scope includes significant coordination of the construction activity with several entities and the development of comprehensive O&M manual related to the new improvements and the three City pump stations affected.
- The attached map shows an overview of the improvements proposed for this project.

**Expenditure Required:** \$4,883,626

**Source of Funds:** Utility Fund Capital Improvement - Zone 4 System Improvements Project

**Policy Issues**

1. Should the City award the construction contract to B T Construction, Inc. for the construction of Pressure Zone 4 System Improvements?
2. Should the City approve an amendment to the engineering services agreement with HDR for construction phase engineering services?

**Alternatives**

1. The City could choose to award the construction contract to another contractor who submitted a bid. However, BTC is qualified to perform the work and presented the lowest total bid.
2. Council could choose to request proposals for the construction services task. This is not recommended as Staff believes that HDR provides the best value for this project. In addition, they were originally selected through a competitive process for design services that anticipated construction services. Their project team is intimately familiar with the improvements needed, having successfully completed the design and bidding phases of the project. Their knowledge will streamline key project tasks and provide the best value to the City.
3. The City could choose to implement this project at a later date. This option is not recommended as the proposed improvements are necessary in order to provide a redundant source of water to the residents and businesses located in Pressure Zone 4.

**Background Information**

Pressure Zone 4 (PZ4) is located generally west of Wadsworth Boulevard between West 86th Avenue and West 92nd Avenue, extending west to Garrison Street south of West 88th Avenue and to Standley Lake north of West 88th Avenue (see attached map). Drinking water for PZ4 flows from the Semper Water Treatment Facility, but must be pumped to increase flow and pressure to PZ4 customers. This boost in pressure and flow currently happens through a single pump station, the Silo Pump Station. This single source of supply represents a vulnerability to the City's ability to provide adequate water service to PZ4 during events when the Silo Pump Station is taken off-line. The City completed a Water Master Plan in 2011 that recommended constructing redundant water feeds to PZ4. Staff worked collaboratively with other City departments and did an extensive analysis of alternatives. The recommended approach is a pipeline to connect PZ4 to other pump stations within the City that have excess capacity. This approach was lower in cost compared to building an additional pump station and provides more reliability to the system.

The project involves constructing approximately 9,000 feet of pipeline from the Countryside neighborhood to PZ4 near Independence Street and 90<sup>th</sup> Place. Various pipeline improvements within PZ4 are also recommended to improve overall pressures and fire flows in this area of the City.

On August 13, 2012, City Council authorized a contract with HDR for final design of the recommended improvements. Design was completed in June 2013 and request for bids sent to eight qualified contractors. Four bids were received on August 13, 2013, and are summarized in the following table:

<u>Contractor</u>	<u>Total Bid Amount</u>
B T Construction, Inc. (BTC)	\$3,900,920.00
T. Lowell Construction, Inc.	\$3,921,000.00
Iron Woman Construction	\$4,268,197.10
Northern Colorado Constructors	\$5,316,254.10
Engineer's Opinion of Probable Cost	\$4,816,228.00

After review of the bids received, BTC's bid was determined to be valid and the dollar amount reasonable for the scope of the work. BTC has successfully completed other projects for the City and is qualified to complete this project. For reference, their bid is 19% less than the engineer's estimate and just 0.5% lower than the next lowest bid. This indicates a favorable bid climate for the City and supports the notion that these bids are competitive. For these reasons, Staff recommends executing a contract with BTC for construction of this project. Construction will commence following award of the contract with completion anticipated by Fall 2014.

City Council approved the final design contract with HDR on August 13, 2012. At that time, Staff indicated that an amendment for construction phase engineering services would be presented to City Council along with the construction contract award. HDR successfully completed the design and bidding phases approximately \$60,000 under budget and Staff is pleased with their services. Accordingly, Staff negotiated a scope of work and fee with HDR for construction phase engineering services in the amount of \$538,740 that Staff believes is competitive and consistent with the scope required for a project of this size and complexity. Retaining HDR for the construction phase of this project will provide the best value to the City and will be the most timely and cost-effective way to support the construction effort. For these reasons, Staff recommends executing a contract amendment with HDR for construction phase services for this project.

Adequate funding for this project was adopted by City Council and is available from the Utility Capital Improvements Program, Zone 4 System Improvements Project account. No new funds are being requested.

This project helps achieve the City Council's Strategic Plan goals of achieving "Financially Sustainable City Government Providing Exceptional Services" by contributing to the objective of well-maintained and operated City facilities and "Beautiful and Environmentally Sensitive City" by improving water delivery and enhancing the reliability of the City's water distribution system.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment – Project Map

Simms

Countryside  
Pump Station

100th Avenue

Proposed Pressure Zone 4/Zone 5  
Interconnect Pipeline

Silo Pump Station

Wadsworth Boulevard

88th Avenue

Pressure Zone 4  
Selected Pipe Improvements

## Pressure Zone 4 System Improvements



City of Westminster

0 1,000 2,000 3,000 4,000 Feet





W E S T M I N S T E R

## Agenda Item 8 C

### Agenda Memorandum

City Council Meeting  
September 9, 2013



**SUBJECT:** Big Dry Creek Wastewater Treatment Facility 2013 Repairs Project  
Engineering Services Contract

**Prepared By:** Kent Brugler, Senior Engineer  
Stephen Grooters, Senior Projects Engineer

### Recommended City Council Action

Authorize the City Manager to execute a contract with Black & Veatch Corporation in the amount of \$341,699 to provide engineering design services for the Big Dry Creek Wastewater Treatment Facility 2013 Repairs Project and authorize a 10% contingency in the amount of \$34,170 for a total design budget of \$375,869.

### Summary Statement

- Over the last two years, Staff has performed an evaluation of all the facilities at the Big Dry Creek Wastewater Treatment Facility and identified a comprehensive repair and replacement program required to maintain current levels of wastewater treatment service to City customers.
- As part of the repair and replacement program at the Big Dry Creek Wastewater Treatment Facility (BDCWWTF), various electrical gear, transformers, power and communication cable systems, and the process hot water boilers were identified for 2013/2014 repair or replacement.
- Replacement of a large transformer at the Semper Water Treatment Facility was also identified as needing replacement in the 2013/2014 CIP and is similar to the scope of work at the BDCWWTF, and was therefore combined with this project for cost-efficiency and to streamline design efforts. These costs will be tracked and funded separately through adopted monies in the Water Fund.
- Staff prepared and distributed a Request for Qualifications to selected engineering firms that have expertise in the design of the repairs identified.
- Of the three statements of qualifications (SOQs) received, Staff believes the Black & Veatch team provides the best value to the City and recommends awarding the design contract to them based on their competitive pricing, proposed scope of work, familiarity with the City's infrastructure, and the successful experience of their proposed project team.
- Design is expected to be completed by March 2014 with construction of all repairs expected to be completed by the end of December 2014.
- The repair work was previously approved by City Council as part of the 2013/2014 budget. The budget includes five Utility Capital Fund project accounts. Staff is proposing that the four wastewater fund accounts be combined into a single project account to improve construction sequencing, streamline project costs and staff resources, and improve site safety and security. The existing Semper WTF Major R&R account will remain separate as a Water Fund project account.

**Expenditure Required:** \$375,869

**Source of Funds:** Utility Fund - Capital Improvement Accounts:

BDCWWTF Major Improvements (\$230,000)  
BDCWWTF Boiler Replacement (\$900,000)  
BDCWWTF Electrical Equipment Replacement (\$795,000)  
North Huron Lift Station Major R&R (\$213,000)  
Semper WTF Major R&R (\$70,000)

**Policy Issue**

Should City Council proceed with awarding the engineering design contract to Black & Veatch Corporation?

**Alternatives**

1. City Council could decline to approve the contract and place the project on hold. This is not recommended because this action would result in delaying the repairs to the treatment facility and could result in increased maintenance and repair expenses and possible service impacts to Westminster wastewater customers.
2. City Council could choose to award the contract to one of the other consultants that submitted an SOQ; however, this is not recommended as Staff believes that the Black & Veatch team provides the best value for this project. Their project team has familiarity with the City's utility infrastructure that will streamline key project tasks.

