

December 21, 1998

6:00 PM

Notice: 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 5) 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. Presentations
None
5. Citizen Communication (5 minutes or Less in Length)
6. Report of City Officials
A. City Manager's Report
7. City Council Comments

The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any citizen wishes to have an item discussed. Citizens then may request that the subject item be removed from the Consent Agenda for discussion separately.

8. Consent Agenda
 - A. Bids for 1999 Patrol Cars to Burt's Arapahoe Ford for \$303,037.50 for 15 1999 Ford Crown Victorias
 - B. Councillor's Bill No. 74 on second reading re Media One Group Inc Business Assistance Package for \$20,000 (Dixon-Smith)
 - C. Councillor's Bill No. 75 on second reading re West 81st Place and Sheridan Boulevard Easement Vacations for sanitary sewer and water line easements (Atchison-Dixon)
 - D. Councillor's Bill No. 77 on second reading re revisions to the City's Growth Management Program providing for a category for projects that connect to the City's reclaimed water system (Smith-Atchison)
 - E. Councillor's Bill No. 78 on second reading re 1998 Budget Supplemental Appropriations (Allen-Merkel)
 - F. Councillor's Bill No. 79 on second reading re Supplemental Appropriation re Capital Facilities

Financing

- (Merkel-Atchison)
- G.]Councillor's Bill No. 80 on second reading re 1999 Appropriations for 1999 Operating Budget (Smith-Merkel)
9. Appointments and Resignations
None
10. Public Hearings and Other New Business
 - A. Councillor's Bill No. 82 re Community Development Block Grant funds of \$663,000 to be appropriated into 1998 budget
 - B. 1999 Lobbying Services Contract with Danny Tomlinson and Robert Ferm
 - C. Contract with Godin & Baity re Legal Services regarding Kinnear Ditch Pipeline easements
 - D. Wastewater Collection Maintenance Contract Amendment
11. Old Business and Passage of Ordinances on Second Reading

- A. Councillor's Bill No. 76 on second reading re Rezoning for Hollypark Planned Unit Development for 70 Condominium units (Allen-Smith)
- 12. Citizen Presentations (5 Minutes + in Length) & Miscellaneous Business
 - A. Financial Report for November, 1998
 - B. City Council
 - C. Request for Executive Session
 - 1. Wildridge Townhomes Settlement
- 13. Adjournment

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE CITY COUNCIL MEETING
HELD ON MONDAY, DECEMBER 21, 1998 AT 6:00 P.M.

PLEDGE OF ALLEGIANCE:

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

ROLL CALL:

Present at roll call were Mayor Heil, Mayor Pro Tem Merkel and Councillors Allen, Atchison, Dixon, Scott and Smith. Also present were Matt Lutkus, Acting City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk. Absent none.

CONSIDERATION OF MINUTES:

A motion was made by Merkel and seconded by Allen to accept the minutes of the meeting of December 14, 1998 with no additions or corrections. The motion carried unanimously.

COUNCIL COMMENTS:

Councillor Herb Atchison thanked Dan Montgomery, Police Chief, and Jim Cloud, Fire Chief and their Staff for all their assistance during an incident involving his daughter.

CONSENT AGENDA:

The following items were considered as part of the Consent Agenda: Bids for 1999 patrol cars to Burt's Arapahoe Ford for \$303,037.50 for 15 1999 Ford Crown Victoria vehicles; Councillor's Bill No. 74 on second reading authorizing the City Manager to execute, fund, and implement a Business Assistance Agreement with Media One Group for the establishment of research and development facilities in Westmoor Technology Park; Councillor's Bill No. 75 on second reading vacating a sanitary sewer and a water line easements within the West 81st Place and Sheridan PUD; Councillor's Bill No. 77 on second reading revising Chapter 3 of Title XI of the Westminster Municipal Code pertaining to the City's Growth Management Program; Councillor's Bill No. 78 on second reading providing for supplementary appropriations to the 1998 budget; Councillor's Bill No. 79 on second reading appropriating \$17,700,000 received by the City from the sale of certain assets to the Westminster Building Authority and reallocating \$17,700,000 from certain "pay as you go" projects in the General Capital Projects Fund to the Promenade Conference Center project and the City Park Fitness Center project. And Councillor's Bill No. 80 on second reading appropriating funds for the 1999 budget.

