



CITY COUNCIL AGENDA

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

Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 7) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.

1. Pledge of Allegiance
2. Roll Call
3. Consideration of Minutes of Preceding Meetings
4. Report of City Officials
 - A. City Manager's Report
5. City Council Comments
6. Presentations
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. November 2005 – Financial Report
 - B. Design Contract for Municipal Service Center Facility Renovation
 - C. Cumulative Purchases over \$50,000 in 2005
 - D. Purchase of a Biosolids Tanker Trailer
 - E. Purchase of Police Department Staff Cars and Patrol Vehicles
 - F. Purchase of Fire Department Automated Scheduling and Staffing System
9. **Appointments and Resignations**
10. **Public Hearings and Other New Business**
 - A. Councillor's Bill No. 72 re Activant Solutions Business Assistance Package
11. **Old Business and Passage of Ordinances on Second Reading**
 - A. TABLED Second Reading CB no. 46 re Cellular Tower Leases for Countryside Recreation Center and the Hydropillar
12. **Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**
 - A. City Council
 - B. Executive Session
 1. Business Assistance Package
 2. Development Briefing
13. **Adjournment**

**WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY MEETING
WESTMINSTER HOUSING AUTHORITY MEETING**

GENERAL PUBLIC HEARING PROCEDURES ON LAND USE MATTERS

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

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, DECEMBER 19, 2005 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

Mayor McNally led the Council, staff, and audience in the Pledge of Allegiance.

ROLL CALL

Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major and Price were present at roll call. J. Brent McFall, City Manager, Martin McCullough, City Attorney, and Linda Yeager, City Clerk, also were present.

CONSIDERATION OF MINUTES

Councillor Major moved, seconded by Lindsey, to approve the minutes of the regular meeting of December 12, 2005. The motion passed unanimously.

CITY MANAGER COMMENTS

Mr. McFall reported that Council would conduct meetings of the Westminster Housing Authority and the Westminster Economic Development Authority immediately following this meeting. After adjourning those meetings, the Council had been asked to convene an executive session to discuss economic development matters. Mr. McFall announced that this was Council's last meeting of the year. City Hall would be closed the next two Mondays in observance of Christmas and the New Year holidays. He extended holiday greetings to all.

CITY COUNCIL COMMENTS

Councillor Lindsey reported that the Westminster Broomfield Open Space Foundation had conducted its organizational meeting, and she had been elected Treasurer. The Foundation would govern the Metzger Farm, which had been jointly purchased by both municipalities for open space.

Councillor Major reported that new Council members had been participating in an orientation and appreciated staff's time.

CONSENT AGENDA

The following items were submitted for Council's consideration on the consent agenda: the November 2005 financial report; based on the City Manager's recommendation, find that the public interest would be best served by awarding the bid for the space study and design of the Municipal Service Center facility renovation to Fisher Associates, P.C. in the amount of \$103,757, and authorize a contingency in the amount of \$10,500; based on the City Manager's report and recommendation, find that the public interest would be best served by awarding contracts to Young Electric Sign Company to a maximum of \$50,481, PROS Inc. to a maximum of \$90,000, and Public Safety Warehouse to a maximum of \$110,000, and ratify the purchases and authorize the City Manager to pay any past invoices not previously authorized to these firms; based on the City Manager's report and recommendation, find that the public interest would be best served by awarding the contract for purchase of a biosolids tanker trailer to Anderson Tank & Trailer Service, Inc., in the amount of \$76,955.17; award the State Bid for three Police Department staff cars to Daniels Chevrolet and the State Bid for ten Police Department patrol cars to Lakewood Fordland; and authorize the City Manager to sign an agreement with Principal Decision Systems International for the purchase and installation of TeleStaff automated scheduling and staffing system in an amount not to exceed \$39,100, as well as a total project budget of \$46,500 plus a \$4,650 contingency including hardware, software, and telephone costs and the transfer of \$51,150 from the Public Safety Reserve account in the General Capital Improvement Fund.

Mayor McNally asked if any member of Council wished to remove an item from the consent agenda for discussion purposes or separate vote. There was no request.

It was moved by Councillor Dittman and seconded by Councillor Price to adopt the consent agenda as presented. The motion passed unanimously.

COUNCILLOR'S BILL NO. 72 REGARDING ACTIVANT SOLUTIONS BUSINESS ASSISTANCE PACKAGE

Mayor Pro Tem Kauffman moved, seconded by Councillor Major, to pass Councillor's Bill No. 72 on first reading authorizing the City Manager to execute and implement at move-in a \$16,000 business assistance package with Activant Solutions to include \$2,500 in permit fee rebates, \$3,750 in construction use tax rebates, and \$9,750 in equipment use tax rebates. On roll call vote, the motion carried unanimously.

ADJOURNMENT:

There was no further business to come before City Council, and the meeting adjourned at 7:10 p.m.

ATTEST:

City Clerk

Mayor



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 19, 2005



SUBJECT: Financial Report for November 2005
Prepared By: Tammy Hitchens, Finance Director

Recommended City Council Action

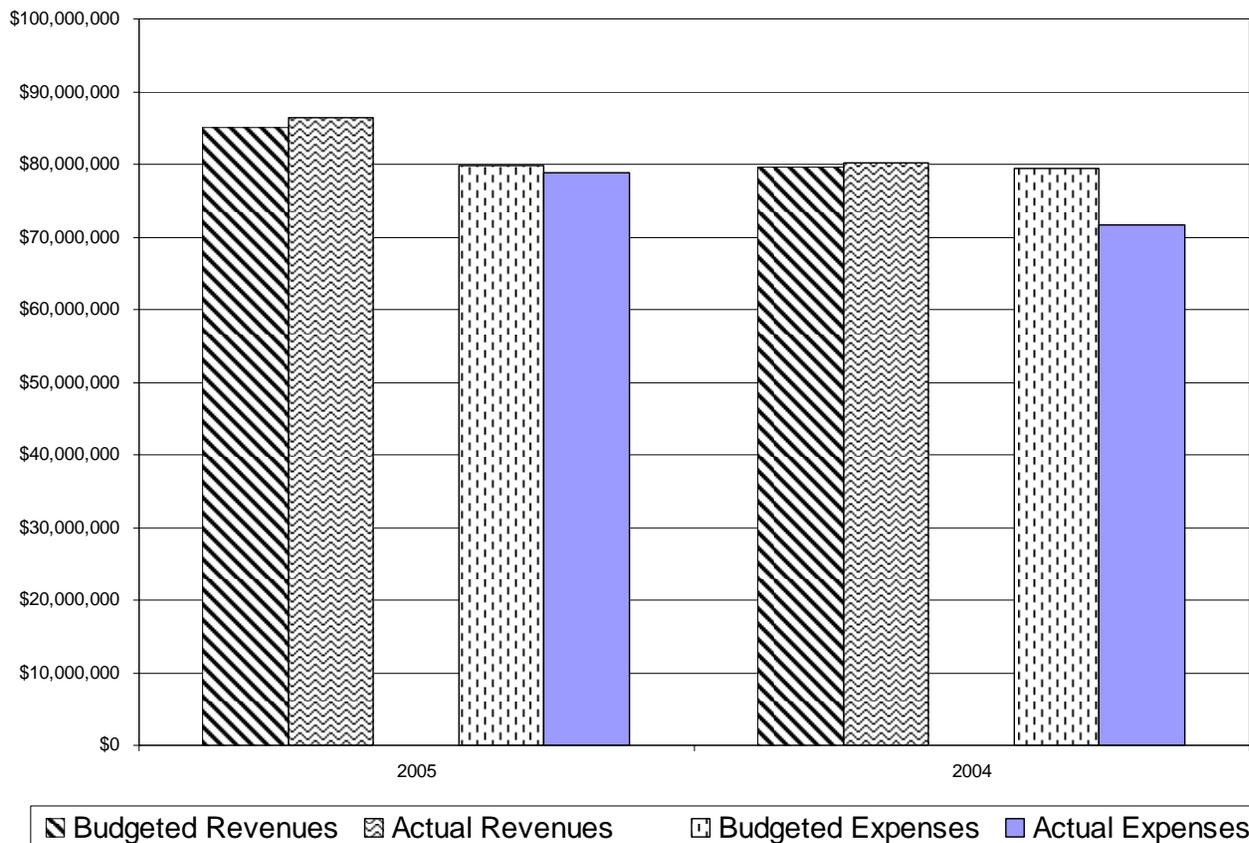
Accept the Financial Report for November as presented.

Summary Statement

City Council is requested to review and accept the attached monthly financial statement. The Shopping Center Report is also attached. Unless otherwise indicated, "budget" refers to the pro-rated budget. Revenues also include carryover where applicable. The revenues are pro-rated based on 10-year historical averages. Expenses are also pro-rated based on 4-year historical averages.

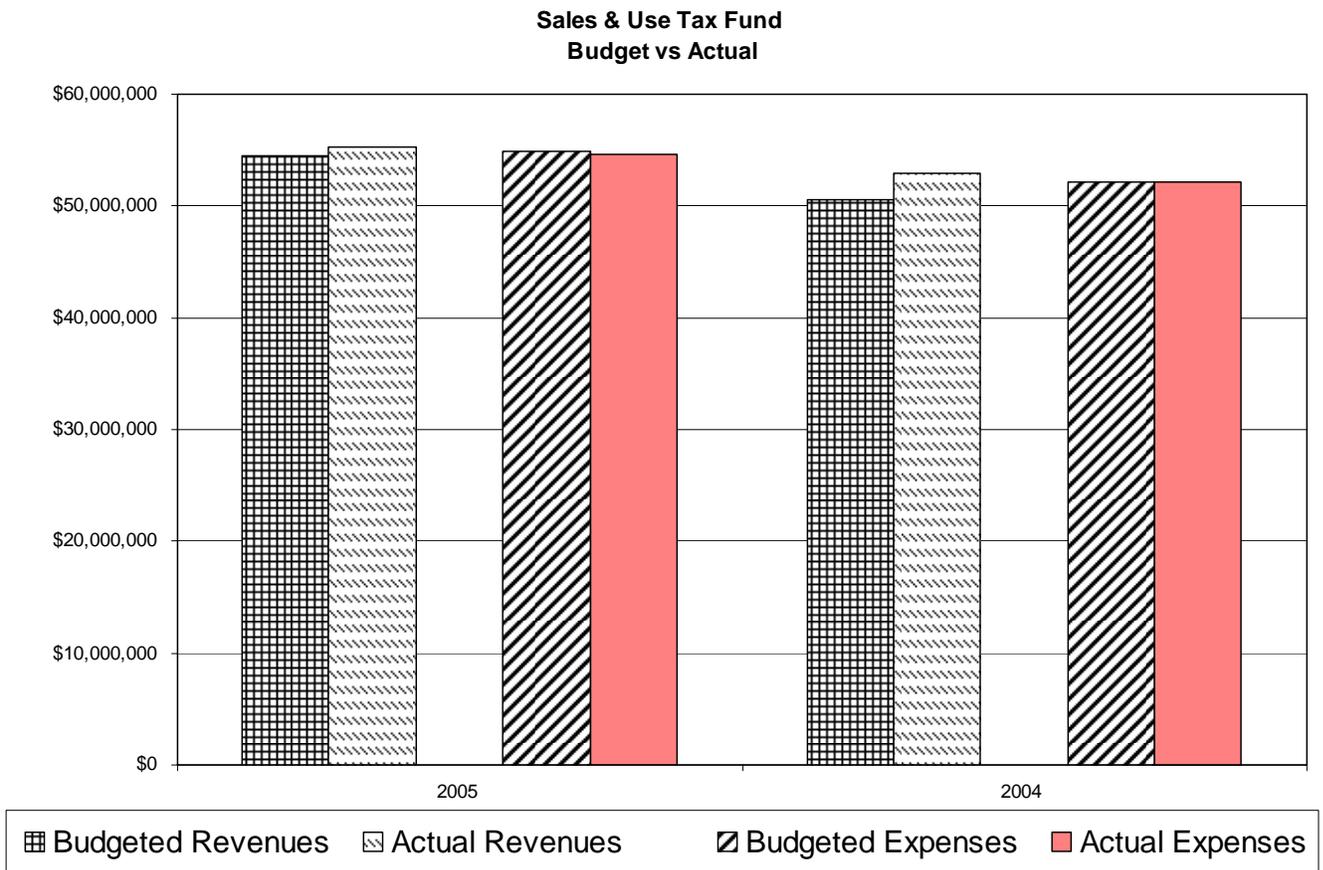
The General Fund revenues and carryover exceed expenditures by \$7,460,000. The following graph represents Budget vs. Actual for 2004 – 2005.