**Background Information**

The initial construction of the Big Dry Creek Wastewater Treatment Facility (BDCWWTF) took place in 1971. Since that time various expansion and improvement projects have been constructed to maintain service and the ability to meet more stringent regulations. Overall, the facilities at the BDCWWTF continue to provide high-level service to City customers, but certain components are beginning to age and need repair or replacement. Over the last two years, Staff developed a comprehensive repair and replacement program for all of the assets at the BDCWWTF and identified and prioritized repair and replacement needs. Primarily, the replacement needs involve electrical components that did not require replacement during the last expansion project. The current priority repair needs at the BDCWWTF include:

- Repairs to the primary electrical switch gear and an assessment of how to sequence full replacement in the future (i.e., 10 year time frame)
- Replacement of two primary electrical transformers
- Replacement of damaged fiber optic cable plant-wide
- Installation of redundant power feeds to the two pump stations that transfer raw sewage into the facility.
- Replacement of the two large hot water boilers critical to solids handling processes
- Replacement of the North Huron lift station electrical equipment and control panel

Similar to the repair and replacement program developed for the BDCWWTF, several prioritized repair and replacement needs were identified at the Semper Water Treatment Facility, and a design contract for that work was presented to City Council on August 12, 2013. However, replacement of a large 2400 volt switch gear and transformer at the Semper Water Treatment Facility High Service Pump Station was combined with this BDCWWTF project for several reasons: 1) It is the same type of electrical work and requires the same type of expertise for design, 2) Combining the project in this way was more cost-efficient and will streamline design efforts, and 3) Bidding the Semper transformer with the larger scope of work required for the BDCWWTF will result in better bids for construction. Costs for the Semper transformer and electrical work will be tracked separately and funded with adopted funds within the Water Fund.

Due to the specialized nature of this project and the corresponding engineering expertise required, Statements of Qualification (SOQs) from engineering firms were used as the basis for consultant selection. In May 2013, Staff sent a Request for Qualifications to four engineering firms who are experienced in electrical systems evaluation and improvements, and wastewater treatment facility repairs and rehabilitation. Staff requested specific information related to the experience of the project teams, relevant projects with references, project team availability, and hourly rates. The City received three SOQs on June 4, 2013 from the following firms:

- Black & Veatch Corporation
- Burns & McDonnell Engineering, Inc.
- ESC Engineering (only electrical portions of the work)

Staff evaluated each firm based on key criteria including:

1. Clear understanding of the project and the City's goals and expectations;
2. Firm background and expertise in completing projects of similar size, scope, and complexity;
3. Firm references related to the ability to complete project requirements on schedule and within budget;
4. Firm reputation with the City and familiarity with City codes, policy, procedures, and regulations  
Professional background and experience of each key person of the project team;
5. Practical experience of key team members in working with state and local regulatory agencies;
6. Key team member availability; and
7. Competitive fee schedule and competitive hourly rates for staff assigned to this project relative to their experience level.

The City selection committee scored each firm based on the selection criteria with the Black & Veatch team achieving the highest score. Because this project incorporates a significant work effort, competitive firm fees were of particular importance. A comparison of firm rates is shown below.

<b>FIRM</b>	<b>Hourly Rates for Core Team (non-clerical)</b>	<b>Combined Hourly Rate for the Team Proposed</b>
Black & Veatch*	\$120 to \$195	\$144
Burns & McDonnell	\$133 to \$200	\$150
ESC Engineering (Electrical only)**	\$70 to \$105	\$81

\*Staff recommends this firm because their proposed team scored the highest on the City Key Selection Criteria.  
\*\*This firm's proposal was for electrical work only and did not include replacement of the hot water boiler equipment.

Overall, Staff determined that the Black & Veatch team provides the best value to the City. This team incorporates strong local staff with proven repair and rehabilitation experience for wastewater treatment facilities and electrical infrastructure. This team has successfully provided design services to the City on many utility system projects over the last +13 years, and their intimate knowledge of City codes and procedures will help facilitate successful completion of the project in a cost-efficient manner. Following their selection, Staff negotiated a detailed scope of work and fee for engineering design and bidding services with Black & Veatch team. Staff believes the fee is both fair and competitive. Engineering services for construction phase services will be negotiated following successful completion of the design phase and presented to City Council at a later date for approval.

The repair work at BDCWWTF was previously approved by City Council as part of the 2013/2014 budget. The budget includes five Utility Capital Fund project accounts that total \$2,208,000. Staff is proposing that the four wastewater fund accounts be combined into a single project account for the following reasons: 1) Accomplishing the work requires detailed construction sequencing that is best coordinated by a single project team, 2) Combining the design work into a single project streamlines project costs and staff resources, and 3) Onsite safety and security can be better managed with this approach. As such, Staff requests the consolidation of funds into a new Big Dry Creek Wastewater Treatment Facility 2013 Repairs Project account. As mentioned above, repair work at Semper was also previously approved by City Council as part of the 2013/2014 budget and will be tracked and funded separately through adopted monies within the Semper WTF Major R&R Project Account. The table below summarizes the funding requested as part of this agenda memo for design of this project and how it is shared between the water and wastewater fund.

<u>Expenditure Requested at this Time</u>	<u>Water Fund</u>	<u>Wastewater Fund</u>	<u>Total</u>
BDCWWTF Repairs – Design	\$0	\$321,699	\$321,699
Semper WTF Repairs - Design	\$20,000	\$0	\$20,000
Design Contingency	\$2,000	\$32,170	\$34,170
<b>Total Design Budget</b>	<b>\$22,000</b>	<b>\$353,869</b>	<b>\$375,869</b>

The Big Dry Creek Wastewater Treatment Facility 2013 Repairs Project helps achieve the City Council's Strategic Plan Goals of "Financially Sustainable City Government Providing Exceptional Services" by contributing to the objective of investing in well-maintained and sustainable City infrastructure and facilities, and "Beautiful and Environmentally Sensitive City" by contributing to the objective of having energy efficient, environmentally sensitive city operations.

Respectfully submitted,

J. Brent McFall  
City Manager



W E S T M I N S T E R

## Agenda Item 8 D

### Agenda Memorandum

City Council Meeting  
September 9, 2013



**SUBJECT:** Second Reading of Councillor's Bill No. 31 re Amend W.M.C. Section 9-8-3 Infrastructure Fee

**Prepared By:** Barbara Opie, Assistant City Manager  
Steve Smithers, Deputy City Manager  
Tammy Hitchens, Finance Director  
Mike Smith, Public Works & Utilities Director

### Recommended City Council Action:

Pass Councillor's Bill No. 31 on second reading amending Section 9-8-3 of the Westminster Municipal Code concerning the implementation dates of the Infrastructure Fee increase.

### Summary Statement

- City Council action is requested to pass the attached Councillors Bill on second reading, which amends the implementation of the rate increase from \$4.00/month to \$5.00/month to be effective January 1, 2014, and from \$5.00/month to \$6.00/month to be effective January 1, 2015. The attached ordinance amends the Westminster Municipal Code to reflect the modified implementation dates.
- This Councillor's Bill was passed on first reading on August 26, 2013.

**Expenditure Required:** \$ 0

**Source of Funds:** General Fund – Infrastructure Fee

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment – Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **31**

SERIES OF 2013

INTRODUCED BY COUNCILLORS  
**Atchison - Briggs**

**A BILL**

**FOR AN ORDINANCE AMENDING SECTION 9-8-3 OF THE WESTMINSTER MUNICIPAL CODE CONCERNING INFRASTRUCTURE PROGRAM FOR STREETLIGHT COSTS AND CONCRETE REPLACEMENT**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 9-8-3 W.M.C., is hereby AMENDED as follows:

**9-8-3: INFRASTRUCTURE FEE ESTABLISHED:**

There is hereby established an Infrastructure Fee in the amount of three dollars (\$3.00) per month on each utility bill sent to an in-City consumer of City utility services. Effective January 1, 2011, the Infrastructure Fee shall increase to four dollars (\$4.00) per month on each utility bill sent to an in-City consumer of City utility services. Effective January 1, 2012~~2014~~, the Infrastructure Fee shall increase to five dollars (\$5.00) per month on each utility bill sent to an in-City consumer of City utility services, and effective January 1, 2013~~2015~~, the Infrastructure Fee shall increase to six dollars (\$6.00) per month on each utility bill sent to an in-City consumer of City utility services. All proceeds of the Infrastructure Fee will be used to offset the City's costs in providing concrete replacement and street lighting services.