The Mayor asked if there was any member of Council or anyone from the audience who would like to have any of the consent agenda items removed for discussion purposes or separate vote. A member of the audience requested that Councillor's Bill No 79 be discussed separately.

A motion was made by Scott and seconded by Dixon to adopt the consent agenda items as presented with the exception of Councillor's Bill No, 79. The motion carried unanimously.

COUNCILLOR'S BILL NO. 79 RE CAPITAL FACILITIES FINANCING APPROP:

A motion was made by Allen and seconded by Merkel to pass Councillor's Bill No. 79 on second reading appropriating \$17,700,000 received by the City from the sale of certain assets to the Westminster Building Authority and reallocating \$17,700,000 from certain "pay as you go" projects in the General Capital Projects Fund to the Promenade Conference Center project and the City Park Fitness Center project. Mr. Paul Nilles, 4101 West 111th Circle addressed Council with questions concerning this item. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 82 RE CDBG FUNDS FOR 1998

A motion was made by Merkel and seconded by Atchison to pass Councillor's Bill No. 82 on first reading appropriating 1998 Community Development Block Grant funds in the amount of \$663,000. Upon roll call vote, the motion carried unanimously.

CONTRACT WITH GODIN & BAITY LLC:

A motion was made by Atchison and seconded by Merkel to authorize the City Manager to sign a contract on behalf of the City with the law firm of Godin & Baity, LLC, because it is in the best interests of the City and charge the expense of up to \$42,000 to the appropriate Utility Fund budget account. The motion carried unanimously.

AMENDMENTS TO WASTEWATER COLLECTION MAINTENANCE SYSTEM CONTRACT:

A motion was made by Scott and seconded by Atchison to amend the contract with Water Quality Management Corporation in the amount of \$100,000 for an increase in wastewater collection system services; authorize the City manager to execute an amended contract between the City and WQMC and charge the appropriate project accounts in the 1999 Public Works and Utilities, Wastewater Field Operations Division Operating budget. The motion carried unanimously.

ORDINANCE NO. 2655 RE HOLLYPARK PUD REZONING:

A motion was made by Allen and seconded by Smith to pass Councillor's Bill No. 76 on second reading rezoning the Hollypark PUD property from RE (Single-Family Detached) to Planned Unit Development. Upon roll call vote, the motion carried with dissenting votes from Atchison and Scott.

FINANCIAL REPORT:

Council reviewed the Financial Report for November, 1998.

1999 LOBBYING SERVICES CONTRACT:

A motion was made by Scott and seconded by Dixon to authorize the City Manager to execute a contract with Danny L. Tomlinson and Robert M. Ferm to provide lobbying services for calendar year 1999 for \$30,000. The expense associated for the services will be charged to the appropriate 1999 General Fund Central Charges Account. Mr. Tomlinson and Mr. Ferm answered questions from the Council. The motion carried unanimously.

MISCELLANEOUS BUSINESS:

The Mayor stated there would not be an Executive Session on Wildridge Townhomes Settlement, since this item was discussed prior to the Council meeting. An Executive Session item of negotiations with the Westminster Mall would be held.

ADJOURNMENT:

The meeting was adjourned at 6:50 P.M.

ATTEST:

Mayor

City Clerk

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Date: >December 21, 1998<

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Subject:]Bids for 1999 Patrol Cars<

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Prepared by:]Dan Montgomery, Chief of Police<

>Bill Mason, Lieutenant<

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Introduction<

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Council action is requested to approve the purchase of fifteen, 1999 Ford Crown Victorias at a total cost of \$303,037.50. Funds for this expense are available in the 1999 Police Department Operating Budget.<

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Summary<

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City Council previously approved funds in the 1999 Budget for the purchase of replacement police patrol cars. Formal bids in accordance with City Charter bidding requirements were met through the State bid process. The cost of the patrol cars is within the amount previously approved for this purchase. Additionally, in order to maximize the return, the used patrol cars will be traded-in to the dealer.<