**General Fund
Budget vs Actual**

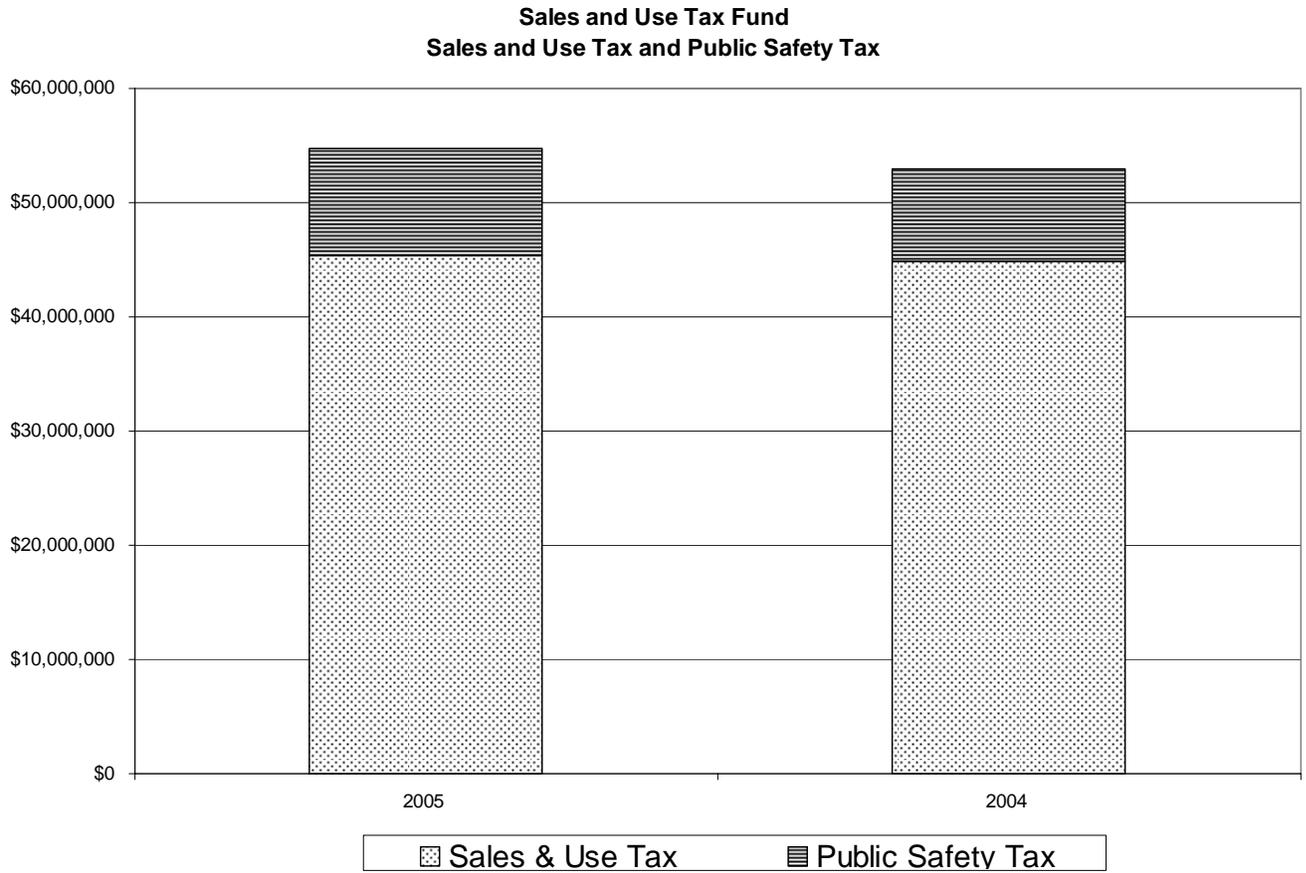


The Sales and Use Tax Fund's revenues and carryover exceed expenditures by \$621,000.

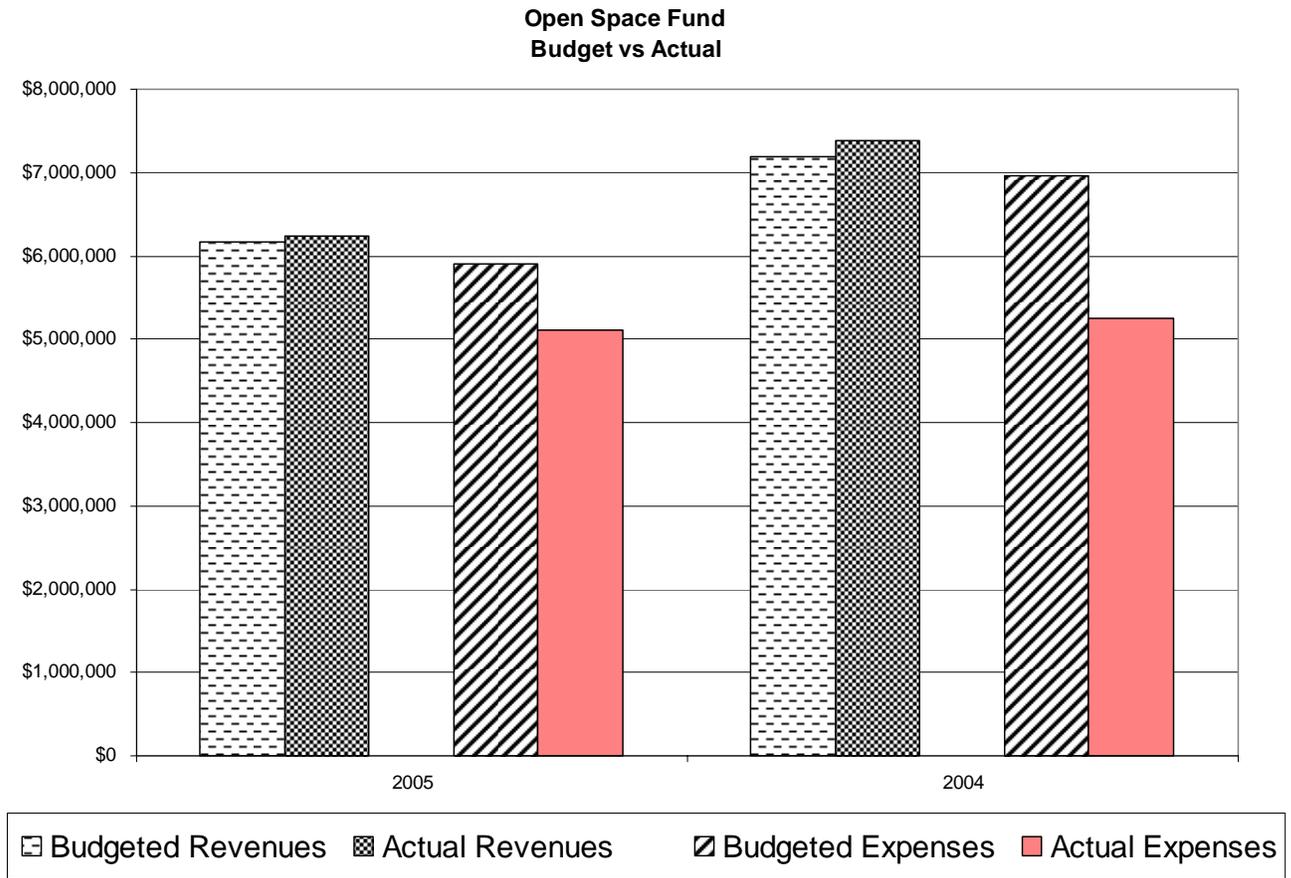
- On a year-to-date basis, across the top 25 shopping centers, total sales & use tax receipts are up 4%. This includes Urban Renewal Area money that is not available for General Fund use. Without Urban Renewal money, total sales and use tax receipts are up 0.3%.
- The top 50 Sales Taxpayers, who represent about 63% of all collections, were up 3.7%. This includes Urban Renewal Area money that is not available for General Fund use.
- The Westminster Mall is down 8% year to date.



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

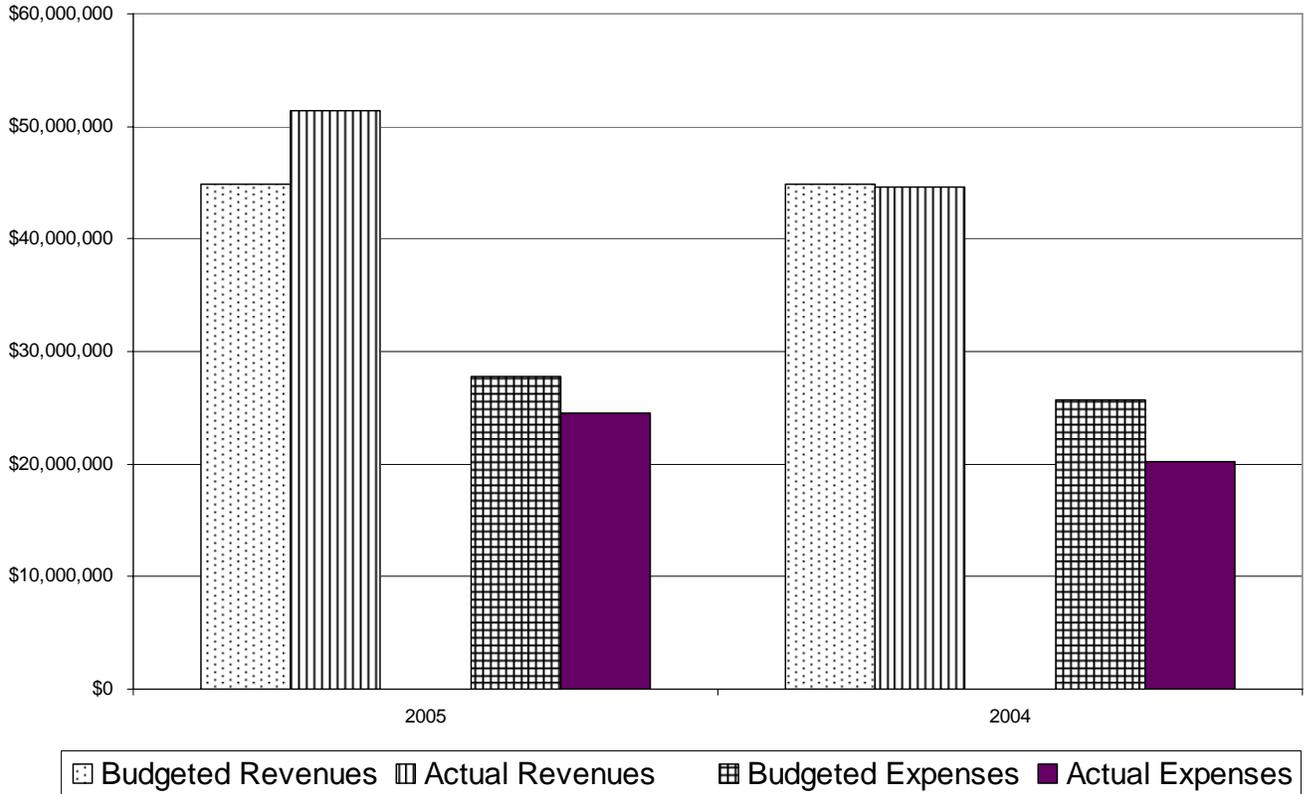


The Open Space Fund revenues and carryover exceed expenditures by \$1,132,000.