Section 2. This ordinance shall take effect upon its 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 ORDERED PUBLISHED this 26<sup>th</sup> day of August, 2013.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9<sup>th</sup> day of September, 2013.

ATTEST:

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Mayor

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City Clerk

APPROVED AS TO LEGAL FORM:

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City Attorney's Office



# W E S T M I N S T E R

## Agenda Item 8 E

### **Agenda Memorandum**

City Council Meeting  
September 9, 2013



**SUBJECT:** Second Reading of Councillor's Bill No. 32 re Amend W.M.C. Title XV, Chapter 1 Purchasing Procedures

**Prepared By:** Hilary Graham, Deputy City Attorney  
Barbara Opie, Assistant City Manager  
Gary Newcomb, Accountant  
Joe Lachermeier, Purchasing Officer

### **Recommended City Council Action:**

Pass Councillor's Bill No. 32 on second reading amending Title XV, Chapter 1 of the Westminster Municipal Code concerning Purchasing Procedures.

### **Summary Statement**

- City Council action is requested to pass the attached Councillors Bill on second reading, amending the Purchasing Procedures section of the W.M.C. Title XV, Chapter 1 guides contracting and purchasing procedures for commodities and services bought by the City of Westminster. Per the City Charter, the City Council establishes the parameters for the purchase of goods and services, including how and when purchasing authority is delegated by Council to the City Manager for previously budgeted expenditures.
- This Councillor's Bill was passed on first reading on August 26, 2013. The amendments will become effective January 1, 2014, allowing time to finalize internal procedures and provide training to impacted Staff.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment - Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **32**

SERIES OF 2013

INTRODUCED BY COUNCILLORS  
**Major - Kaiser**

**A BILL**

**FOR AN ORDINANCE AMENDING SECTIONS 15-1-1, 15-1-2, 15-1-3, 15-1-4, 15-1-5, 15-1-6,  
15-1-7, 15-1-10, and 15-1-12, OF THE WESTMINSTER MUNICIPAL CODE CONCERNING  
PURCHASING PROCEDURES**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 15-1-1, W.M.C., is hereby AMENDED as follows:

**15-1-1: APPLICATION AND DEFINITIONS: (2138)**

(A) This Chapter shall apply to every purchase agreement to which the City is a party.

(B) The following terms shall be given the following meanings: The term "City Manager" includes the City Manager's designee.

"Authorized expenditure" means the amount of spending approved by City Council action for a specific purchase agreement, including any authorized contingency amount, and it may differ from the budgeted amount and from the purchase agreement amount. For amounts that do not exceed seventy five thousand dollars (\$75,000) "authorized expenditure" means the amount of spending approved by the City Manager, including any authorized contingency amount, and it may differ from the budgeted amount and from the purchase agreement amount.

(C) The term "purchase agreement" means an agreement for the purchase of materials, equipment, supplies, personal services, or real estate

(D) The term "personal services" includes construction, architectural, engineering, legal, consulting or other services which involve primarily the furnishing of labor, time or expertise.

(E) The term "bids" means either bids or proposals submitted in response to a written invitation for bids or a request for proposals.

"Bids" means either bids or proposals submitted in response to a written invitation for bids or a written request for proposals.

"City Manager" means the City Manager and the City Manager's designee.

"Employee service" means all compensation and benefits, including insurance, provided by the City as an employer to its employees.

"Professional services" means architectural, engineering, legal, consulting or other services that involve primarily the furnishing of skilled labor, time or expertise.

"Purchase agreement" means purchase orders and contracts for the purchase of construction, professional services, or other services, or for the purchase of real estate.

"Purchase order" means the City's standard computerized form used to purchase services, materials, equipment, supplies, goods, or commodities, and includes the City's standard purchase order terms and conditions, as well as transactions made using a City-issued purchase card.

Section 2. Section 15-1-2, W.M.C. is hereby AMENDED as follows:

**15-1-2: GENERAL REQUIREMENTS:** (2138 2960)

- (A) Every purchase agreement shall be evidenced by a written contract or by a ~~standard written or computerized~~ purchase order.
- (B) ~~Every purchase agreement in an amount which exceeds fifty thousand dollars (\$50,000) shall be approved or ratified by City Council. An agreement for the purchase of utilities, postage, or employee services need not be approved by express action, but shall be considered approved by City Council if the budget appropriation for such purchase has been approved.~~ A purchase agreement for materials, equipment, supplies or ~~personal professional~~ services to be provided on an ongoing basis shall contain a maximum amount payable under the agreement or a termination date for the agreement.
- (C) ~~A purchase agreement for materials, equipment, supplies or personal services to be provided on an ongoing basis shall contain a maximum amount payable under the agreement or a termination date for the agreement in an amount that does not exceed the City Manager's purchasing authority, hereby set at seventy five thousand dollars (\$75,000) or less, may be approved by the City Manager without separate Council action.~~
- (D) ~~A purchase agreement in an amount of fifty thousand dollars (\$50,000) or less shall be approved by the City Manager. Before any purchase agreement in an amount that exceeds seventy five thousand dollars (\$75,000) is executed, the City Manager shall certify that an appropriation has been made or that other sufficient funds such as bond proceeds, special assessments, or matching funds will be available to pay the amounts required in the purchase agreement. This subsection shall not apply to an individual agreement of employment with an employee or officer of the City.~~
- (E) ~~A purchase agreement shall be submitted to the City Attorney and approved as to legal form and content before it is executed whenever the agreement is for the purchase of (1) personal services, (2) real estate, including leases, easements, or other real property interests, or (3) supplies, equipment or materials in an amount exceeding \$50,000. This Subsection (E) shall not apply to an employment agreement with an employee or officer of the City. No purchase agreement may be entered into with any person, firm or corporation in default to the City.~~
- (F) ~~Before any purchase agreement in an amount of \$50,000 or more is executed, the City Manager shall certify that an appropriation has been made or that other sufficient funds such as bond proceeds, special assessments, or matching funds will be available to pay the amounts required in the agreement. City Council Review. Every purchase agreement in an amount that exceeds seventy five thousand dollars (\$75,000) in one fiscal year, regardless of form, shall be presented to City Council so that Council may approve the authorized expenditure. However, the purchase of utilities, postage, or employee services need not be approved by express action, but shall be considered an authorized expenditure if the budget appropriation has been approved.~~
- (G) ~~City Attorney Review. Every purchase agreement, excluding purchase orders, shall be submitted to the City Attorney and approved as to legal form and content before it is executed. This subsection shall not apply to an individual agreement of employment with an employee or officer of the City.~~

Section 3. Section 15-1-3, W.M.C. is hereby AMENDED as follows:

**15-1-3: PROHIBITION OF FINANCIAL INTEREST:** (2138) -Every officer and employee of the City is expressly prohibited from knowingly:

- (A) Seeking or accepting any personal gift or money rebate, directly or indirectly, from any person, company, firm or corporation in connection with a purchase agreement;
- (B) Underestimating or exaggerating requirements to a prospective bidder for the purpose of influencing bids;
- (C) Misrepresenting the quality of a bidder's products or services;
- | (D) Influencing the City to enter into a purchase agreement ~~which that~~ will benefit the officer or employee either directly or indirectly.
- | (E) Approving a purchase involving an amount in excess of one hundred dollars (\$100) in which any elective or appointive officer of the City or member of the officer's family has a pecuniary interest, as defined in ~~section~~Section 5.12 of the City Charter, without the unanimous approval of all members of the City Council.