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Staff Recommendation<

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Award the bid for the purchase of fifteen 1999 Ford Crown Victorias at a cost of \$303,037.50 to the lowest bidder, Burt's Arapahoe Ford, charge the expense to the appropriate 1999 Police Department Budget account, and authorize the trade-in of the used patrol cars to Burt's Arapahoe Ford.<

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Background Information<

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City Council previously approved funds in the 1999 Budget for the purchase of fifteen patrol cars. The only full size police package vehicle offered is a full-size Patrol Crown Victoria. The Ford Crown Victoria is offered through a State Award process that meets the City's bidding requirements. Burt's Arapahoe Ford is the low bidder for the State at \$20,202.50 per vehicle.<

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The cost of the vehicles from the lower bidder, Burt's Arapahoe Ford, is within the amount previously approved by City Council for this expense and will meet the rigorous demands that are placed on police patrol vehicles.<

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Thirteen current police vehicles are being traded in: Nine 1997 Ford Crown Victoria patrol cars with an excess of 90,000 miles each; one 1992 Corsica staff vehicle with an excess of 90,000 miles; and three 1996 Luminas that are unsuitable for marked patrol use. All fifteen of the Ford Crown Victoria vehicles being purchased will be utilized as marked patrol vehicles.<

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As with any proposed action, there are certainly alternative courses of action to pursue, e.g., keeping the used patrol vehicles longer; or downsizing and purchasing smaller, less expensive vehicles. Over the years Staff has evaluated all of

these alternatives and has determined that all of them are impractical and less than desirable. p

Bids for 1999 Patrol Cars<

Page 2<

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Currently, Staff is in the process of having two Chevrolet Caprice patrol cars rebuilt by Shaheen Chevrolet Restoration Division in Lansing, Michigan. Upon their return, these vehicles will be put

back into the Patrol fleet for evaluation. If this alternative proves effective, in the future years savings may be realized by identifying other vehicles suitable for this restoration program in lieu of new vehicle purchases.<

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Respectfully submitted,<

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William M. Christopher<

City Manager<

Date:]December 21, 1998<

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Subject:]Councillor's Bill No. re 1998 CDBG Fund
Appropriation<

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Prepared by:]Galen Requist, Community Development Programs
Coordinator<

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Introduction<

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City Council action is requested to pass on first reading the
attached Councillor's Bill appropriating 1998 Community
Development Block Grant (CDBG) funds in the amount of \$663,000. Of
note, this is a formal appropriation of 1998 CDBG funds, and is
not related to the 1999 CDBG budget which was discussed at the
November 30, 1998, City Council Study Session.<

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Summary<

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The City annually receives Community Development Block Grant
(CDBG) funds from the U.S. Department of Housing & Urban

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Development to be used for community development projects in the
City. The exact amount of CDBG funds is generally not known until
official notification is received from HUD in the mid-year
timeframe. In 1998, the City was notified of the \$663,000 grant in
late August. Therefore, it is now necessary to formally
appropriate the funds to accurately amend the City budget. Due to
the nature of the CDBG fund, whose revenue source is based solely
on Federal Financial Assistance, it is necessary to appropriate
the 1998 CDBG budget as a separate City Council action.<

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Staff Recommendation<

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Pass Councillor's Bill No. on first reading to appropriate
1998 Community Development Block Grant (CDBG) funds in the amount
of \$663,000.<

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Background Information<

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Each year the U.S. Department of Housing & Urban Development (HUD)
awards CDBG funds to the City. These funds are managed by the
Community Development Programs Division and are coordinated independent of the City's budget
process. The CDBG budget process

includes public meetings, contact with outside agencies, and
internal meetings among City Staff. Once a draft budget is
prepared it is brought to City Council Study Session for
discussion, and then later approved as a budget ordinance.<

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At the March 16, 1998, City Council Study Session, Council
reviewed a Staff Report which outlined Staff's recommended list of
projects to be funded with 1998 CDBG funds (see attached Staff
Report). At the Study Session, Council consented to the CDBG
budget recommended by Staff. Of note, this budget was based on the

estimated amount the City was expected to receive in CDBG funds.<

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The actual dollar amount of CDBG funds to be received by the City was not determined until August 1998. At that time the City was notified of the \$663,000 grant to be awarded.<