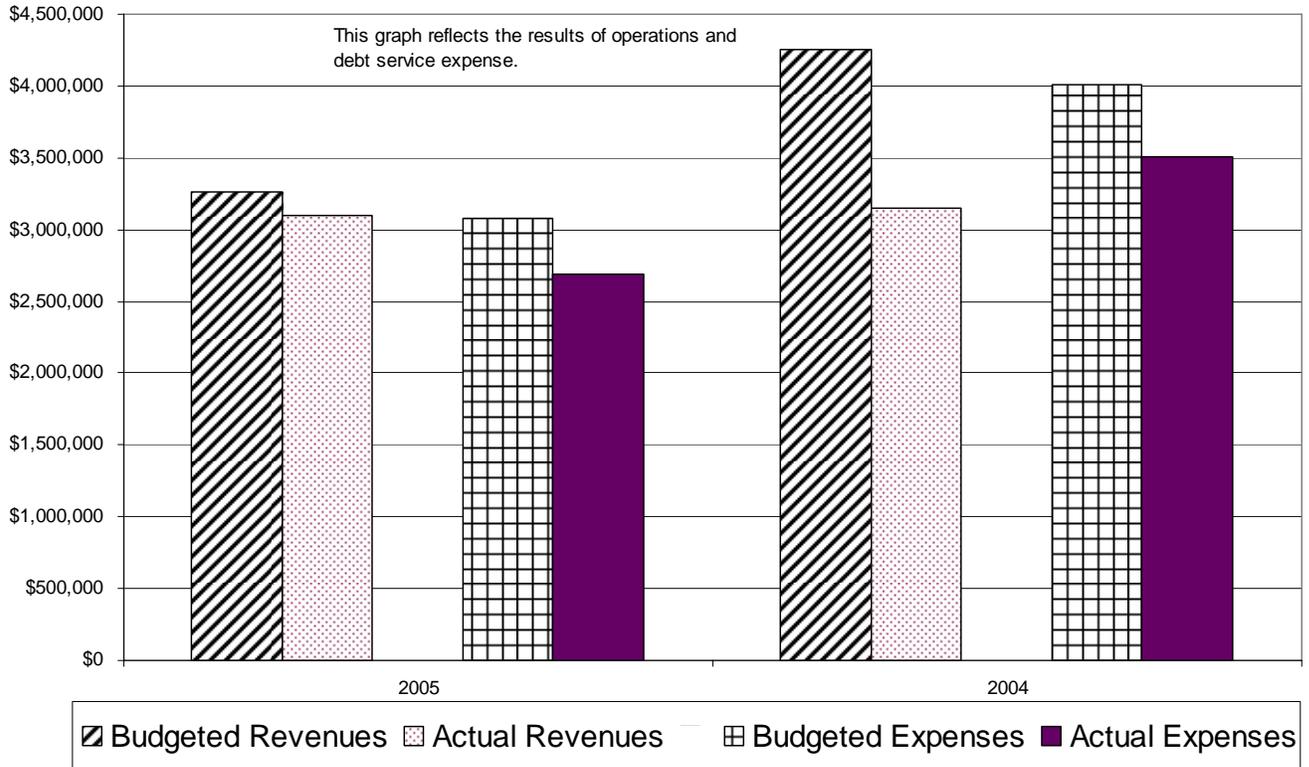
The combined Water & Wastewater Funds' revenues and carryover exceed expenses by \$26,843,000. Included in this figure is almost \$11.0 million in tap fees. Approximately \$11,900,000 is budgeted for capital projects.

**Combined Water and Wastewater Funds
Budget vs Actual**



The combined Golf Course Funds' revenues exceed expenditures by \$2,859,000. This reflects \$2,452,000 in cancelled interfund loans. This is an accounting anomaly in that the write-off will increase fund balance. From a cash standpoint, the combined golf courses have a multi year cumulative negative cash balance of \$1,147,000. It should also be noted that the Heritage Golf Course will be making a debt payment of \$341,920 in December.

**Golf Course Enterprise
Budget vs Actual**



Policy Issue

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

Alternative

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

Background Information

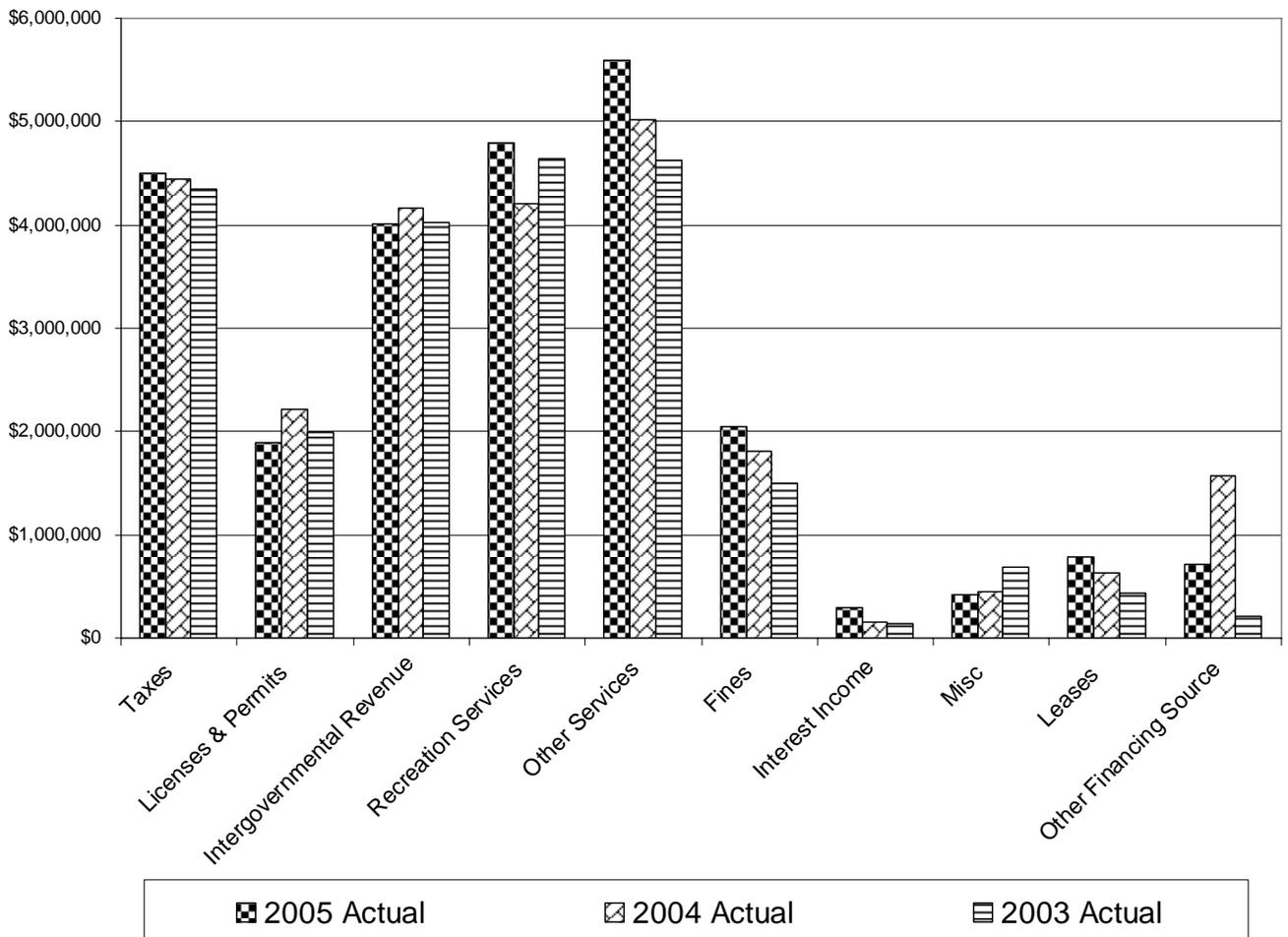
This section includes a discussion of highlights of each fund presented.

General Fund

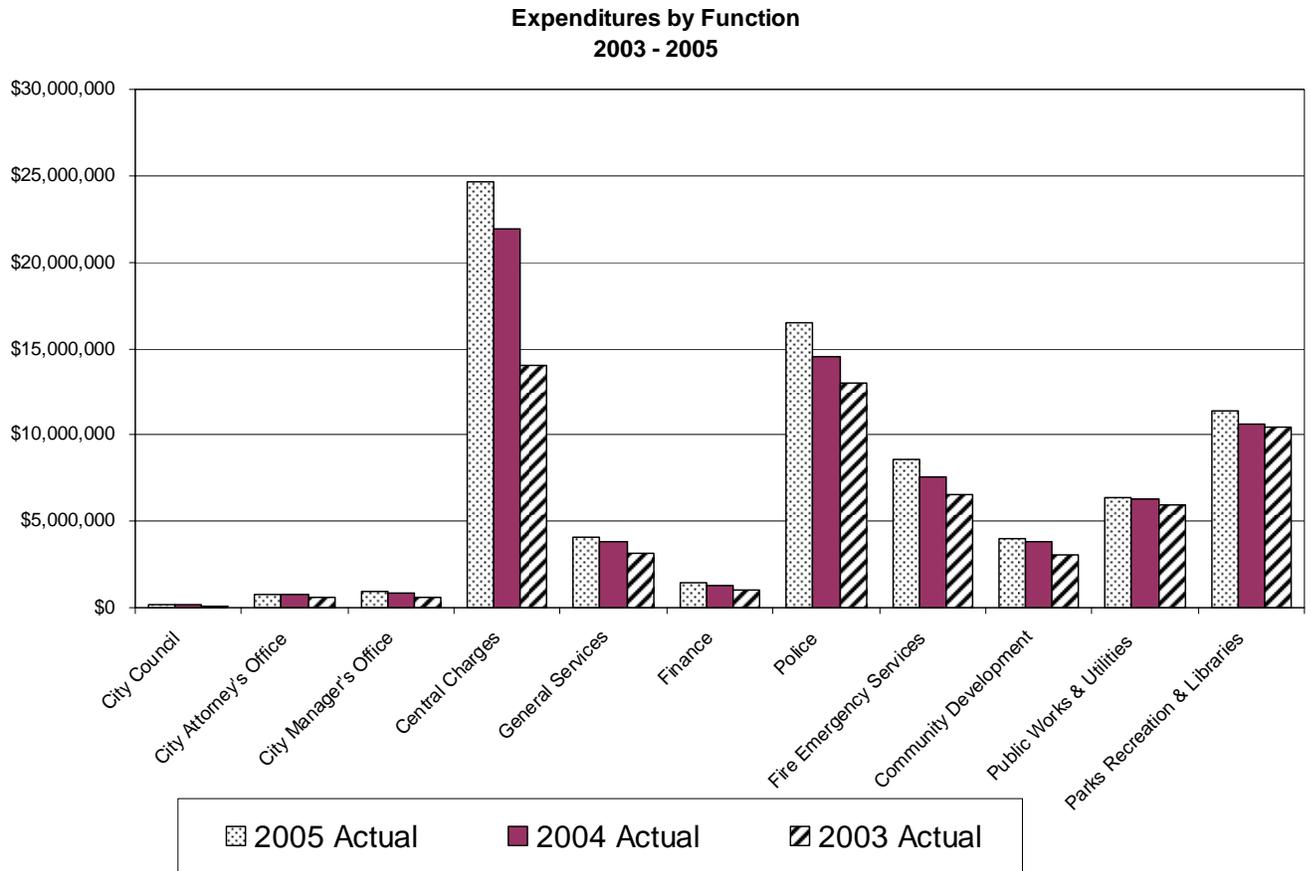
This fund reflects the results of the City’s operating departments: Police, Fire, Public Works (Streets, etc.), Parks Recreation and Libraries, Community Development, and the internal service functions; City Manager, City Attorney, Finance, and General Services.

The following chart represents the trend in actual revenues from 2003 – 2005 year-to-date.