Section 4. Section 15-1-4, W.M.C. is hereby AMENDED as follows:

**15-1-4: FORMAL BIDDING REQUIRED:** (2138 2960 3061)

- (A) Formal bidding procedures shall be followed when the amount of a purchase exceeds ~~thirty-fifty~~ thousand dollars (~~\$3050,000~~), unless:
  - (1) City Council determines by unanimous resolution of those present at the meeting that the public interest will be best served by joint purchase with or from another unit of government, or
  - (2) City Council determines, upon recommendation of the City Manager, that the public interest will be best served by negotiated contract with a single vendor or contractor, or
    - ~~(3) The amount of the purchase is fifty thousand dollars (\$50,000) or less and~~
      - ~~(a) The City Manager determines that the public interest will be best served by joint purchase with or from another unit of government, or~~
      - ~~(b) The City Manager determines that the public interest will be best served by negotiated contract with a single vendor or contractor.~~
- (B) When the amount of the purchase ~~is does not exceed thirty-fifty~~ thousand dollars (~~\$350,000~~) or less, ~~formal bidding is not required and~~ the procedures in ~~section~~Section 15-1-6 ~~shall for informal bidding may comparative price quotes apply.~~
- (C) ~~In case of emergency affecting the public peace, health or safety, City Council may waive all requirements for formal bidding. In such cases, the City Manager may direct the appropriate department head to procure emergency needs by informal, open market procedures, at no more than commercial prices, as expeditiously as possible. The City Manager shall present a full report of the circumstances necessitating the emergency action at the next City Council meeting. Formal bids must be obtained every three (3) years except with permission from the City Manager.~~
- (D) ~~In case of emergency affecting the public peace, health or safety, City Council may waive all requirements for formal bidding. In such cases, the City Manager may direct the appropriate department head to procure emergency needs by informal, open-market procedures, at no more than commercial prices, as expeditiously as possible. The City Manager shall present a full report of the circumstances necessitating the emergency action at the next City Council meeting.~~

Section 5. 15-1-5, W.M.C. is hereby AMENDED as follows:

**15-1-5: FORMAL BIDDING PROCEDURES AND SELECTION CRITERIA:** (2138 2960)

(A) ~~An invitation for bids or request for proposals~~When formal bidding is required pursuant to Section 15-1-4, unless prequalification of bidders applies pursuant to Section 15-1-10, at least five (5) days prior to the deadline for receipt of bids, a request or invitation for sealed bids shall be published at least once in an area newspaper selected for maximum impact on prospective bidders, or shall be sent to three (3) or more potential ~~vendors~~bidders, or ~~contractors or~~shall be posted via electronic solicitation ~~at least five days prior to the deadline for receipt of bids or proposals.~~

(B) A bid bond or deposit shall be required when deemed necessary by the City Manager. If a bid is not accepted or a bidder is unsuccessful, the bid bond or deposit shall be refunded. When a bid is awarded, but the successful bidder fails to enter into a ~~contract~~purchase agreement within ten days of the award, the bid bond or deposit shall be forfeited.

(C) Sealed bids shall be opened in public at the time and place stated in the public notice, unless all bidders have been notified of a change in such time or place by written addendum. A tabulation of all bids received shall be available for public inspection. Bids for professional services may be exempt from this requirement.

(D) After the bids have been reviewed, if the purchase will exceed the City Manager's purchasing authority, the City Manager shall submit a report to City Council ~~which~~that contains an analysis of the bids, a recommendation for an award, and the reasons for the recommendation. The purchase agreement shall be awarded to the lowest, responsible bidder meeting the bid specifications unless City Council determines that, after reviewing the City Manager's report that, the public interest would be better served by accepting ~~a higher~~another bid. If the purchase will not exceed the City Manager's purchasing authority, the City Manager shall make the required analysis and decision.

(E) In determining whether the public interest would be better served by accepting a bid other than the lowest bid, the following factors shall be considered:

(1) The bidder's skill, ability, and capacity to perform the ~~personal~~ services or to furnish the materials, equipment or supplies required;

(2) Whether the bidder can perform the services or furnish the materials, equipment or supplies promptly, or within the time period specified, without delay or interference;

(3) The bidder's character, integrity, reputation, judgment, experience and efficiency;

(4) The quality of the bidder's performance of previous purchase agreements;

(5) The bidder's previous and current compliance with statutes, ordinances and rules relating to the purchase;

(6) The sufficiency of the bidder's financial resources necessary for the performance of the purchase agreement;

(7) The bidder's ability to provide future maintenance or service; and

(8) The number and nature of any conditions attached to the bid;

(F) If the purchase will exceed the City Manager's purchasing authority, upon recommendation of the City Manager, the City Council may reject all bids when it determines that such action is in the public interest. If the purchase will not exceed the City Manager's purchasing authority, the City Manager may reject all bids upon making the same determination.

Section 6. 15-1-6, W.M.C. is hereby AMENDED as follows:

**15-1-6: COMPARATIVE PRICE QUOTATIONS:** (2138 2960)

(A) When the amount of a purchase ~~is does not exceed thirty-fifty~~ thousand dollars (\$~~350,000~~)~~, informal bids comparative price quotes given by telephone, in person, or less, comparative price quotations shall in writing from at least three (3) vendors or contractors will be obtained required unless:~~

(1) The City Manager determines that the public interest would be best served by negotiated contract with a single vendor or contractor or by joint purchase with or from another unit of government, or

(2) The City Manager determines that the public interest would be best served by obtaining the goods or services through ~~at the~~ formal bidding process.

(B) ~~When required, comparative price quotations shall be obtained from at least three vendors or contractors by telephone, in person, or by written document. Comparative price quotes must be obtained every three (3) years except with permission from the City Manager.~~

Section 7. 15-1-7, W.M.C. is hereby AMENDED as follows:

**15-1-7: AMENDMENTS TO PURCHASE AGREEMENTS:** (2138 2960)

(A) The City Manager shall have authority to approve an amendment to a purchase agreement when the ~~amount of original purchase agreement combined with~~ the amendment does not exceed ~~five percent of the original agreement or seventy five~~ thousand dollars (\$~~75,000~~), ~~whichever is greater, and the amount of the cumulative amendments~~ or when the amendment does not cause the purchase agreement to exceed ~~ten percent of the original agreement or fifty thousand dollars (\$50,000)~~, ~~whichever is greater. Amendments, or change orders, to agreements City Council's authorized expenditure~~ for the purchase ~~of agreement. Even when no Council approval is required, change orders to construction services shall purchase agreements must~~ be reported to City Council.

(B) All other amendments to a purchase agreement ~~previously approved by City Council~~ shall be approved or ratified by City Council.

Section 8. 15-1-10, W.M.C. is hereby AMENDED as follows:

**15-1-10: PREQUALIFICATION OF BIDDERS:** (2340 2960)

(A) The City Manager ~~or designee is hereby authorized to may~~ prequalify ~~contractors who wish bidders~~ to bid on ~~certain~~ construction ~~project projects~~ for the City. ~~The City Manager may exercise this authority~~ when he determines that it is in the best interest of the City and:

(1) ~~A~~The particular ~~contract for~~ construction ~~project~~ requires:

- (a) Complex or unusual construction techniques or expertise; or
- (b) An unusually tight construction time; or
- (c) Experience in a construction field not generally held by ~~general contractors others~~; or

(2) The construction project has a projected budget of five hundred thousand dollars (\$500,000) or more ~~excluding design and related architectural/engineering tasks~~.

(B) ~~When If~~ the City Manager ~~or designee has determined~~~~determines~~ that a specific project ~~requires will require~~ prequalification of bidders, ~~according to subsection (A) above, an invitation for pre-qualification will be issued in the same manner as is required for a request or invitation for sealed bids by Section 15-5(A) herein; a determination as to which bidders are prequalified shall be made according to subsection (C) below; and~~ no bids will be ~~received accepted~~ from any ~~person or firm bidder~~ who has not been prequalified.