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Staff now seeks Council action to formally appropriate the \$663,000 in CDBG funds for the following approved projects. p

Councillor's Bill re 1998 CDBG Fund Appropriation<

Page 2<>Project > > > > > >Budget Amount<

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Panorama Pointe Senior Services Center > > >\$270,000<

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Cobblestone Park> > > > > > >\$140,000<

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Community Senior Center Parking Lot &<

Landscaping Improvements > > > > >\$100,000<

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District 50 School-based Health Clinic > > >\$ 30,000<

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Neighborhood Revitalization > > > > >\$ 40,000<

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Program Administration > > > > >\$ 83,000<

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> > > > > >TOTAL> > >\$663,000<

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The attached ordinance reflects the actual CDBG funds received by the City in 1998 and will enable the City's Finance Department to adjust the records accordingly.<

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Respectfully submitted,<

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William M. Christopher<

City Manager<

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BY AUTHORITY

ORDINANCE NO

COUNCILLOR'S BILL NO. _____

SERIES OF 1998

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE APPROPRIATING THE 1998 BUDGET OF THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUND AND AUTHORIZING AN APPROPRIATION FROM THE ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 1998 Community Development Block Grant award from the U.S. Department of Housing & Urban Development in the amount of \$663,000 is hereby appropriated for approved CDBG projects. Due to the nature of the CDBG fund, whose revenue source is based solely on Federal Financial Assistance, it is necessary to appropriate the 1998 CDBG budget on a separate City Council action.

Section 2. The \$663,000 appropriation in the CDBG Fund shall be allocated to City Revenue and Expense accounts which shall be amended as follows:

Description	Current Budget	\$ Increase	Final Budget
REVENUES			
98 Grant Participation 76-0426-450	\$-0-	\$663,000	\$663,000
Total Change to Revenues		\$663,000	
EXPENSES			
98 Grant Participation 76-30-88-611-303	\$-0	\$663,000	\$663,000
Total Change to Expenses		\$663,000	

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 on first 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 21st day of December, 1998.

PASSED AND ADOPTED ON SECOND READING this 11th day of January, 1999.

ATTEST:

Mayor

City Clerk

Date: >December 21, 1998<

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Subject:]1999 Lobbyist Services Contract<

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Prepared by:]Barbara Gadecki, Assistant to the City Manager<

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Introduction<

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City Council action is requested to authorize the City Manager to sign a contract with Danny Tomlinson and Robert Ferm to provide lobbyist services for the 1999 calendar year. Funds for this expense are available in the 1999 General Fund budget in Central Charges.<

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Summary<

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The City Council authorized in the 1999 Budget funds for the contracting of a professional lobbyist to advocate the City's position on state and federal issues. The 1999 State Legislative Session commences January 6. As a result of the impending Legislative Session, a selection committee prepared a request for proposals and interviewed candidates this month to represent the City.<

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The selection committee unanimously chose the joint venture of Danny Tomlinson and Robert Ferm based on their experience and reputation as professional lobbyists. Their combined experience on legislative and regulatory representation and matters is 39 years; Mr. Tomlinson has 24 years experience and Mr. Ferm has 15 years.<

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Staff Recommendation<

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Authorize the City Manager to execute a contract with Danny L. Tomlinson and Robert M. Ferm to provide lobbying services for calendar year 1999 for \$30,000. The expense associated for the services will be charged to the appropriate 1999 General Fund Central Charges account.<

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Background Information<

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In discussions with the City Council during the budget development process, it became evident a need existed for the major contracting with a professional lobbyist to represent the City on issues of concern at the state and federal level. The City

Council authorized in the 1999 Budget \$30,000 for the purposes of hiring a professional lobbyist.<

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Although the primary focus of the lobbyist will be at the state level, the contract will allow for aid when lobbying at the federal level, if needed. Should travel to Washington, DC, be necessary to lobby on the City's behalf, the City will reimburse Tomlinson and Ferm to commensurate the travel, lodging and meal expenses associated with the trip in addition to their set annual fee of \$30,000.<