**General Fund Revenues without Transfers and Carryover
2003 - 2005**



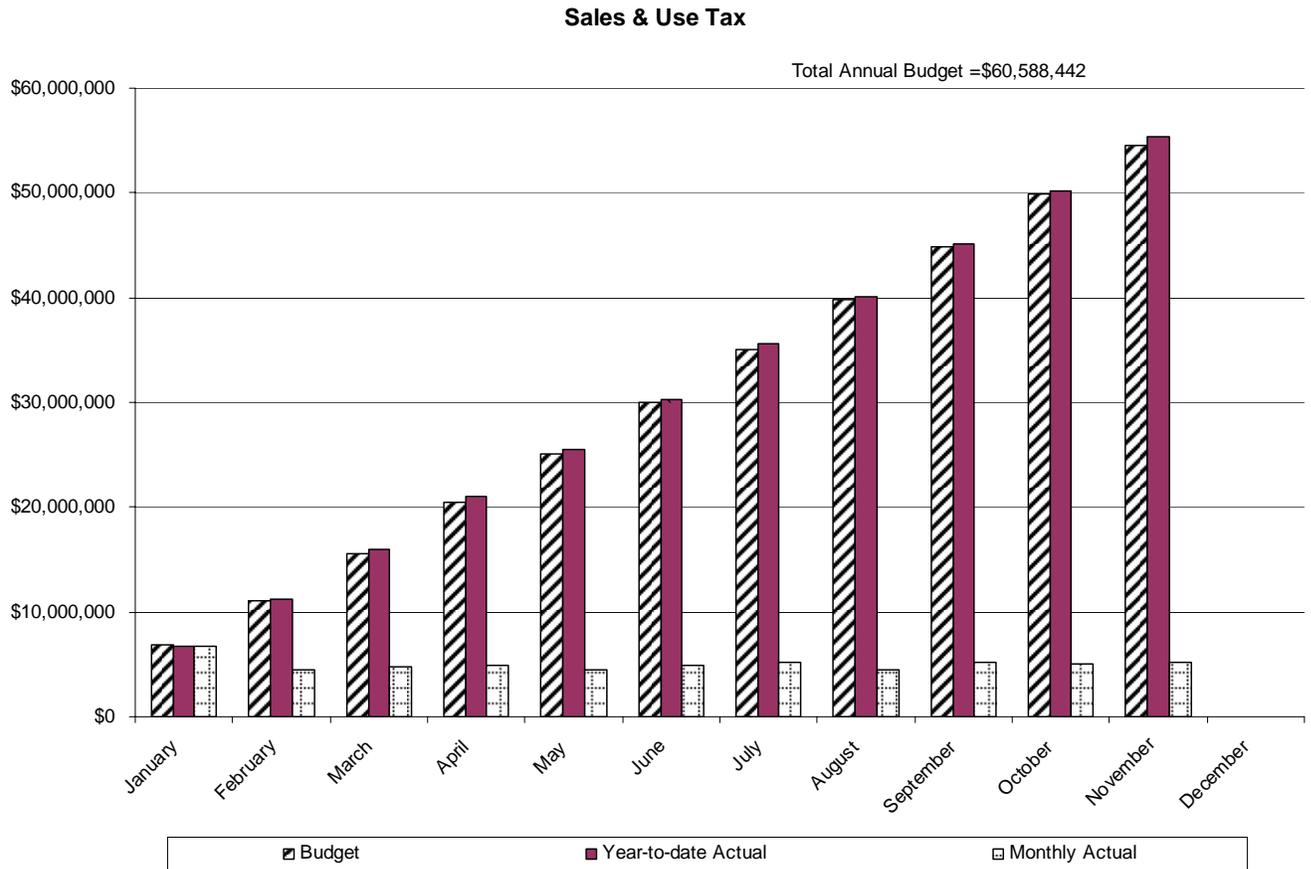
The following chart identifies where the City is focusing its resources. The chart shows year-to-date spending for 2003 –2005.



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

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

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

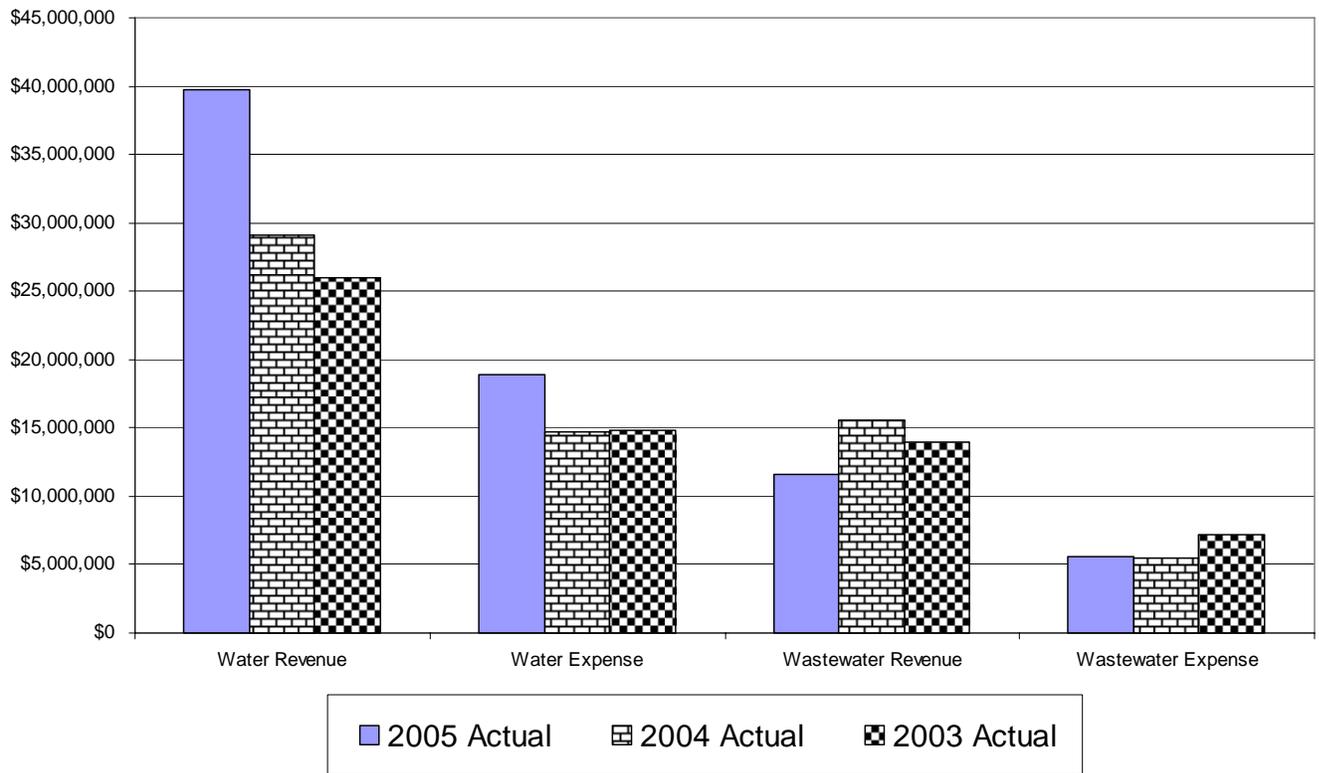


Water, Wastewater and Storm Water Drainage Funds (The Utility Enterprise)

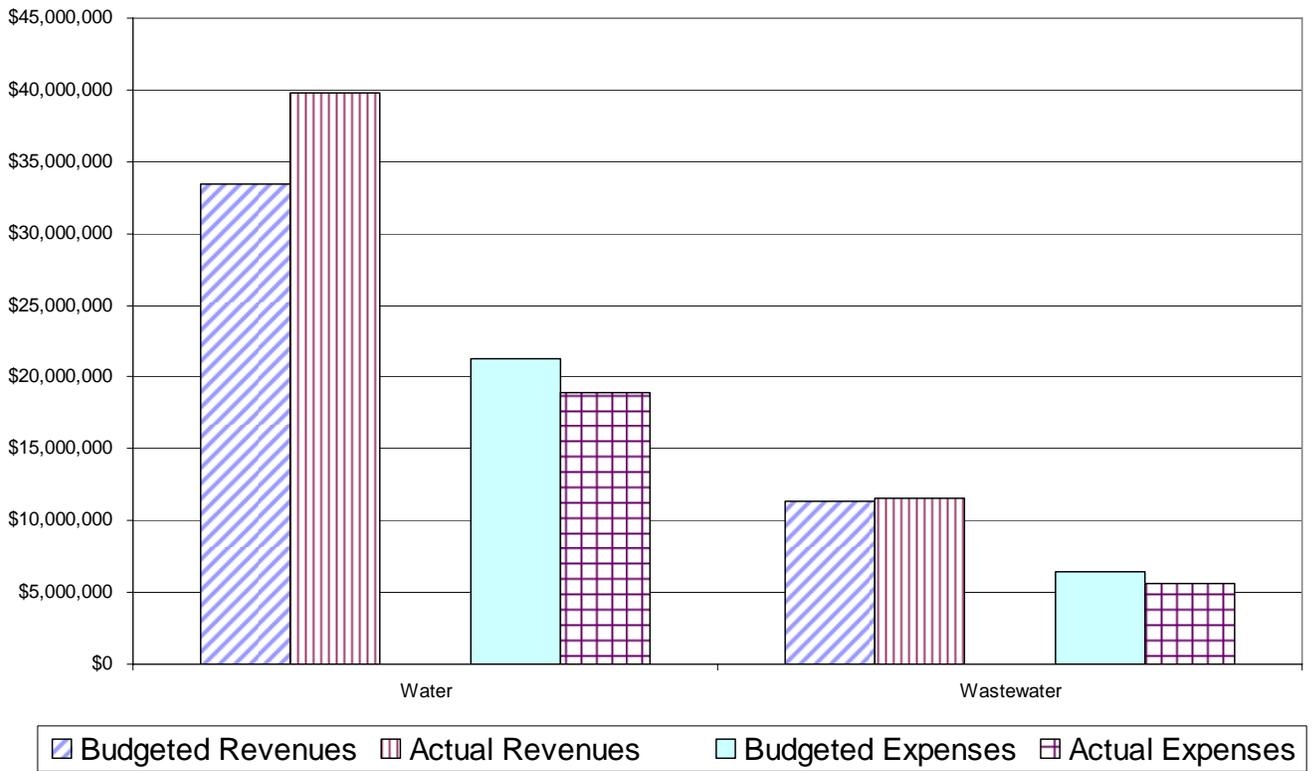
This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects.

These graphs represent the segment information for the Water and Wastewater funds. The trend for wastewater revenues indicate that revenues are down for 2005. However, this is a reflection of using only \$323,000 of carryover in 2005 versus \$5,541,000 in 2004 and \$3,963,000 in 2003.

**Water and Wastewater Funds
Revenue and Operating Expenses 2003-2005**



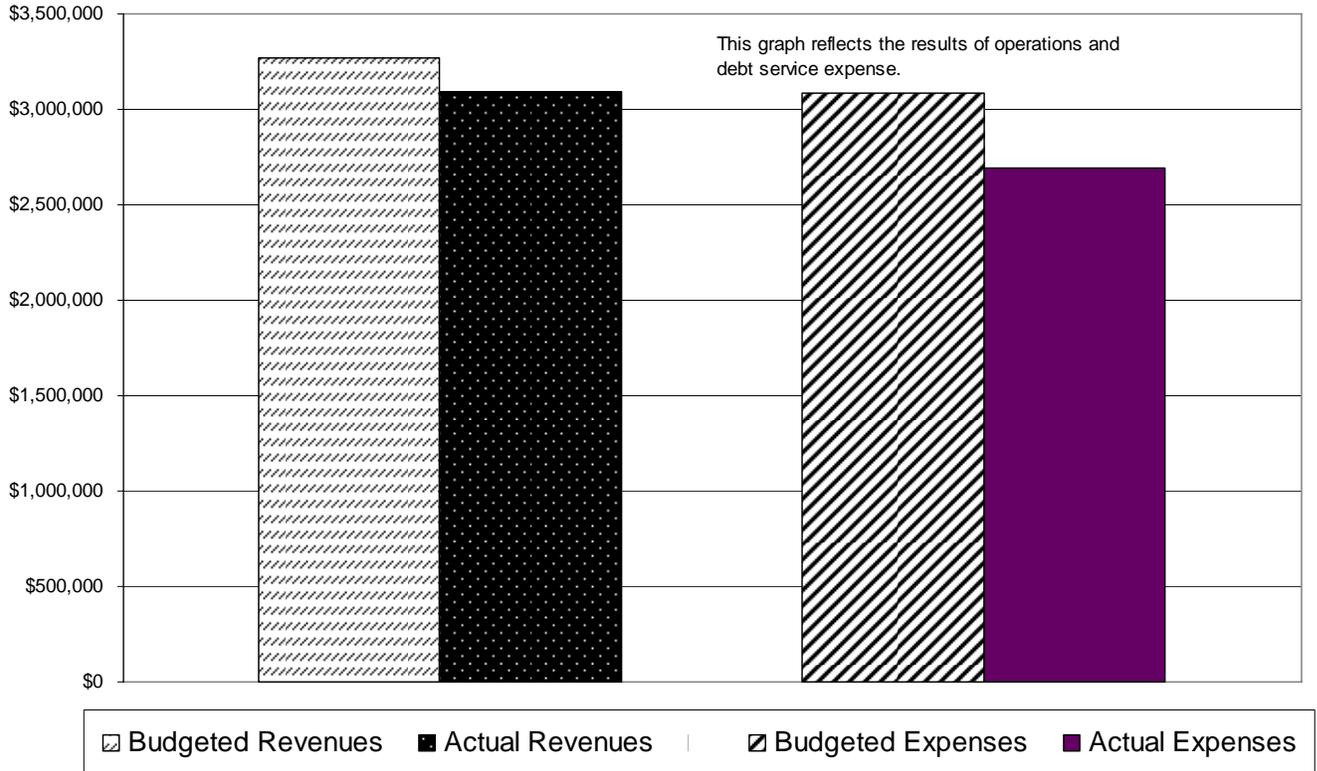
**Water and Wastewater Funds
Budget vs Actual**