(C) ~~In orderWhen reviewing responses to be consideredinvitations~~ for prequalification ~~for such construction project, potential bidders shall furnish to the City evidence of the following and, when checking references,~~ the City may ~~ask about~~consider the following factors:

- (1) Availability of equipment necessary to accomplish the project;
- (2) Availability of trained personnel to accomplish the project;
- (3) Potential bidder's organization and technical staff with the size, training, experience and capability to accomplish the project;
- (4) Financial capability to perform the project;
- (5) Demonstrated experience in the type of work required for the project;
- (6) Satisfactory performance of similar projects, including but not limited to, compliance with all ~~contract~~—terms and specifications, satisfactory quality of workmanship, and consistent on-time performance;
- (7) Whether the ~~contractor~~potential bidder is in any jurisdiction under notice of debarment or debarred;
- (8) Whether the ~~contractor~~potential bidder has made false, deceptive or fraudulent statements in the application for prequalification or any other information submitted to the City;
- (9) Listing of all projects of the type and size for which prequalification is sought, or projects similar to it, performed by ~~contractor~~potential bidder within the last five (5) years, with name, address, and phone number of owner's representative on each project;
- (10) Any additional criteria necessary to determine qualification for the specific project; and
- (11) Statement of understanding that the City or City's agent will check any or all previous projects for evidence of quality of workmanship, compliance with contract terms, timeliness and other factors indicating ability to perform the project;; and

(12) Potential bidder's prequalified status with an authority or agency acceptable to the City.

(D) ~~Any contractor who is disqualified from bidding on a project by the prequalification process may request a reconsideration of his application for prequalification, by submitting a written request within five (5) days to the Project Manager from date of notification. The City Manager and the Project Manager shall meet with the contractor for such reconsideration within five (5) days of the contractor's request. The contractor may present additional information and request a summary of the information the City has used in its decision, but contractor will not be entitled to names of those persons the City contacted for references or the statements of reference. A decision not to prequalify a potential bidder is final and may not be appealed.~~

Section 9. 15-1-12, W.M.C. is hereby AMENDED as follows:

**15-1-12: ACQUISITION OF WATER RIGHTS:** (3442) Notwithstanding any other requirements of this Chapter, the City Manager is authorized to acquire water rights, through direct purchase or otherwise, without specific Council pre-authorization prior to such purchase, provided that the City Manager:

(A) ~~ascertains~~Ascertains the value and benefit of such water rights by means of an appropriate engineering study, if necessary; and

- | (B) ~~determines~~Determines that an expedited acquisition of such rights is necessary to preserve the health, safety and welfare of the citizens of Westminster; and
- | (C) ~~finds~~Finds that adequate funds have previously been appropriated for such acquisition; and
- | (D) ~~provides~~Provides a written report to the City Council advising the Council of any such purchase within twenty (20) days of the acquisition.

Section 10. This ordinance shall take effect on January 1, 2014.

Section 11. 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 26<sup>th</sup> day of August, 2013.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9<sup>th</sup> day of September, 2013.

ATTEST:

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Mayor

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City Clerk

APPROVED AS TO LEGAL FORM:

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City Attorney's Office

**Agenda Item 8 F****Agenda Memorandum**

City Council Meeting  
September 9, 2013



**SUBJECT:** Second Reading of Councillor's Bill No. 33 re 2013 2<sup>nd</sup> Quarter Budget  
Supplemental Appropriation

**Prepared By:** Karen Barlow, Accountant

**Recommended City Council Action**

Pass Councillor's Bill No. 33 on second reading, providing for a supplemental appropriation of funds to the 2013 budget of the General, Legacy Ridge, Heritage at Westmoor, Sales and Use Tax, Parks Open Space and Trails, and General Capital Improvement Funds.

**Summary Statement**

- City Council action is requested to adopt the attached Councillor's Bill on second reading, authorizing a supplemental appropriation to the 2013 Budget of the General, Legacy Ridge, Heritage at Westmoor, Sales and Use Tax, Parks Open Space and Trails, and General Capital Improvement Funds.
  - General Fund amendments total: \$ 1,550,443
  - Legacy Ridge Fund amendments total: \$ 98,397
  - Heritage at Westmoor Fund amendments total: \$ 1,603
  - Sales and Use Tax Fund amendments total: \$ 1,028,903
  - Parks, Open Space and Trails Fund amendments total: \$ 225,000
  - General Capital Improvement Fund amendments total: \$ 2,200,000
- This Councillor's Bill was approved on first reading on August 26, 2013.

**Expenditure Required:** \$5,104,346

**Source of Funds:** The funding sources for these budgetary adjustments include carryover, reimbursements, grant proceeds, lease proceeds, and transfers

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment – Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **33**

SERIES OF 2013

INTRODUCED BY COUNCILLORS  
**Briggs - Lindsey**

**A BILL**

**FOR AN ORDINANCE AMENDING THE 2013 BUDGETS OF THE GENERAL, LEGACY RIDGE, HERITAGE AT WESTMOOR, SALES AND USE TAX, PARKS OPEN SPACE AND TRAILS, AND GENERAL CAPITAL IMPROVEMENT FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2013 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2013 appropriation for the General, Legacy Ridge, Heritage at Westmoor, Sales and Use Tax, Parks Open Space and Trails, and General Capital Improvement Funds initially appropriated by Ordinance No. 3655 is hereby increased in aggregate by \$5,104,346. This appropriation is due to the receipt of funds from carryover, reimbursements, grants, lease proceeds and transfers.

Section 2. The \$5,104,346 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10 C dated August 26, 2013 (a copy of which may be obtained from the City Clerk) amending City fund budgets as follows:

General Fund	\$1,550,443
Legacy Ridge Fund	98,397
Heritage at Westmoor Fund	1,603
Sales and Use Tax Fund	1,028,903
Parks, Open Space, and Trails Fund	225,000
General Capital Improvement Fund	<u>2,200,000</u>
Total	<u>\$5,104,346</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 26<sup>th</sup> day of August, 2013.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9<sup>th</sup> day of September, 2013.

ATTEST:

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Mayor

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City Clerk



W E S T M I N S T E R

## Agenda Item 8 G

### Agenda Memorandum

City Council Meeting  
September 9, 2013



**SUBJECT:** Second Reading of Councillor's Bill No. 34 re Bushnell Open Space Acquisition Grant Supplemental Appropriation

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

### Recommended City Council Action

Pass Councillor's Bill No. 34 on second reading appropriating funds received from the Adams County Open Space Grant Program in the amount of \$225,000 for the Bushnell open space acquisition grant.

### Summary Statement

- This Councillor's Bill was passed on first reading on August 26, 2013.
- Council previously authorized the Department of Community Development to pursue a grant in the amount of \$225,000 from the Adams County Open Space grant program for the acquisition of the Bushnell parcel located at 12620 Zuni Street (see attached map). Adams County awarded the grant to Westminster in the requested amount of \$225,000. The City will provide a cash match of \$225,000 using 2012 carryover funds in the POST land acquisition account.
- The City has executed a Purchase and Sale Agreement to purchase this property with a closing date of September 12, 2013.
- City Council action is needed to appropriate these grant funds.

**Expenditure Required:** \$225,000

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

Respectfully submitted,

J. Brent McFall  
City Manager

### Attachments

- Ordinance
- Vicinity Map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **34**

SERIES OF 2013

INTRODUCED BY COUNCILLORS  
**Major - Lindsey**

**A BILL**

**FOR AN ORDINANCE AMENDING THE 2013 BUDGET OF THE PARKS, OPEN SPACE AND TRAILS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2013 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2013 appropriation for the Parks, Open Space and Trails Fund initially appropriated by Ordinance No. 3655 is hereby increased by \$225,000. This appropriation is due to the receipt of Adams County grant funds.

Section 2. The \$225,000 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item #10D, dated August 26, 2013 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Parks, Open Space and Trails Fund	<u>\$225,000</u>
Total	<u>\$225,000</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 26<sup>th</sup> day of August, 2013.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9<sup>th</sup> day of September, 2013.

ATTEST:

\_\_\_\_\_  
Mayor

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

# City of Westminster Bushnell Property Open Space Acquisition





W E S T M I N S T E R

## Agenda Item 8 H

### Agenda Memorandum

City Council Meeting  
September 9, 2013



**SUBJECT:** Second Reading of Councillor's Bill No. 35 re Big Dry Creek Buffer Open Space Acquisition Grant Supplemental Appropriation

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

### Recommended City Council Action

Pass Councillor's Bill No. 35 on second reading appropriating funds received from the Adams County Open Space Grant Program in the amount of \$607,899 for the Big Dry Creek Buffer open space acquisition grant.