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Councillor Glenn Scott and Staff interviewed the four individuals/firms that submitted proposals. Only one individual came in lower than Tomlinson and Ferm, but lacked the lobbying

experience and knowledge that Tomlinson and Ferm can offer. The selection committee believes that Tomlinson and Ferm will best serve the City because they are seemed to have the best combination of skill and the experience that is needed by the City.<

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1999 Lobbyist Services Contract<
Page 2<

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The proposals received by the City are as follows:<

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>Susan Kirkpatrick >\$25,000<
>Danny Tomlinson & Robert Ferm >\$30,000<
>Tom Bastien & Leo Boyle >\$30,000<
>Colorado Legislative Services >\$30,000 + \$1,500 direct expenses<
> (Bonnie Geiger & Jim Cole)](copying, long distance calls, etc.)<

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The Staff recommends Danny Tomlinson and Robert Ferm because the selection committee believes it is in the best interest of the City to choose this experienced and reputable lobbying team.<

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Respectfully submitted,<

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William M. Christopher<
City Manager<

Date:]December 21, 1998<

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Subject:]Contract with Godin & Baity, LLC<

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Prepared by:]Vicky Bunsen, Assistant City Attorney<

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Introduction<

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City Council consideration is requested pertaining to the attached contract with the law firm of Godin & Baity, LLC.<

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Summary<

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Godin & Baity represented the City in the litigation to determine just compensation for the Kinnear Ditch Pipeline easements across property owned by several members of Jefferson Center Associates ("JCA"). JCA appealed the result in that case to the Colorado Court of Appeals, which reversed and remanded the case based on the trial court's instruction to the panel of commissioners that they not consider a particular comparable sale when determining just compensation. The Jefferson County District Court has ordered the parties to set the case for retrial. Since Mari Perczak of Godin & Baity handled the original litigation, Staff

recommends that she and her firm be retained again to retry the case.<

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Staff Recommendation<

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Authorize the City Manager to sign a contract on behalf of the City with the law firm of Godin & Baity, LLC, because it is in the best interests of the City and charge the expense of up to \$42,000 to the appropriate Utility Fund budget account.<

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Background Information<

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Mari Perczak of Godin & Baity, LLC, represented the City throughout the early litigation over the value of several easements across parcels owned by JCA members. She was successful in obtaining a judgment in the same amount as the City's appraisals.<

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Ms. Perczak conducted that litigation at the rate of \$100 per hour and has committed to the City to keep her hourly rate at \$100 for the retrial of the case as well. It is unlikely that the City could find competent condemnation counsel at a lower rate. If the

case involves additional substantial discovery, she anticipates that a complete retrial could cost \$42,000 in attorney fees and \$5,000 in costs. It is hoped that the new litigation can be streamlined so that fees and costs will be reduced for all parties concerned. <

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The City Manager has contacted the JCA manager to initiate settlement negotiations.<

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Alternatives<

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Alternatives to approving this contract include:<

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1. Hiring a different law firm to handle the case. This could be more expensive because a different law firm would charge a higher hourly rate and would need to spend a great deal of time getting up to speed on the facts and the legal issues. Ms. Perczak is already familiar with the case since she handled the first trial.<

Contract with Godin & Baity, LLC<

Page 2<

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2. Having the City Attorney's Office handle the case. This would also require a large expenditure of time in order for the City Attorney's Office to get up to speed and try the case. While this would reduce the attorney fees expense substantially, it would impact the City Attorney's Office ability to handle the full plate of litigation that is currently underway.<

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3. Do not retry the case. This is possible if a settlement can be reached. However, failure to participate in the case could result in an adverse default judgment against the City. It is necessary to participate in the litigation in order to protect the City's financial interests.<

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Respectfully submitted,<

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< William M. Christopher<
City Manager<

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Attachmentp

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c CONTRACT FOR LEGAL SERVICES<