Golf Course Enterprise (Legacy and Heritage Golf Courses)

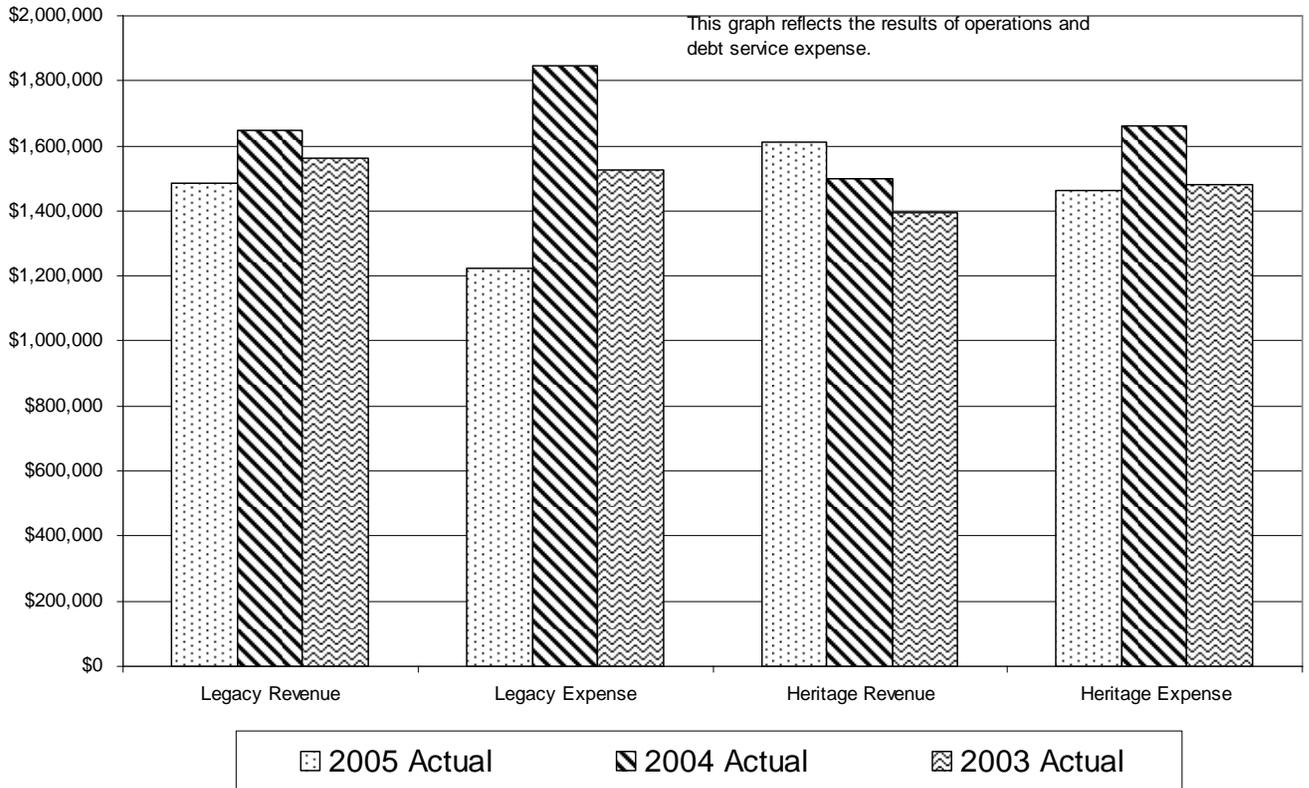
This enterprise reflects the operations of the City's two municipal golf courses. On October 11, 2004, City Council approved a four-point program to provide relief to the golf courses over the coming years.

**Combined Golf Courses
Budget vs Actual**

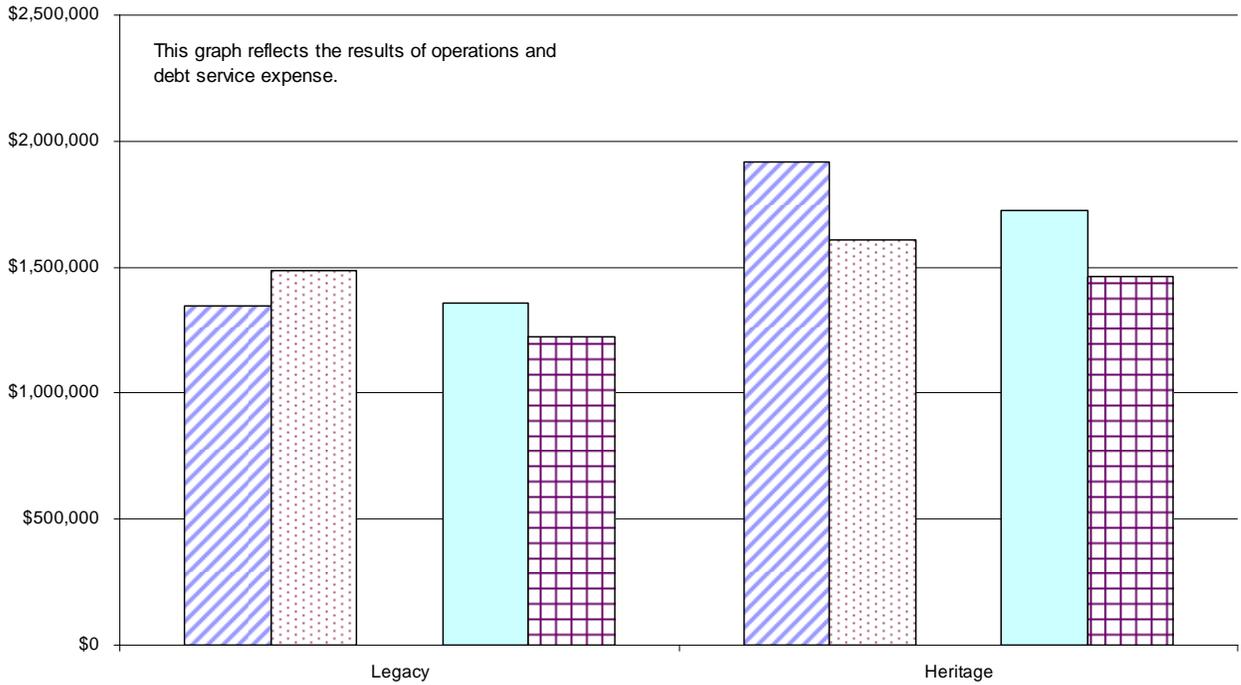


The following graphs represent the information for each of the golf courses.

**Legacy and Heritage Golf Courses
Revenue and Expenses 2003 - 2005**



**Legacy and Heritage Golf Courses
Budget vs Actual**



Respectfully submitted,

J. Brent McFall, City Manager

Attachments
Statement
Receipts

**City of Westminster
Financial Report
For the Eleven Months Ending November 30, 2005**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
Legacy Ridge Fund						
Revenues						
Charges for Services	1,375,387	1,347,879		1,483,969	136,090	110%
Interest Income	0	0		264	264	N/A
Total Revenues	<u>1,375,387</u>	<u>1,347,879</u>		<u>1,484,233</u>	<u>136,354</u>	<u>110%</u>
Expenses						
Central Charges	99,377	91,228		84,837	(6,391)	93%
Recreation Facilities	1,276,010	1,265,802		1,139,693	(126,109)	90%
Sub-Total Expenses	<u>1,375,387</u>	<u>1,357,030</u>		<u>1,224,530</u>	<u>(132,500)</u>	<u>90%</u>
Revenues Over(Under) Expenditures	0	(9,151)		259,703	268,854	
Write-off of interfund loan	<u>0</u>	<u>0</u>	(1)	<u>1,301,710</u>	<u>1,301,710</u>	
Increase (Decrease) to Fund Balance	<u><u>0</u></u>	<u><u>(9,151)</u></u>		<u><u>1,561,413</u></u>	<u><u>1,570,564</u></u>	

(1) From an accounting standpoint, the writeoff of the interfund loan will have a positive effect on fund balance. However, it does **not** improve the cash position of the fund. As of November 30, 2005 the multi-year cumulative cash balance was a **negative** \$287,000 for Legacy Ridge Golf Course.

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF NOVEMBER 2005

Center Location Major Tenant	/----- Current Month -----/			/----- Last Year -----/			/--- %Change ---/		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
WESTMINSTER MALL 88TH & SHERIDAN 5 DEPARTMENT STORES	325,376	2,225	327,602	368,043	3,143	371,186	-12	-29	-12
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	277,551	6,115	283,665	283,945	1,366	285,311	-2	348	-1
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	209,745	1,093	210,838	205,582	2,014	207,595	2	-46	2
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	189,419	2	189,421	186,714	86	186,800	1	-98	1
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	188,145	1,152	189,297	199,627	2,344	201,972	-6	-51	-6
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	152,482	1,099	153,581	149,813	1,054	150,867	2	4	2
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	123,799	11,878	135,677	98,121	12,459	110,580	26	-5	23
SHOPS AT WALNUT CREEK 104TH & REED TARGET	97,396	930	98,326	71,169	5,852	77,021	37	-84	28
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	87,922	1,883	89,805	41,733	201	41,934	111	838	114
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	81,380	492	81,872	22,583	89	22,671	260	454	261
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	67,664	261	67,925	31,131	67	31,198	117	290	118
CHURCH RANCH CORPORATE CENTER CHURCH RANCH BOULEVARD ANDERSON AMOCO	4,910	52,715	57,625	5,870	65	5,936	-16	80504	871
WILLOW RUN 128TH & ZUNI SAFEWAY	51,559	364	51,923	86,130	5,781	91,911	-40	-94	-44
OFFICE MAX CENTER SW CORNER 88TH & SHER GUITAR STORE	50,980	239	51,219	59,854	435	60,289	-15	-45	-15
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH	48,772	74	48,846	93,893	2,086	95,979	-48	-96	-49

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY (CC)
MONTH OF NOVEMBER 2005

Center Location Major Tenant	Current Month			Last Year			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
SAFEWAY WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH SAFEWAY	47,662	101	47,764	76,599	534	77,133	-38	-81	-38
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	45,743	308	46,051	44,085	290	44,375	4	7	4
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	44,896	141	45,036	49,102	619	49,721	-9	-77	-9
LUCENT/KAISER CORRIDOR 112-120 HURON - FEDERAL LUCENT TECHNOLOGY	14,139	27,957	42,096	13,225	51,090	64,315	7	-45	-35
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	34,222	67	34,289	39,245	667	39,912	-13	-90	-14
MISSION COMMONS W SIDE WADSWORTH 88-90TH GATEWAY COMPUTERS	31,372	3	31,375	29,943	8	29,951	5	-66	5
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	26,542	229	26,771	24,985	690	25,674	6	-67	4
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	25,997	249	26,246	27,045	486	27,531	-4	-49	-5
BROOKHILL IV E SIDE WADS 90TH-92ND MEDIA PLAY	25,944	85	26,029	33,921	72	33,992	-24	19	-23
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	25,488	297	25,784	30,045	361	30,406	-15	-18	-15
	2,279,103	109,960	2,389,063	2,272,403	91,858	2,364,260	0	20	1