### Summary Statement

- This Councillor's Bill was passed on first reading on August 26, 2013.
- Council previously authorized the Department of Community Development to pursue a grant in the amount of \$607,899 from the Adams County Open Space grant program for the acquisition of the Big Dry Creek Buffer parcel located at the southeast corner of 112<sup>th</sup> Avenue and Sheridan Boulevard (see attached map). Adams County awarded the grant to Westminster in the requested amount of \$607,899. The City provided a match of \$607,899 by waiving recovery fees owed to the City in this amount.
- The City has executed a Purchase and Sale Agreement to purchase this property and plans to complete this acquisition in September, 2013.
- City Council action is needed to appropriate these grant funds.

**Expenditure Required:** \$607,899

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

Respectfully submitted,

J. Brent McFall  
City Manager

### Attachments

- Councillor's Bill
- Vicinity Map

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **35**

SERIES OF 2013

INTRODUCED BY COUNCILLORS  
**Lindsey - Kaiser**

**A BILL**

**FOR AN ORDINANCE AMENDING THE 2013 BUDGET OF THE PARKS, OPEN SPACE AND TRAILS FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2013 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2013 appropriation for the Parks, Open Space and Trails Fund initially appropriated by Ordinance No. 3655 is hereby increased by \$607,899. This appropriation is due to the receipt of Adams County grant funds.

Section 2. The \$607,899 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item #10E, dated August 26, 2013 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

Parks, Open Space and Trails Fund	<u>\$607,899</u>
Total	<u>\$607,899</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 26<sup>th</sup> day of August, 2013.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9<sup>th</sup> day of September, 2013.

ATTEST:

\_\_\_\_\_  
Mayor

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

# City of Westminster Big Dry Creek Buffer Proposed Open Space Acquisition

112th Ave

Winona Ct

Vrain Dr

Sheridan Blvd

*Big Dry Creek  
Open Space*

Middle Cotton Creek

Cotton Creek

Wolf Way

Big Dry Creek

Big Dry Creek Trail

Wetlands

9.91 Acres

Villas at Sheridan Green

Cotton Creek

110th Ave

- Proposed Acquisition
- Open Space
- Parks
- Existing Trails
- Streams

0 75 150 300 Feet





W E S T M I N S T E R

## Agenda Item 8 I

### Agenda Memorandum

City Council Meeting  
September 9, 2013



**SUBJECT:** Second Reading Councillor's Bill No. 36 re Colorado Department of Transportation  
US 36 Managed Lanes Project Land Exchange Funds

**Prepared By:** David W. Loseman, Senior Projects Engineer

### Recommended City Council Action

Pass Councillor's Bill No. 36 on second reading appropriating money received from the Colorado Department of Transportation into the General Capital Improvement Fund.

### Summary Statement

- City Council action is requested to pass the attached Councillor's Bill on second reading.
- This Councillor's Bill was passed on first reading on August 26, 2013, appropriating funds received from the Colorado Department of Transportation in the amount of \$815,253 relating to a land exchange agreement with the City for the US 36 Managed Lanes Project.

**Expenditure Required:** \$815,253

**Source of Funds** Proceeds from land exchange

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments - Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **36**

SERIES OF 2013

INTRODUCED BY COUNCILLORS  
**Briggs - Kaiser**

**A BILL**

**FOR AN ORDINANCE AMENDING THE 2013 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2013 ESTIMATED REVENUES IN THIS FUND**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2013 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3655 is hereby increased by \$815,253. This increase is due to the appropriation of funds received from the Colorado Department of Transportation (CDOT) in accordance with the Land Exchange Agreement between the City and CDOT.

Section 2. The \$815,253 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10 F&G, dated August 26, 2013 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Capital Improvement Fund	<u>\$815,253</u>
Total	<u>\$815,253</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 26th day of August, 2013.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9<sup>th</sup> day of September, 2013.

ATTEST:

\_\_\_\_\_  
Mayor

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



W E S T M I N S T E R

## Agenda Item 10 A

### Agenda Memorandum

City Council Meeting  
September 9, 2013



**SUBJECT:** Public Meeting on the Adopted 2014 City Budget

**Prepared By:** Barbara Opie, Assistant City Manager

### Recommended City Council Action

Hold a public meeting on the Adopted 2014 City Budget and receive citizen comments.

### Summary Statement

- The 2014 Budget was adopted in October 2012 with the official adoption of the two-year budget by City Council. As part of the two-year budget process, the public is provided an opportunity to receive a financial update and make requests prior to moving into the second year of a two-year adopted budget. At Monday night's meeting, Staff will present a brief update on the City's finances and an overview of the Adopted 2014 Budget to be followed by any citizen comments and/or requests.
- Public meetings regarding the 2013 and 2014 Budget were held on June 11 and July 23, 2012. A public hearing on the 2013 and 2014 Budget was held on September 10, 2012. In addition, a public meeting was held July 8, 2013, that focused on potential service adjustments for the Adopted 2014 Budget and to solicit citizen comments and suggestions. The three potential service adjustment areas were also posted on WestyCOnnect, the City's social media site where residents can share ideas with the City, to gather input.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

None identified

**Alternative**

City Council could choose not to conduct a public meeting on the 2014 budget since the budget is already adopted by City Council. Staff does not recommend that based on the original parameters agreed to with City Council to ensure the public continues to have the ability to provide feedback concerning the second year's budget and the fact that City Council will be considering an amendment to the Adopted 2014 Budget based on the review to be conducted on September 16.

**Background Information**

Council officially adopted the 2013 and 2014 Budgets in October 2012. As part of the two-year budget process, a financial update/budget review is to be conducted in September 2013 to review any recommended modifications to the 2014 Adopted Budget, review any new citizen requests, and address any miscellaneous financial issues that Staff or Council wishes to raise.

City Council is scheduled to hold a public meeting to receive input on the 2014 Adopted Budget at the City Council meeting on Monday, September 9. Staff will make a brief presentation at Monday night's City Council meeting on the 2014 Adopted Budget and the City's current financial status. This public meeting is intended to receive citizen requests, comments and suggestions for 2014.

In August 2012, City Council identified the goals for 2013 and 2014; these goals were revisited and re-confirmed by City Council in July 2013. The City Council Goals are listed below:

- Strong, Balanced Local Economy
- Safe and Healthy Community
- Financially Sustainable City Government Providing Exceptional Services
- Vibrant Neighborhoods in One Livable Community
- Beautiful and Environmentally Sensitive City

The direction provided by City Council through these goals assisted City Staff when they prepared the 2013 and 2014 City Budget. Other considerations that go into developing a comprehensive budget are department priorities that strive to maintain core services and existing service levels and citizen/neighborhood input.

In November of 2000, Westminster voters approved a City Charter amendment that allows the City Council to adopt a formal two-year budget. Staff prepared a two-year budget for several years prior to this Charter amendment; however, City Council could only officially adopt the first year of the two-year budget. With the adoption of the 2003/2004 Budget, City Council officially adopted the City's first two-year budget. The Adopted 2013/2014 Budget represents the City's sixth officially adopted two-year budget.

The Adopted 2013/2014 Budget document has been available to the public in the City Clerk's Office since January 1, 2013. Monday's public meeting was advertised in the *Westminster Window*, *Westsider*, and *The Weekly*; on cable Channel 8 and the City's website; and at various public meetings.

A public meeting was held July 8, 2013, that focused on potential service adjustments for the Adopted 2014 Budget and to solicit citizen comments and suggestions. City Council reviewed these potential service modifications at the June 24 Post City Council Meeting. Based on feedback received at that meeting, Staff has been conducting further review and analysis, and will present this information for City Council's consideration and final direction during the mid-year budget review process in September. Per Council direction, the three areas under consideration for potential changes were shared with the public at the July 8 City Council meeting to allow time for feedback prior to final action being taken in October. The three potential service adjustment areas were also posted on WestyCOnnect, the City's social site where residents can share ideas with the City, to gather input. Staff will provide a summary of feedback from WestyCOnnect with City Council as part of the September 16 budget review. The site continues to take feedback through Monday, September 9, 2013.

