



WESTMINSTER

Staff Report

REVISED
04/17/09
4:08:49 PM

TO: The Mayor and Members of the City Council

DATE: April 15, 2009

SUBJECT: Study Session Agenda for April 20, 2009

PREPARED BY: J. Brent McFall, City Manager

Please Note: Study Sessions and Post City Council meetings are open to the public, and individuals are welcome to attend and observe. However, these meetings are not intended to be interactive with the audience, as this time is set aside for City Council to receive information, make inquiries, and provide Staff with policy direction.

Looking ahead to next Monday night's Study Session, the following schedule has been prepared:

A light dinner will be served in the Council Family Room 6:00 P.M.

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY – SPECIAL MEETING 6:30 P.M.

CITY COUNCIL REPORTS

1. Report from Mayor (5 minutes)
2. Reports from City Councillors (10 minutes)

PRESENTATIONS

7:00 P.M.

1. Northwest Commuter Rail Corridor Update
2. Proposed "Green Building/Sustainability" Additions to the Growth Management Competition for Single Family Detached (SFD), Single Family Attached (SFA), Multi-Family, and Senior Housing Categories (Attachment)
3. Water Supply Status Update (Attachment)

EXECUTIVE SESSION

None at this time

INFORMATION ONLY ITEMS – Does not require action by City Council

1. 2009 1st Quarter City Council Expenditure Report (Attachment)
2. Monthly Residential Development Report (Attachment)

Additional items may come up between now and Monday night. City Council will be apprised of any changes to the Study Session meeting schedule.

Respectfully submitted,

J. Brent McFall
City Manager

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
WESTMINSTER CITY HALL, 4800 W. 92ND AVENUE
MONDAY, April 20, 2009
6:30 P.M.

- 1. Roll Call**
- 2. Minutes of Previous Meeting** (April 13, 2009)
- 3. New Business**
 - A. Resolution No.108 re WEDA Interest Rate Exchange Agreement of up to \$69 Million to Support the Refinancing of the 2005 Series WEDA Bonds Issued for the North Huron URA
- 4. Adjournment**

CITY OF WESTMINSTER, COLORADO
MINUTES OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY
MONDAY, APRIL 13, 2009 AT 8:18 P.M.

ROLL CALL

Present at roll call were Chairperson McNally, Vice Chairperson Dittman, and Board Members Briggs, Kaiser, Lindsey, Major and Winter. Also present were J. Brent McFall, Executive Director, Martin McCullough, Attorney for the Authority, and Linda Yeager, Secretary.

CONSIDERATION OF MINUTES

Board Member Briggs moved, seconded by Dittman, to approve the minutes of the meeting of March 23, 2009 with no additions or corrections. The motion carried unanimously.

RESOLUTION NO. 106 RE LOAN APPROVAL TO REFINANCE 2005 SERIES BONDS

Due to a conflict of interest through employment, Chairperson McNally recused herself from participation in the remaining items of business. She passed the gavel to Vice Chairperson Dittman and then left the Council Chambers.

Upon a motion by Briggs, seconded by Kaiser, the Board voted unanimously at roll call to adopt Resolution No. 106 authorizing the Executive Director or his designee to enter into a variable rate loan agreement of up to \$69 million with Compass Mortgage Corporation and an interest rate swap with Compass Bank to refinance the Series 2005 WEDA bonds that were issued to finance the construction of public infrastructure improvements in the North Huron Urban Renewal Area, to be repaid from available tax increment revenues, with the moral obligation pledge of the City of Westminister, as well as approving loan and swap documents including but not limited to the Loan Agreement, Promissory Note, 2009 Cooperation Agreement with the City, and International Swaps and Derivatives Association (ISDA) Master Agreement and Schedule.

PUBLIC HEARING ON WEDA 2009 BUDGET AMENDMENT

At 8:22 p.m. the Vice Chairperson opened a public hearing to consider amendment of the 2009 budget. Mr. McFall reported that staff was available to answer any questions. There were none and no one in the audience wished to speak. The hearing was closed at 8:23 p.m.