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)
MONTH OF NOVEMBER 2005

Center Location Major Tenant	YTD 2005			YTD 2004			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
WESTMINSTER MALL 88TH & SHERIDAN 5 DEPARTMENT STORES	4,682,727	44,122	4,726,848	5,081,803	67,148	5,148,951	-8	-34	-8
WESTFIELD SHOPPING CENTER NW CORNER 92ND & SHER WALMART	3,418,313	77,656	3,495,968	4,029,545	22,104	4,051,649	-15	251	-14
CITY CENTER MARKETPLACE NE CORNER 92ND & SHERIDAN COMP USA/CIRCUIT CITY	2,462,429	11,866	2,474,295	2,477,652	39,821	2,517,473	-1	-70	-2
NORTHWEST PLAZA SW CORNER 92 & HARLAN COSTCO	2,330,189	3,985	2,334,174	2,324,061	5,348	2,329,409	0	-25	0
BROOKHILL I & II N SIDE 88TH OTIS TO WADS HOME DEPOT	2,163,470	44,996	2,208,466	2,153,152	25,655	2,178,807	0	75	1
SHERIDAN CROSSING SE CORNER 120TH & SHER ALBERTSONS	1,801,967	32,479	1,834,446	1,635,167	40,193	1,675,360	10	-19	10
PROMENADE SOUTH/NORTH S/N SIDES OF CHURCH RANCH BLVD SHANE/AMC	1,374,692	275,695	1,650,387	1,156,344	223,527	1,379,871	19	23	20
SHOPS AT WALNUT CREEK 104TH & REED TARGET	1,118,395	22,237	1,140,632	71,169	71,024	142,193	1471	-69	702
VILLAGE AT THE MALL S SIDE 88TH DEPEW-HARLAN TOYS 'R US	1,059,978	47,388	1,107,366	500,806	4,318	505,124	112	998	119
NORTH PARK PLAZA SW CORNER 104TH & FEDERAL KING SOOPERS	1,027,721	7,111	1,034,832	1,066,937	2,929	1,069,867	-4	143	-3
STANDLEY SHORES CENTER SW CORNER 100TH & WADS KING SOOPERS	844,090	6,055	850,145	850,152	5,317	855,468	-1	14	-1
OFFICE MAX CENTER SW CORNER 88TH & SHER GUITAR STORE	671,324	6,326	677,650	580,239	4,505	584,744	16	40	16
WILLOW RUN 128TH & ZUNI SAFEWAY	652,394	12,693	665,086	610,711	13,854	624,565	7	-8	6
STANDLEY LAKE MARKETPLACE NE CORNER 99TH & WADSWORTH SAFEWAY	646,559	2,479	649,039	712,153	5,052	717,205	-9	-51	-10
WESTMINSTER PLAZA FEDERAL-IRVING 72ND-74TH	597,369	7,638	605,006	634,651	3,825	638,476	-6	100	-5

CITY OF WESTMINSTER

GENERAL RECEIPTS BY CENTER - SUMMARY YTD (CC)
MONTH OF NOVEMBER 2005

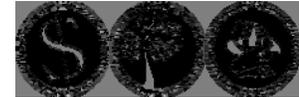
Center Location Major Tenant	YTD 2005			YTD 2004			%Change		
	General Sales	General Use	Total	General Sales	General Use	Total Sales	Use	Total	
SAFEWAY MISSION COMMONS W SIDE WADSWORTH 88-90TH GATEWAY COMPUTERS	547,157	5,952	553,109	330,422	417	330,839	66	1329	67
NORTHVIEW S SIDE 92ND YATES-SHER ALBERTSONS	491,956	5,561	497,516	547,612	4,467	552,079	-10	24	-10
VILLAGE AT PARK CENTRE NW CORNER 120TH & HURON CB & POTTS	467,362	3,878	471,240	430,314	6,747	437,062	9	-43	8
HIDDEN LAKE NE CORNER 72 & SHERIDAN ALBERTSONS	368,952	3,195	372,147	414,413	3,806	418,219	-11	-16	-11
BROOKHILL IV E SIDE WADS 90TH-92ND MEDIA PLAY	340,805	3,194	344,000	387,086	1,532	388,618	-12	108	-11
ELWAY/DOUGLAS CORRIDOR NE CORNER 104TH & FED ELWAY MOTORS	289,094	14,967	304,061	289,092	5,805	294,897	0	158	3
STANDLEY PLAZA SW CORNER 88TH & WADS WALGREENS	281,781	12,747	294,528	280,766	25,272	306,038	0	-50	-4
WESTMINSTER SQUARE NW CORNER 74TH & FED ARC THRIFT STORE	274,944	8,198	283,142	265,415	3,617	269,032	4	127	5
SUMMIT SQUARE NE CORNER 84TH & FED SAFEWAY	254,367	1,561	255,928	275,300	7,612	282,912	-8	-79	-10
FEDERAL STRIP W SIDE FEDERAL 68TH-72ND BOVAS	218,921	308	219,229	228,399	245	228,644	-4	25	-4
	28,386,955	662,286	29,049,241	27,333,362	594,141	27,927,503	4	11	4



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 19, 2005



SUBJECT: Design Contract for MSC Facility Renovation

Prepared By: Michael C. Wong, Senior Engineer
Abel Moreno, Capital Projects and Budget Manager
Jim Arndt, P.E., Director of Public Works and Utilities

Recommended City Council Action

Based on the recommendation of the City Manager, the City Council finds that the public interest will be best served by awarding the bid to Fisher Associates, P.C. in the amount of \$103,757 for the space study and design of the Municipal Service Center (MSC) Facility renovation; and authorize a contingency in the amount of \$10,500.

Summary Statement

- A proposal for the space study and design of the MSC Facility (excluding the Fleet Maintenance facility) was requested from seven architectural firms in December 2005. Four firms submitted proposals, and Fisher Associates, P.C. was determined to be the most qualified.
- The proposed renovation project will provide increased space to house approximately 80 Public Works and Utilities staff, store plats and project record drawings, office equipment, general building maintenance supplies and to provide indoor parking for tandem trucks.
- The total budget for the renovation project, including design and construction, is currently \$1.175 million, although space study results are necessary to determine construction cost estimates (March 2006).
- The selected firm of Fisher Associates, P.C. has the qualifications and related experience in building renovations of this type and size.
- A space study will be completed of the MSC Facility prior to design to ensure the most efficient layout and utilization of space.
- The study and design is expected to be completed by mid-2006 and coincides with the Parks Division move into their new Parks Maintenance Facility at City Park.

Expenditure Required: \$114,257

Source of Funds: Utility Fund – Satellite Facility Capital Improvement Project

Policy Issue

Does City Council wish to authorize Staff's recommendation and award the design contract to Fisher Associates, P.C.?

Alternatives

Council could direct Staff to award the contract to the low proposer, David Lynn Wise AIA. However, Staff's recommendation is based on Fisher Associates, P.C. to be the most qualified for this project. Fisher Associates demonstrated superior experience in municipal mixed use studies and design.

A second alternative is to not renovate the MSC Facilities. This is not recommended as the Parks Division will be relocating to its new maintenance facility in mid 2006, thus creating additional workspace in the MSC facilities for Public Works and Utilities. Also, the existing facilities are in excess of 20 years old and require updating. Without renovation of the facilities, some of the space will be underutilized.

A third alternative is to re-advertise the RFP. This alternative is not recommended because an adequate number of qualified consultant proposals were received and the cost for services are reasonable. It is unlikely that a new call for RFP's would lead to similarly qualified consultants to perform the identified services at a compensation level less than what was submitted by Fisher Associates. In addition, a re-advertisement of RFP's would further delay the renovation project by approximately three months.

Background Information

The Municipal Service Center (MSC) site consists of an Administration, Operations, Fleet Maintenance, two heated storage buildings, and storage yard for various materials, supplies and equipment (illustrated in the attached aerial photo). The MSC has served as the main facility for the Department of Public Works and Utilities field operations and the Parks, Recreation and Libraries Department field operations since its construction in the mid 1980's. Over the years, the existing Administration and Operations Buildings have become overcrowded with the addition of staff, and lack storage space for office equipment, project record drawings, and there is a shortage of heated indoor parking space.

Since the late 1990's, the Department of Public Works and Utilities has been exploring alternatives for new or expanded facilities for its operations. With the Parks Services Division relocating to a new maintenance facility in mid-2006, the Department of Public Works and Utilities has an opportunity to expand its operation in the MSC and design a facility that can house all of the Department's field operations staff, equipment, and supplies in one location. Previous options explored included building a satellite facility in another part of the City, or an administration annex building at the existing MSC site.

The scope of work for the MSC Facility renovation project includes:

- performing a space study to accommodate over 80 current Public Works and Utilities staff, identifying heated storage space for 13 current tandem trucks with snow plows and spreaders, and various other vehicles and equipment;
- designing recommended facility improvements based on the space study findings, which will include an allowance for growth; and
- overseeing construction for the authorized improvements.

The project schedule is based on completing the study phase by March 2006, initiating design concepts and finalizing design by May 2006 and beginning construction in June/July 2006. Construction of the MSC Facility is expected to be completed by early 2007.

Staff developed a Request for Qualifications (RFQ) to pre-qualify architectural firms specialized in building renovation projects. Staff submitted the RFQ to 26 local architectural firms. Upon receiving seven responses from the RFQ, staff prepared a Request for Proposal (RFP) for all seven firms that submitted a response to the RFQ based on their firm's qualifications and ability to meet the City's needs. The RFP was developed for architectural services to include the space study, design, and construction phase of the renovation of the MSC administration, operations, and the two heated vehicle storage buildings. From the seven RFPs sent out, the City received the following four responses:

David Lynn Wise AIA	\$ 87,500 (Study, Design, and Construction Management)
Fisher Associates, P.C.	\$103,757 (Study, Design, and Construction Management)
DR Architectural LLC	\$107,500 (Study, Design, and Construction Management)
Marc Diament Architecture	\$ 40,754 (Study Phase only)

The proposals submitted by the firms of Fisher Associates, David Lynn Wise AIA, and DR Architectural LLC covered the basic scope of services as stated in the RFPs. Their proposal fees were considered as reasonable based on the estimated construction costs. The proposal from the firm of Marc Diament Architecture did not provide a complete response and the firm was disqualified. Interviews were held with the three firms on December 5, 2005.

The criteria staff used in determining the most qualified architect was based on project understanding, project team, previous experience in municipal mixed use facilities, ability to achieve the project schedule, and proposed costs. Fisher Associates, P.C. was selected to be the most qualified architect based on their understanding of the project needs, previous experience in municipal mixed use type facilities, project team, positive reference checks, and their commitment to complete the project within schedule and budget restraints. Also, Fisher Associates, P.C. cost proposal was considered reasonable for the services requested. David Lynn Wise, the low bidder, is not being recommended for the study and design phase services of this project due to their minimal study and design experience on municipal mixed-use facilities such as the MSC.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

Municipal Service Center





WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 19, 2005



SUBJECT: Cumulative Purchases over \$50,000 in 2005

Prepared By: Carl F. Pickett, Purchasing Officer

Recommended City Council Action

Based on the report and recommendation of the City Manager, determine that the public interest will be best served by awarding contracts to the following vendors, Young Electric Sign Co to a maximum of \$50,481, PROS Inc. up to a maximum of \$90,000, and Public Safety Warehouse up to a maximum of \$110,000, and ratify the purchases and authorize the City Manager to pay any past invoices not previously authorized to these firms.

Summary Statement

- The Westminster Municipal Code requires that all purchases over \$50,000 be brought to City Council for formal consideration. City Staff has taken a conservative approach in interpreting this requirement to include transactions where the cumulative total purchases of similar commodities or services from a department to one vendor in a calendar year exceeds \$50,000.
- During routine year-end audits of purchases cumulatively greater than \$50,000 for the calendar year, Staff identified three purchases as needing Council authorization. Two of these purchases are from routine, day to day relatively small dollar purchases that now total more than \$50,000 to each listed vendor, and one was from a bid that was under \$50,000 when it was awarded, however the project cost exceeded \$50,000 with a change order.
- Funds were previously appropriated in the 2005-2006 Budget and are available in the General Fund, and the Utilities Fund for the purchases.