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>THIS AGREEMENT is made this 22nd day of December, 1998, by and between GODIN & BAITY, LLC (the "Firm") and the CITY OF WESTMINSTER, COLORADO (the "City"). <

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c RECITALS<

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>1. The City is desirous of contracting with the Firm for legal services.<

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>2. The Firm and its attorneys are authorized to practice law in the State of Colorado.<

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c AGREEMENT<

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>1. The Firm shall represent the City and furnish special legal services in the retrial of City of Westminster

v. Jefferson Center Associates et al., Jefferson County District Court, Civil Action No. 95-CV-0279, which is a consolidated condemnation case to determine just compensation for permanent easements necessary for the Kinnear Ditch Pipeline, which is part of the Standley Lake Protection Project. <

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>2. Mari K. Perczak of the Firm shall be principally responsible for the Services. <

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>3. The Firm is acting as an independent contractor; therefore, the City will not be responsible for FICA taxes, health or life insurance, vacation, or other employment benefits. <

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>4. The City shall pay for the Services at the hourly rate not to exceed \$100 per hour. <

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>5. This Contract may be terminated by the City with or without cause. <

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>6. The Westminster City Council authorized this contract on December 21, 1998. <

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>7. Payments pursuant to this Contract shall not exceed \$47,000 without further written authorization by the City.<

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> > > > >GODIN & BAITY, LLC<

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> > > > By _____<
> > > > >Mari K. Perczak<

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> > > > >CITY OF WESTMINSTER, COLORADO<

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> > > > By _____<
> > > > >City Manager<

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Date:]December 21, 1998<

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Subject:]Amendment to Wastewater Collection Maintenance System Contract.<

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Prepared by:]Robert L. Booze, Utilities Services Supervisor<
>Dan Daly, Utilities Foreman<

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Introduction<

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City Council action is requested to amend the current \$400,000 contract for the Wastewater Collection System Maintenance program with Water Quality Management Corporation (WQMC) in the amount of \$100,000 for expanded services, including grease and sand trap interceptor inspections, lift station inspection, maintenance, and repair; and authorize the City Manager to execute an amended contract between the City and WQMC.<

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Summary<

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In 1997, formal bids, in accordance with the City Charter bidding requirements, were obtained for the Wastewater Collection System

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Maintenance project from three qualified and experienced contractors. The City issued eight requests for proposals for the 1997 Wastewater Collection System Maintenance project. The bids were opened in City Council Chambers on January 27, 1997, with WQMC being awarded the contract within the \$400,000 budgeted amount.<

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The bid documents contained four bid items which consisted of: Jet cleaning, combined television inspection and jet cleaning, root foaming, and television inspection.<

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In the 1999 Utility Fund, Wastewater Operations budgeted an additional \$100,000 for increased delivery of services, which will include grease and sand interceptor inspections and lift station inspection. With the grease and sand interceptors the Utility Division proposes a hands-on inspection program, which will consist of quarterly inspections of the interceptors to make sure that they are all operating up to City code and being cleaned at proper intervals. Our current program consists of a mailer that is sent out on a quarterly basis with a return envelope, anticipating good faith from the customer. The lift station inspection consists of performing a confined-space entry into a station to check pumps, circuit boards and alarms. By adding this

service to the maintenance contract, the Utility Division will be able to eliminate this type of entry, which requires two or more personnel to perform thus focusing a higher priority on other services in the Utility Division.<

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Staff Recommendation<

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Amend the contract with Water Quality Management Corporation in the amount of \$100,000 for an increase in wastewater collection

system services; authorize the City Manager to execute an amended contract between the City and WQMC, and charge the appropriate project accounts in the 1999 Public Works and Utilities, Wastewater Field Operations Division Operating Budget.<

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Background Information<

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The Public Works and Utilities Department maintained the City's wastewater collection system until 1997 when it was determined that reallocating staff to perform increased water line replacement was a higher priority.p

Amendment to Wastewater Collection Maintenance System Contract.<

Page 2<

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The outsourcing of the wastewater collection system maintenance in 1997 allowed the Utilities Division to reassign five (5) full-time equivalent employees to the in-house construction crew. This reassignment of staff was necessary due to water breaks increasing by approximately 37 percent over the past five years, prior to 1997.<