The following items are service areas under consideration for potential modifications for 2014 as highlighted at the July 8 public meeting:

1. Modifying Post-Snowstorm Street Sweeping (Public Works and Utilities): Street sweeping costs continue to present the City with budget challenges. In November of 2012, Staff requested bids for sweeping services for 2013 and only received one bid at over twice the amount of funds budgeted for this service. In response, Staff re-bid the contract and achieved better pricing, but still at \$33,846 over budget. Staff is proposing to discontinue post-snowstorm sweeping, which currently costs \$76,000. In lieu of the post-snowstorm sweeping, Staff is investigating the possibility of adding one citywide sweeping rotation, which would be performed during an appropriate time in the winter and cost an estimated \$34,250 based on the City's current contract. In contrast to the post-snowstorm sweeping that only touches primary and secondary snow routes, this citywide rotation would provide an additional benefit by sweeping all City streets, helping to improve appearance while addressing both the air and stormwater quality requirements. After factoring in the additional sweeping rotation, the City could receive a \$41,678 savings from the discontinuation of post-snowstorm sweeping, helping to address budget pressures.
2. Increasing “In-Service” Availability of the Reserve “Fifth” Ambulance (Fire Department): A “fifth” medic unit (ambulance) has been put into service for emergency response for over five years as staffing and the overtime budget has allowed, utilizing a reserve ambulance unit when not needed as an actual reserve. Measureable benefits have been realized when this “fifth” medic unit is in service, most notably a reduction in response times. Approximately 70% of all emergency calls the Fire Department responds to are EMS-related involving a medic unit. Staff is evaluating additional funding that would allow the Fire Department to fund approximately 21-28 full shifts of overtime and allow for the needed staffing to operate the fifth medical unit full time. No additional staffing is proposed; rather, Staff is proposing to utilize existing FTE (full-time equivalents) through strategic use of overtime throughout the year. Command staff have discussed this proposal with the firefighters and received positive feedback.
3. Enhancing Open Space Management and More Strategic Open Space Acquisitions (Parks, Recreation & Libraries and Community Development): The City is within 1% of reaching the 15% goal set in 1985 when the Westminster residents approved the first open space sales tax, making Westminster the second city in Colorado, after Boulder, to establish an open space program funded by municipal sales tax. Since 1985, the 0.25 percent sales tax has been extended by voters three times: once in 1989 with half of sales tax revenues dedicated to parks and recreation improvements; again in 1996 when voters also authorized the issuance of \$26 million of bonds to fund additional open space purchases, recreation facility construction and park development; and most recently, in 2006, voters approved an additional bond sale of up to \$20 million and authorized the use of the ongoing POST sales tax funds to also pay for maintenance of open space, parkland, trails and recreational facilities. Over the almost 28 years, the City has made significant strides in preserving natural lands in the community (over 2,953 acres) and constructing recreation amenities. Open space has been acquired to protect view corridors, provide buffers between development zones, protect sensitive wildlife habitat, preserve open rural landscapes, protect creek and irrigation canal corridors and for use as trail corridors and passive recreational opportunities.

While the City has been successful in working towards the 15% open space goal, the City has not as aggressively pursued ongoing management of this substantial community asset. As reported to City Council in December 2011, the majority of POST Fund's Park Services Division budget is utilized for returning newly acquired open space properties to their original native state, adding the signature open space signage and fencing where appropriate, coordinating open space volunteer events (which include materials for trails, bridges, Russian olive tree removal, etc.), addressing prairie dog vegetation destruction and restoring open space lands, and ongoing open space maintenance. However, efforts have been mostly focused on initial returning newly acquired properties to their original native state and then being primarily reactive in the management of the open space properties, working to repair damaged open space areas from prairie dogs, invasive weeds or other damage occurs.

Staff is evaluating a shift in the open space program, working towards more a proactive open space management program and a more strategic land acquisition program focusing on critical corridors to help connect community and regional trails. Staff is considering the development of a comprehensive open space management plan that better addresses maintenance needs. City Council appropriated \$75,000 from 2012 carryover in August 2013 for the development of a comprehensive management plan; Staff will use the information to return with further recommendations for City Council's consideration during 2014 in preparation for the 2015/2016 Budget. Staff is evaluating, through the mid-year budget review process, the identification of funds to focus on overall maintenance of the open space program (i.e., greater emphasis on maintenance and more strategic land acquisitions). In addition, other concepts under consideration are a future ballot measure to eliminate the sunset on the POST tax, which currently expires in 2032, as well as future consolidation of the Open Space Advisory Board with the Parks, Recreation & Libraries Advisory Board.

Final recommended modifications were submitted to City Council with the early delivery (in the July 9 packet for the July 16 meeting) of the proposed amendment for review at the budget review. After reviewing the recommended modifications for approximately two weeks, City Council is scheduled to conduct a Budget Review at the regularly scheduled Study Session on Monday, September 16. City Council will deliberate on final funding decisions on staffing levels, programs, services, and capital projects at this Budget Review.

Any requests submitted at Monday's public meeting on the Adopted 2014 Budget will be reviewed and researched by Staff. Staff will return with follow up and recommendations at the City Council Budget Review on September 16. Any proposed amendments that result from City Council's Budget Review on September 16 will be presented to City Council for final consideration at the October 14 City Council meeting.

City Council's action on this item addresses all five Strategic Planning Goals.

Respectfully submitted,

J. Brent McFall  
City Manager



W E S T M I N S T E R

## Agenda Item 10 B-D

### Agenda Memorandum

City Council Meeting  
September 9, 2013

**SUBJECT:** Public Hearing and Action on an Appeal of a Planning Commission Denial for a Sign Variance for the 16<sup>th</sup> Amendment to the Village at Standley Lake Official Development Plan, Crown Point Filing No. 4, 1<sup>st</sup> Replat

**Prepared By:** Patrick Caldwell, Planner III

### Recommended City Council Action

1. Reopen the continued public hearing from June 24, 2013.
2. Enter into the public record the request to withdraw the appeal of a Planning Commission Denial for a sign variance for the 16<sup>th</sup> Amendment to the Village at Standley Lake Official Development Plan, Crown Point Filing No. 4, and 1st Replat.
3. Close the public hearing. No action is necessary because the applicant has requested to withdraw their application.

### Summary Statement

- Variances to the City's Sign Code in Planned Unit Development (PUD) zone districts are reviewed by making application to the Planning Commission per the Westminster Municipal Code (WMC) §11-11-8(A).
- The variance request was to add one monument sign on Lot 4 for the exclusive use of Lot 4. No other lots in the Village at Standley Lake PDP have a monument sign for their exclusive use.
- At a public hearing held on March 12, 2013, the Planning Commission voted unanimously (7-0) to deny a variance to the City's Sign Code to allow a monument sign for the 16<sup>th</sup> Amendment to the Village at Standley Lake Official Development Plan (ODP), Crown Point Filing No. 4, 1<sup>st</sup> Replat.
- Pursuant to Section 11-5-13(B), WMC, Mr. Jon Harbour filed a timely Notice of Appeal on March 21, 2013.
- Notice of the public hearing for the appeal was correctly posted at the property; notice was correctly published in the Westminster Window; and notice was mailed in a timely manner to properties within 300 feet.
- On April 22, 2013 the City Council opened the public hearing for an appeal of the March 12, 2013 Planning Commission decision, then continued the public hearing to June 24, 2013.
- On June 24, 2013 at the applicant's request, the City Council continued the public hearing to July 8, 2013.
- On July 8, 2013 the City Council re-opened the public hearing and took testimony, then, at the applicant's request voted 4-3 to continue the public hearing to September 9, 2013.
- On Wednesday, August 28, 2013 the applicant's representative submitted to City staff a request to withdraw the appeal of a Planning Commission denial for a sign variance for the 16<sup>th</sup> Amendment to the Village at Standley Lake Official Development Plan, Crown Point Filing No. 4, 1<sup>st</sup> Replat.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Planning Commission Decision**

The sign variance request for a monument sign on Lot 4 in a PUD zone district was considered by the Planning Commission on March 12, 2013. The site is on the 16<sup>th</sup> Amendment to the Village at Standley Lake ODP, Crown Point Filing No. 4, and 1st Replat. No members of the public spoke in favor or against the proposal. An adjacent property owner sent a letter stating that if this was approved he would want his own sign also. The Planning Commission voted unanimously (7-0) to deny the variance request for a monument sign on Lot 4. This was based on a finding that the criteria for a sign variance set forth in Section 11-11-8(A) of the Westminster Municipal Code had not been met.