Expenditure Required: Not to exceed \$250,481

Source of Funds: General Fund – Various Operating Budget Accounts

Policy Issue

Should Council retroactively approve the purchase of commodities that total over \$50,000 in 2005?

Alternative

Do not approve the purchases as recommended. While it could be argued that each transaction represents a separate purchase, City Staff believes that a more conservative and prudent approach is to treat the smaller transactions as larger purchases that are subject to Council approval.

Background Information

In November, the Finance Staff and the City's Purchasing Officer conducted an audit of all City purchases to determine if the aggregate amounts paid exceeded \$50,000 for the year to a single vendor. Staff identified three vendors for whom total City payments of more than \$50,000 have not been approved by City Council. In investigating these purchases, it was determined that two were relatively small dollar, day to day operations purchases, that over the course of the calendar year, exceeded \$50,000 to a single vendor, and one was bid with an original bid price under \$50,000, but went over the authorization level with a change order. Staff is seeking ratification of these past purchases and future expenditures for the calendar year 2005.

The details of these purchases are as follows:

Young Electric Sign Co. has received City payments of \$50,481. This vendor submitted the low bid for a gateway sign totaling \$48,791. There was one change order that increased the purchase to \$50,481. Council is requested to approve the past purchase Young Electric Sign Co. for the gateway sign up to a maximum of \$50,481 for 2005. Funds are available in the appropriate Parks, Recreation and Libraries Department budget, and were previously approved in the 2005 budget.

PROS Inc. has received City payments of \$89,700 for the year to date. This vendor is the sole source supplier for umpire services for field sports for the Parks and Recreation Department. Council is requested to approve the past purchases and future expenditures with a negotiated contract with a single vendor or contractor up to a maximum of \$90,000 for 2005. Funds are available in the appropriate Parks, Recreation and Libraries Department budget, and were previously approved in the 2005 budget.

Year to date, Public Safety Warehouse has received City payments of \$86,465. This vendor is a sole source supplier for uniforms and equipment for the Police Department. Council is requested to approve the past purchases and future expenditures with a negotiated contract with a single vendor or contractor up to a maximum of \$110,000 for 2005. Funds are available in the appropriate Police Department budget, and were previously approved in the 2005 budget.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 19, 2005



SUBJECT: Purchase of a Biosolids Tanker Trailer

Prepared By: Carl F. Pickett, Purchasing Officer

Recommended City Council Action

Based on the report and recommendation of the City Manager, determine that the public interest will be best served by awarding the contract for the purchase of a biosolid tanker trailer to Anderson Tank & Trailer Service, Inc., in the amount of \$76,955.17.

Summary Statement

- In July 2005, the City's Purchasing Officer requested formal bids for a biosolids tanker trailer for purchase in 2005. This expense was previously approved by City Council in the 2005 Budget. The low bid of \$76,955.17, submitted to the City by Anderson Tank & Trailer Service, Inc. was awarded by Council in 2005.
- Another tanker was approved in the 2006 Budget. In negotiations with Staff, Anderson Tank & Trailer agreed to hold their low bid price of \$76,955.17 if the City submitted the order by December 20, 2005.

Expenditure Required: \$76,955.17

Source of Funds: Utility Fund Operating Budget

Policy Issue

Should the City proceed with the replacement of a Utilities Division biosolids tanker trailer?

Alternative

Do not replace the tanker trailer at this time. This is not recommended as the daily use of four tankers is essential to the timely transportation of biosolids to the City’s farms.

Background Information

As part of the 2006 Budget, City Council approved the purchase of a replacement tanker trailer. The biosolids tanker trailer will be utilized on a daily basis to transport biosolids to farm fields from the City’s Big Dry Creek Reclamation Plant. The tanker has a volume of 6,500 gallons and is constructed of aluminum. The unit is insulated and equipped with internal heating elements for winter use. With the purchase of the 3000 acre Strasburg Natural Resource Farm (SNRF) in April 1997, additional trailers were necessary to maintain the flexibility to utilize application sites both close in and at the SNRF. The application of biosolids is regulated and approved by the Colorado Department of Public Health & Environment, and allows a beneficial use for the biosolids as a fertilizer and soil conditioner.

Unit #9229 has reached a point that it is no longer economically reasonable to maintain it in service. Information regarding this vehicle replacement is as follows:

UNIT #	YEAR	MAKE	VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)
9229	1979	Tempte	\$7,999.59

The present age, condition and maintenance history of this vehicle would make it impractical to continue to operate it in regular service based on Fleet Maintenance replacement recommendations.

Two bids were received in 2005 for a tanker trailer. Those bids are as follows:

Anderson Tank & Trailer Inc.	\$76,955.17
Beall Trailers of Colorado	\$87,326.00

The low bid received from Anderson Tank and Trailer Service Inc. in 2005 for \$76,955.17 meets all specifications and requirements set by the City, and that price will be honored for 2006 if the order is placed by December 20, 2005, with delivery scheduled for late 2006. Staff believes that this is an excellent price that would not be improved upon by going out to bid again.

Respectfully submitted,

J. Brent McFall,
City Manager

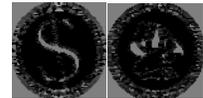


WESTMINSTER
COLORADO

Agenda Item 8 E

Agenda Memorandum

City Council Meeting
December 19, 2005



SUBJECT: Purchase of Police Department Staff Cars and Patrol Vehicles

Prepared By: Carl F. Pickett, Purchasing Officer

Recommended City Council Action

Award the State of Colorado bid for three Police Department staff cars to Daniels Chevrolet, and award the State Bid for ten Police Department patrol vehicles to Lakewood Fordland.

Summary Statement

- City Council action is requested to award vehicle purchases based on the State of Colorado award for staff cars and patrol vehicles.
- The City saves considerable dollars by purchasing these vehicles through the State Bid.
- All vehicles recommended for purchase have been previously approved for purchase by City Council in the 2006 budget.

Expenditure Required: \$262,683

Source of Funds: General Capital Outlay Replacement Fund

Policy Issue

Whether or not to approve the bid by the State of Colorado for staff cars and for patrol vehicles.

Alternatives

- Reject the State bid and instruct City Staff to re-bid vehicles. This is not recommended because the State bid reflects the purchasing power of all the political subdivisions in the state. The City would not be able to match the bid prices afforded by the State Bid.
- Do not purchase some or all of the proposed replacement vehicles in 2006. This is not recommended because all of these vehicles have a maintenance history that makes it impractical to keep them in regular service, based on Fleet Maintenance recommendations.

Background Information

As part of the 2006 budget, City Council approved the purchase of three staff cars and ten patrol vehicles. The patrol units will be replaced on a “to be determined” basis, based on the condition and maintenance history of each of the vehicles currently in operation. There are currently forty-eight marked patrol units in the fleet.

The staff cars to be replaced are Units # 8145, 8146 and 8151. These units are used by the Investigations Division in the Police Department. These vehicles have reached a point where it is no longer economically reasonable to maintain them in service. Information regarding these vehicles are as follows:

UNIT #	YEAR	MAKE	MODEL	MILES	VEHICLE MAINTENANCE COSTS LIFE TO DATE (LTD)
8145	1994	Chevrolet	Corsica	82,846	\$6,654.14
8146	1996	Chevrolet	Corsica	87,656	\$9,949.53
8151	1996	Chevrolet	Corsica	79,160	\$7,047.23

The State of Colorado sends out requests for bids for vehicles every year. This bid request was sent out in September of 2005 and received responses from local vendors. The local vendors know that all political subdivisions in the state utilize this bid, and set their pricing accordingly. Municipalities and special districts actually buy about three quarters of the vehicles purchased from the State bid.

The bid from Daniels Chevrolet for the staff cars meets all specifications and requirements set by the City. The bid price of the staff car, a Chevrolet Malibu, is \$13,491 each. Last year using the State award, the cost to the City was \$13,888 and two years ago, the bid price was \$13,762.

The bid price of the Ford Crown Victoria patrol vehicles from Lakewood Fordland is \$22,194. Last year, using the State award the bid price was \$22,102 and two years ago, using the State award, the bid price was \$21,514 each. The bid price is still less than the price obtained though the State in 2002 and 2003. The bid prices average 18% off dealer invoice, a discount that the City would not be able to obtain by bidding these vehicles on its own.

The present condition and maintenance history of these vehicles would make it impractical to continue to operate them in regular service based on Fleet Maintenance replacement recommendations, which are based on a combination of vehicle age, maintenance costs, utilization, cost per mile to operate, and depreciation.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 19, 2005



SUBJECT: Purchase of Fire Department Automated Scheduling and Staffing System

Prepared By: Ken Watkins, Deputy Chief of Technical Services
Rich Welz, Technical Services Coordinator

Recommended City Council Action

Authorize the City Manager to sign an agreement with Principal Decision Systems International (PDSI), for the acquisition and installation of TeleStaff automated scheduling and staffing system in the amount not to exceed \$39,100. Authorize a total project budget of \$46,500 plus \$4,650 contingency, including hardware, software, and telephone costs, and authorize the transfer of \$51,150 from the Public Safety Reserve account in the General Capital Improvement Fund.

Summary Statement

TeleStaff is an innovative software solution designed to automate and manage all of the Fire Department's scheduling and staffing needs for field operations. It utilizes the computer and the telephone to ensure that the department is accurately and fairly staffed while reducing the amount of time the Staffing Captain or Battalion Chief spends maintaining appropriate staffing levels for fire and EMS response. TeleStaff eliminates this time consuming process by making changes to the staffing schedule automatically and consistently throughout the day, while also interfacing these changes to the Department's Record Management System (RMS). Key features of TeleStaff are:

- Creates and manages dynamic daily roster of personnel
- Eliminates the entry of staffing information in redundant programs
- Daily personnel information is automatically populated into the RMS for incident, training, and fire inspection records
- Tracks personnel training certifications/licensure and makes automatic notification prior to expiration
- Creates a consistent, fair staffing plan based on pre-built system rules; eliminating inconsistency or error
- Provides automatic call back notification of personnel for assistance on large incidents

This project consists of the purchase and implementation of the TeleStaff system for \$39,100, purchasing a server and database software for \$4,600, and the installation and annual cost of four telephone lines at \$2,800. The total first year project cost is \$46,500. A ten percent contingency of \$4,650 is recommended with this project for implementation. The project will also require an ongoing cost of \$2,520 for annual service and support from TeleStaff commencing on the anniversary date of the agreement.

Expenditure Required: \$51,150

Source of Funds: General Capital Improvement Fund, Public Safety Reserve account

Policy Issue

Should the City purchase TeleStaff automated scheduling and staff management system, utilizing 2005 Public Safety Reserve capital improvement funds?

Alternative

Do not purchase TeleStaff at this time. Fire Department staff would continue to manage and track staffing, certifications, training, and other personnel matters manually on redundant systems.

Background Information

Historically, situational staffing decisions and the tracking of work hours for the Fire Department has been performed manually on paper. Battalion Chiefs and shift Staffing Captains schedule operations personnel based on roster vacancies and provisions set forth in the Fire Department's Standard Operating Guidelines (SOG). A 41 member roster must be maintained daily, which requires telephone pages or phone calls to fill any openings due to illness and other unforeseen vacancies. These vacancies frequently require personnel to shuffle between stations and apparatus in order to maintain appropriate staffing numbers per unit. This delay in proper personnel placement at the beginning of the shift can create staffing shortages for short periods of time until personnel are correctly situated.

This labor-intensive and time-consuming practice has also rendered the retrieval of labor hours and paid leave documentation difficult. In addition, the current staffing procedure is prone to human error; is open to subjectivity in the interpretation of human resource policies; lacks forecasting tools for budgetary planning and staff scheduling; and does not have the resources for effective operational analyses.