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The City's wastewater collection system consists of approximately 326 miles of sanitary sewer mains. The current maintenance program contract has been set up to include routine jet cleaning, tri-monthly and biannual jet cleaning, a combination jet cleaning and television inspection program, root foaming, video inspection of the sanitary collection system. The amended Maintenance Program Contract will include all of the existing sanitary sewer services as well as grease/sand interceptor inspections, lift station inspection/maintenance/repair, flow monitoring, and outflow inspection. <

< This program provides that the system will be cleaned once every three years, television inspected once every six years, the grease/sand interceptors will be inspected once every quarter, and the lift stations will be routinely inspected once every week. Utilities Division employees continue to respond to all wastewater collection system customer services and emergency calls.<

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There are two (2) alternatives that were considered for this program. The first alternative would be to hire five full-time equivalent Maintenance workers in the Utilities Division to perform sewer maintenance services, purchase a Vactor jet cleaning/vacuum combination cleaner and allocate funding for the wastewater collection system materials and other equipment to operate efficiently. This alternative is not cost effective nor operationally efficient for the City.<

<

The second alternative is to submit the entire maintenance program for public bid. The current contract has only one year remaining. The staff has negotiated the expanded services with WQMC according to fair market adjustment. The new services are an expansion of the existing sanitary sewer related services.

Opening the maintenance contract to public bidding might result in

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a higher cost for the services, due to a minimal number of

contractors that perform all of these services.<

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The Department of Public Works and Utilities has successfully outsourced some of its services in order to maximize service delivery. Some examples of outsourcing include: laboratory services at the Big Dry Creek Water Reclamation Facility, television inspection services of the new sanitary sewer mains prior to warranty acceptance, street striping, and street sweeping. By expanding the wastewater collection system maintenance program, staff anticipates continuing to maximize service delivery without requesting additional full-time equivalent employees.<

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Respectfully submitted,<

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William M. Christopher<
City Manager<

Date:]December 21, 1998<

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Subject:]Financial Report for November 1998<

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Prepared by:]Mary Ann Parrot, Finance Director<

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Introduction<

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City Council is requested to review the attached financial statements which reflect 1998 transactions through November,1998.<

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Summary<

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There are three sections to the attached report:<

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>1. Revenue Summary<

>2. Statement of Expenditures vs Appropriations<

>3. Sales Tax Detail<

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General Fund revenues represent 94% of the total budget estimate while General Fund expenditures and encumbrances represent 86% of the 1998 appropriation. It should be noted that the TCI and Public Service October franchise fees were not received until

November and two months revenue is reflected in these statements.<

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Utility Fund revenues represent 103% of the total budget estimate. Utility Fund expenditures and encumbrances represent 74% of the 1998 appropriation.<

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The Sales and Use Tax Fund revenues represent 100% of the total budget estimate, while expenditures and encumbrances in that fund represent 92% of the 1998 appropriation. Total Sales and Use Tax revenues for the 25 shopping centers reported increased 20% from the same period last year and increased 17% year-to-date.<

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The Open Space Fund revenues represent 115% of the total budget estimate while expenditures and encumbrances in that fund represent 84% of the 1998 appropriation.<

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The Legacy Ridge Golf Course Fund operating revenues represent 97% of the total budget estimate while operating expenditures and encumbrances represent 66% of the 1998 appropriation. There are no operating expenses for the Heritage as all expenses being incurred by the Fund are related to the construction of the golf course. Last year's figures reflect the issuance of the \$4.8M refunding bonds.<

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Theoretically, 92% of revenues and expenditures should be realized after eleven months in the budget year. However, it is recognized that both revenues and expenditures do not occur on an even 1/12 flow each month of the year.<

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Staff Recommendation<

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Accept the report as presented.<

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Financial Report for November, 1998<

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Background Information<

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Section 9.6 of the City Charter requires that the City Manager provide, at least quarterly, financial data showing the relationship between the estimated and actual revenue expenditures to date.<

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Respectfully submitted,<

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William M. Christopher<

City Manager<

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Attachments<