**Policy Issue**

This is a quasi-judicial matter. No new policy issues are presented.

**Alternative**

Determine that the requirements of Section 11-11-8(A), W.M.C., have been met and grant the appeal of a Planning Commission denial for a sign variance for the 16<sup>th</sup> Amendment to the Village at Standley Lake Official Development Plan, Crown Point Filing No. 4, 1<sup>st</sup> Replat.

**Background Information**

Following the Planning Commission public hearing of March 12, 2013, the applicant, Arbor Colony West, appealed the Planning Commission's denial of a variance request to add a monument sign to the Village at Standley Lake Official Development Plan in Crown Point filing No. 4, 1<sup>st</sup> Replat. The public hearing for the appeal to the City Council was scheduled for April 22, 2013. On April 22, 2013 the public hearing was opened and no testimony was taken. At the applicant's request the public hearing was continued to June 24, 2013, and on that date the applicant requested another continuance. The public hearing was continued to July 8, 2013. At the July 8, 2013 public hearing, staff and the applicant provided background information. The applicant then requested that the public hearing be continued to September 9, 2013. The City Council supported the continuance with a 4-3 vote. An email from the applicant's representative dated August 28, 2013 requested that the appeal be withdrawn from consideration.

**Applicant**

Arbor Colony West, LLC  
10835 Dover Street, Suite 1100  
Westminster, Colorado 80021

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment - Copy of Email re Request to Withdraw

ATTACHMENT A

**From:** Carl Worthington [<mailto:cworthington@ozarch.com>]  
**Sent:** Wednesday, August 28, 2013 10:14 AM  
**To:** Cummins, Mac  
**Cc:** Caldwell, Patrick; David Chaknova; 'pappasarc'; Dr. Philip Rosenblum  
**Subject:** FW: arbor monument signage appeal

Mac :

We want to thank you for meeting with us last week.

After consultation with you and the applicant Arbor Family Medical it is our desire to "withdraw" the appeal process.

WE are attempting to see if we can expand the signage with the existing signage owners and pursue this privately and hopefully we can get in a private agreement and then ask for your support if we can obtain these privately and to expand the existing monument sign.

We want to thank you and the City for all its help and understanding in this endeavor.

Yours truly,

David Chaknova  
Carl Worthington  
Peter D. Pappas

Consultants to Arbor

And The doctors and staff at Arbor Family Medical.

**CARL A. WORTHINGTON                  AIA ASLA**  
**And Associates LLC**

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W E S T M I N S T E R

## Agenda Item 10 E

### **Agenda Memorandum**

City Council Meeting  
September 9, 2013



**SUBJECT:** Resolution No. 21 re 2013 Private Activity Bond Allocation and Assignment

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

### **Recommended City Council Action**

Adopt Resolution No. 21 authorizing the assignment of \$5,122,923 of the City's private activity bond allocation for 2013 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 2013 private activity bond (PAB) allocation is \$5,122,923. 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 to finance one or more multi-family rental housing projects for low- and moderate-income persons.
- If the City's PAB allocation is not assigned or carried forward by September 16, 2013, 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 Colorado Housing and Finance Authority.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

**Policy Issue**

Should the City assign the City's 2013 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 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 16, 2013, federal law allows the allocation to be carried forward and preserved through February 15<sup>th</sup> of the following year. By February 15, 2014, 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 MCC Program. In 2012 and 2013 year-to-date, CHFA executed MCCs for 35 homeowners in Westminster totaling \$5.8 million in MCCs. The City will receive another allocation of PAB in December 2013 providing additional opportunity to assist any new proposed projects.

Assigning the City's 2013 private activity bond allocation to the Colorado Housing Finance Authority supports the City's Strategic Plan Goal of "Vibrant Neighborhoods in One Livable Community" 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 homeowners seeking assistance through its MCC Program.

Respectfully submitted,

J. Brent McFall  
City Manager

**Attachments**

- Resolution
- Assignment of Allocation

## RESOLUTION

RESOLUTION NO. **21**

INTRODUCED BY COUNCILLORS

SERIES OF 2013

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### **A RESOLUTION AUTHORIZNG 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 2013 State Ceiling for the issuance of a specified principal amount of Private Activity Bonds prior to September 16, 2013 (the "2013 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 2013 Allocation; and

WHEREAS, the City has determined that the 2013 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 \$5,122,923 of its 2013 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 \$5,122,923 of the City's 2013 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 9<sup>th</sup> day of September, 2013.

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Mayor

(SEAL)

Attest:

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City Clerk

**ASSIGNMENT OF ALLOCATION**  
(Multi-family Housing Facility Bonds/Single Family Mortgage Revenue Bonds)

This Assignment of Allocation (the "Assignment"), dated this 9<sup>th</sup> day of September, 2013, 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 16, 2013, (the "2013 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 2013 Allocation; and

WHEREAS, the Assignor has determined that the 2013 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 \$5,122,923 of its 2013 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 \$5,122,923 of its 2013 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 \$5,122,923 of Assignor's 2013 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 \$5,122,923, 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 carry forward 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 2013 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



W E S T M I N S T E R

## Agenda Item 11 A

### Agenda Memorandum

City Council Meeting  
September 9, 2013



**SUBJECT:** Second Reading of Councillor's Bill No. 37 re Supplemental Appropriation of Federal Grant Funds and Contract for Traffic Signal Installation on 112<sup>th</sup> Avenue at Front Range Community College

**Prepared By:** Mike Normandin, Transportation Engineer

### Recommended City Council Action

Pass Councillor's Bill No. 37 on second reading appropriating additional grant monies to be received from the Colorado Department of Transportation and the local match reimbursement from Front Range Community College for the design and construction of a new traffic signal on 112<sup>th</sup> Avenue.

### Summary Statement

- City Council previously approved the submission of an application for a Federal Hazard Elimination Program grant in the amount of \$265,000, coordinated through the Colorado Department of Transportation (CDOT), for the installation of a traffic signal on 112<sup>th</sup> Avenue at Front Range Community College (FRCC). Additional grant funds in the amount of \$45,840 have since been awarded to the project to cover any unanticipated, additional project costs that may be encountered yielding a total grant of \$310,840.
- Front Range Community College officials have indicated that the college is willing to provide the required 10% local match to the federal funds. This commitment has been formalized in an Intergovernmental Agreement (IGA) between the City and FRCC.
- This Councillors Bill was passed on first reading on August 26, 2013.

**Expenditure Required:** \$293,699

**Source of Funds:** Federal Highway Administration Grant  
Front Range Community College (Local Match)  
(No City matching funds are required)

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment – Ordinance

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **37**

SERIES OF 2013

INTRODUCED BY COUNCILLORS  
**Atchison - Major**

**A BILL**

**FOR AN ORDINANCE AMENDING THE 2013 BUDGET OF THE GENERAL CAPITAL IMPROVEMENT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2013 ESTIMATED REVENUES IN THE FUNDS**

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2013 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 3655 is hereby increased by \$45,840. This appropriation is due to the receipt of funds from the Colorado Department of Transportation and Front Range Community College.

Section 2. The \$45,840 increase shall be allocated to City Revenue and Expense accounts as described in the City Council Agenda Item 10 H&I, dated August 26, 2013 (a copy of which may be obtained from the City Clerk) increasing City fund budgets as follows:

General Capital Improvement Fund	<u>\$45,840</u>
Total	<u>\$45,840</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 26<sup>th</sup> day of August, 2013.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9<sup>th</sup> day of September, 2013.

ATTEST:

\_\_\_\_\_  
Mayor

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