Principal Decision System International (PDSI) has developed TeleStaff that was specifically designed to automate fire agency staffing. Currently 332 fire and police agencies, including 13 in Colorado, have automated their staffing using TeleStaff. Staff has reviewed the merits of TeleStaff and they are a follows:

- Provides telephone, web, and PC access to employee's calendar and staffing options
- Ensures implementation of fair and consistent staffing practices
- Manages internal human resource policies and related Fire Department SOG's
- Manages dynamic daily roster of all activities
- Generates detailed staffing and usage reports by individual, rank, and or shift
- Governs scheduling authority with a sophisticated security system
- Accurately reports payroll and is compatible with the City's JDE payroll system
- Supports authorized schedule requests and inquiries from any touch-tone telephone
- Tracks payroll, certification/license expiration, and work status information per individual
- Provides telephone/pager delivery of staffing, alarm notifications, requests for work and general messages
- Interfaces with the Fire Department's record management system providing a single data entry point to drive employee assignment records for incident reporting, training, fire inspections, payroll, station logs and testing/maintenance of equipment

TeleStaff will reduce the time required by management to conduct and oversee staffing from the current scheduling procedure by an estimated 75%. This automated staffing software will pay for itself within two years from the cost savings realized through reduced staff time committed to scheduling and maintaining personnel records in multiple programs. Since TeleStaff is computer/telephone based, it provides flexibility to operational staff in being able to remote access their personal calendars and staffing options. In the event of an emergency, Battalion Chiefs can conduct staffing while at the scene of an incident. TeleStaff will automatically notify all personnel concurrently in the event of a major emergency or whenever deemed necessary.

Besides the purchase of TeleStaff, this project will require the installation of four additional phone lines and additional hardware and software purchased through existing City vendors. These costs are reflected in the total project budget. The project will also have an ongoing cost of \$2,520 for annual service and support from TeleStaff commencing on the anniversary date of the agreement. Subsequent years are subject to a maximum increase of 5% over the previous year.

The Fire Department, in conjunction with Information Technology Staff, has spent considerable time researching an automated software solution which can mitigate the areas currently lacking in the personnel scheduling process. Project members from both departments agree that TeleStaff is an effective solution. The agreement with PDSI has been reviewed by Information Technology and the City Attorney's Office and has been approved as to content and form. The Fire and Information Technology Departments are projecting a implementation time line of second quarter 2006.

TeleStaff Project Budget	Amount
Agreement with Principal Decision Systems International	\$39,100
Hardware and Miscellaneous Other Software	\$4,600
Telephone Line Installation and Annual Cost	\$2,800
Contingency (10%)	\$4,650
Total	\$51,150

Staff recommends that the funding for this project be allocated from the Public Safety Reserve account in the General Capital Improvement Fund. When the 2004 Adopted Budget was amended to reflect the increased revenues from the new public safety tax approved by the voters in November 2003, \$467,117 was budgeted into the General Capital Improvement Fund. These moneys were set aside in the Public Safety Reserve account and identified to finance future years' vehicle, facility replacement and other capital needs. The public safety sales tax increase was developed to provide for existing and future public safety needs in Westminster. These Public Safety Reserve funds have not been tapped prior to this action but Staff believes that the TeleStaff project is an appropriate use of these funds and complies with the original intent of this account. Staff is requesting that City Council authorize the transfer of \$51,150 into a new capital improvement account for the TeleStaff project.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER
COLORADO

Agenda Memorandum

City Council Meeting
December 19, 2005



SUBJECT: Councillor's Bill No. 72 re Activant Solutions Business Assistance Package

Prepared By: Susan F. Grafton, Economic Development Manager

Recommended City Council Action

Pass Councillor's Bill No. 72 on first reading authorizing the City Manager to execute and implement the business assistance package (BAP) with Activant Solutions. The BAP totals \$16,000, which includes \$2,500 in permit fee rebates, \$3,750 in construction use tax rebates, and \$9,750 in equipment use tax rebates at move-in.

Summary Statements

- Activant Solutions Inc. is "a leading technology provider of business management solutions serving small and medium-sized businesses in four primary markets: hardware and home center, lumber and building materials, the automotive parts aftermarket and wholesale distribution."
- Activant is currently officed in Westmoor Technology Park and with the recent purchase of Prophet 21 is needing to expand their office facilities.
- Activant Solutions Inc. is considering expanding at its current location or moving to either Broomfield or Lafayette.
- Activant Solutions Inc. currently employs 68 people with average salaries of \$72,000. They expect to add another 30 jobs over the next 5 years.
- Assistance is based upon the retention and expansion of a quality, high paying Westminster employer.
- Activant is required by the terms of the agreement to remain in business in the City for a period of at least three years after the new operations commence.

Expenditure Required: \$16,000 (Rebates)

Source of Funds: The business assistance package with Activant Solutions will be funded through revenue received from permit fees, construction use tax, and sales and use tax on furniture, fixtures, and equipment at move-in.

Policy Issue

Does Council desire to provide assistance to Activant Solutions based on the retention of a quality Westminster business and the retention of primary jobs to the City?

Alternatives

Do Nothing: One alternative to offering the business assistance package is to offer nothing to this company. Though the City may not lose the project if assistance is not provided, the result would be that the City’s value of retaining existing businesses and retaining primary jobs would not be supported.

Provide Less: Another alternative is to provide less assistance than what is recommended. The recommended assistance package is consistent with other business retention packages.

Provide More: A third alternative would be to provide a greater amount of assistance than recommended. There is financial capacity for additional funding. However, it is staff’s opinion that additional assistance is not needed, as it is consistent with other business retention packages.

Background Information

Activant Solutions Inc. is headquartered in Austin, Texas and has operations in several locations around the US, as well as in Canada, Ireland and England. The company provides turnkey business management solutions including enterprise applications and systems, customer support services, connectivity and information services that customers use to manage their day-to-day business operations, inventory management, general accounting and enhanced data management. The recent acquisition of Prophet 21 further strengthens the company’s position in the wholesale distribution segment.

Activant Solutions Inc. plans to expand and lease approximately 35,000 square feet near their current location in Westmoor Technology Park. The company will employ 68 people at move-in with an estimated average salary of \$72,000 per year. The company is anticipating employment growth of about 10 to 15% annually with a total payroll of \$7,800,000 expected within 5 years. It is anticipated that Activant Solutions Inc. will generate \$111,900 of new revenue directly to the City in the first five years of operation. This is based on \$500,000 in tenant finish, new equipment purchases of \$650,000 at move-in and annual equipment purchases of approximately \$500,000 per year.

Based on Activant Solutions’ projections, Staff recommends the following business assistance package:

<u>Proposed Assistance</u>	<u>Approximate Value</u>
<u>Building Permit-Fee Rebate</u> 50% of the building related fees (excluding water & sewer tap fees) will be rebated (\$4,950 x 50% = \$2,500)	\$2,500
<u>Building Use Tax Rebate</u> 50% of the General Use Tax (excludes the City’s .25% Open Space Tax and .6% public safety tax) on construction materials for this project will be rebated (\$500,000 x 50%= \$250,000 x 3%=\$7,500 x 50%= \$3,750)	\$3,750
<u>Sales and Use Tax on Furniture and Fixtures Rebate</u> For the period 3 months prior and the 3 months after Activant Solutions Inc obtains the Certificate of Occupancy for the new Westminster facility, the City will rebate 50% of the General Sales and Use Tax (excludes the City’s .25% Open Space Tax and .6% Public Safety Tax) collected on the furnishings and equipment purchased to furnish the new facility (\$650,000 new equipment x 3%= \$19,500 Use Tax x 50% = \$9,750)	\$9,750
Total Proposed Assistance Package	\$16,000

As Council will note, the assistance being proposed is 14% (\$16,000 total assistance divided by \$111,900 of Projected Revenue = 14%) of the total general sale/use tax and fee revenue projected from the project in the first 5 years of operation. The City will be made whole on this investment at the time of the Certificate of Occupancy.

This assistance package is based upon the City's goals to retain and help grow quality companies, add primary jobs, and fill existing space. Activant Solutions Inc. will expand the company's Westminster operations at Westmoor Technology Park. The company provides average salaries well above the median household income in Westminster. Activant Solutions Inc. is the type of growth company the City desires for the community.

Respectfully submitted,

J. Brent McFall
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **72**

SERIES OF 2005

INTRODUCED BY COUNCILLORS

**A BILL
FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE
WITH ACTIVANT SOLUTIONS TO AID IN THEIR RELOCATION AND EXPANSION
IN WESTMOOR TECHNOLOGY PARK**

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

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

WHEREAS, Activant Solutions plans to lease 35,000 square feet in Westmoor Technology Park in Westminster, and

WHEREAS, a proposed Assistance Agreement between the City and Activant Solutions is attached hereto as Exhibit "A" and incorporated herein by this reference.

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

THE CITY OF WESTMINSTER ORDAINS:

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 19th day of December 2005.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 9th day of January 2006.

ATTEST:

Mayor

City Clerk

Exhibit A

BUSINESS ASSISTANCE PACKAGE FOR ACTIVANT SOLUTIONS IN THE CITY OF WESTMINSTER

THIS AGREEMENT is made and entered into this _____ day of _____, 2006, between the CITY OF WESTMINSTER (the "City"), and the Activant Solutions.

WHEREAS, the City wishes to provide certain assistance to Activant Solutions to aid in the retention and expansion of this company in the City; and

WHEREAS, Activant Solutions plans to lease 35,000 square feet in Westmoor Technology Park, thus providing primary job retention and growth within the City; and

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

In consideration of the mutual promises set forth below, the City and the Activant Solutions agree as follows:

1. Building Permit Fee Rebates. The City shall rebate to the Activant Solutions 50% of the building related permit fees, required under W.M.C. Section 11-10-3 (E), excluding water and sewer tap fees, collected from the Activant Solutions in connection with the finish and occupancy of the lease space at 10955 Westmoor Drive. The permit fee rebate will be approximately \$2,500.

2. Use Tax Rebate- Construction. The City shall rebate to Activant Solutions 50% of the Building Use Tax on the construction materials, collected from the Activant Solutions in connection with the tenant finish of the 35,000 square feet in the building at 10955 Westmoor Drive, required under W.M.C. sections 4-2-9 and 4-2-3. The rebate will be approximately \$3,750.

3. Sales and Use Tax Rebate- Furniture and Fixtures At Move-In. For a period of 3 months before and 3 months after Activant Solutions obtains the Certificate of Occupancy for the Westminster facility at 10955 Westmoor Drive, the City will rebate 50% of the General Sales and Use Tax (excludes the City's .25% Open Space Tax and .6% Public Safety Tax) collected on the furnishing and equipment purchased to furnish the new facility. The rebate will be approximately \$9,750.

4. Payments of Rebates. Rebates will be paid to Activant Solutions by the City in quarterly installments from revenue actually collected and received by the City from Activant Solutions. Payments of each quarterly installment shall be made within 20 days of the calendar quarter end and will be submitted electronically.

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

6. Termination. This Business Assistance Package shall terminate and become void and of no force or effect upon the City if Activant Solutions has not moved into their new space at 10955 Westmoor Drive by December 31, 2006 or should Activant Solutions not comply with the City regulations or code.

7. Business Termination. In the event Activant Solutions ceases business operations within the City within three (3) years after the new operations commence, then Activant Solutions shall pay to the City the total amount of fees and taxes that were due and payable by Activant Solutions to the City but were rebated by the City, as well as reimburse the City for any funds provided to Activant Solutions pursuant to this Agreement.

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

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

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

ACTIVANT SOLUTIONS

CITY OF WESTMINSTER

President

J. Brent McFall
City Manager

ATTEST:

Linda Yeager
City Clerk

Adopted by Ordinance No.

Summary of Proceedings

Summary of proceedings of the regular meeting of the Westminster City Council held Monday, December 19, 2005. Mayor McNally, Mayor Pro Tem Kauffman, and Councillors Dittman, Kaiser, Lindsey, Major, and Price were present at roll call.

The minutes of the December 12, 2005 regular meeting were approved.

Council approved the following: November 2005 Financial Report; design contract for Municipal Service Center facility renovation; cumulative purchases over \$50,000 in 2005; purchase of a biosolids tanker trailer; purchase of Police Department staff cars and patrol vehicles; and purchase of Fire Department automated scheduling and staffing system.

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

A BILL FOR AN ORDINANCE AUTHORIZING A BUSINESS ASSISTANCE PACKAGE WITH ACTIVANT SOLUTIONS TO AID IN THEIR RELOCATION AND EXPANSION IN WESTMOOR TECHNOLOGY PARK. Purpose: authorizes Business Assistance Package to Activant Solutions.

At 7:10 p.m., the meeting was adjourned.

By order of the Westminster City Council
Linda Yeager, City Clerk

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