RESOLUTION NO. 107 ADOPTING AMENDMENT TO THE 2009 BUDGET

It was moved by Major and seconded by Briggs to adopt Resolution No. 107 approving an amendment to the 2009 WEDA budget as presented and appropriate the funds. At roll call, the motion passed unanimously.

ADJOURNMENT

There being no other business to come before the Authority, the meeting was adjourned at 8:24 p.m. by the Vice Chairperson.

ATTEST:

Secretary

Vice Chairperson

WEDA Agenda Item 3 A

Agenda Memorandum

Westminster Economic Development Authority - Special Meeting
April 20, 2009



SUBJECT: Resolution No.108 re WEDA Interest Rate Exchange Agreement of up to \$69 Million to Support the Refinancing of the 2005 Series WEDA Bonds Issued for the North Huron Urban Renewal Area

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

Recommended Board Action

Adopt Resolution No. 108 authorizing, approving and directing the Executive Director or his designee to execute and deliver an interest rate exchange agreement and certain other documents in connection with the Compass Mortgage Company loan to WEDA as approved by the WEDA Board on April 13, 2009.

Summary Statement

- On April 13, 2009 the WEDA Board approved Resolution 106 approving certain loan and interest rate exchange agreements and the Cooperation Agreement between the Authority and the City, on file with the Secretary of the Board. The Exchange Agreement on file with the Secretary was specifically between the Authority and Compass Bank. The Colorado Revised Statutes (CRS) require that a public entity may enter into an agreement to exchange interest rates only if (a) the long-term debt obligations of the party with whom the public entity enters the agreement are rated in one of its two highest rating categories by one or more nationally recognized securities rating agencies or (b) the obligations under the agreement of the party with whom the public entity enters the agreement are (I) Guaranteed by a party whose long-term debt obligations are rated in one of its two highest rating categories by one or more nationally recognized securities rating agencies or (II) collateralized by obligations deposited with the public entity or an agent of the public entity, which would be legal investments for the public entity, and which maintain a market value of not less than 100% of the principal amount upon which the exchange of interest rates is based.
- On April 13, 2009, Compass Bank was rated Aa3, A+, and A+ by Moody's Investor Services, Standard and Poor's Ratings Services and Fitch Ratings respectively.
- On April 14, 2009, Moody's Investors Service downgraded the credit rating of Compass Bank's long-term Senior Unsecured debt from Aa3 to A2 thereby precluding WEDA from entering into an interest rate swap with Compass Bank unless there is a guarantee of the agreement with an entity rated in either the Aaa/AAA or Aa/AA ratings categories or collateral deposited by Compass Bank. The documents presented to the WEDA Board on April 13 did not include any provision for a guarantee or collateralization of the exchange agreement.
- A new resolution has been prepared for WEDA Board approval that will give the Chair, Vice Chairperson and the Executive Director the authority to review, approve and execute documents related to a rate exchange agreement with a financial institution that meets the applicable requirements of the C.R.S.

Expenditure Required: Up to \$69 million

Source of Funds: WEDA Loan Proceeds

Policy Issue

Does the WEDA Board of Commissioners support entering into an interest exchange agreement in a manner that is in compliance with C.R.S.?

Alternatives

1. Do not authorize finding another financial institution to guarantee the rate exchange agreement with Compass Bank or to enter into such an agreement with WEDA directly. This is not recommended. The current loan agreement may be able to be renegotiated to a fixed rate of interest rather than a variable rate of interest swapped into a fixed rate. This option, however, will result in a higher rate of interest being charged to WEDA.
2. Delay the refinancing by not proceeding with Compass Bank. This is not recommended. WEDA has been working to find alternative sources of financing to refund the WEDA series 2005 Bank Bonds now owned by DEPFA Bank. Further delay by starting the process over with other financial institutions will require that WEDA continue to pay accelerated principal payments of \$1,707,500 on a quarterly basis.

Background Information

WEDA's Series 2005 tax-exempt variable rate debt issue is backed by a Letter of Credit (LOC) agreement with DEPFA Bank plc. After remarketing efforts failed to find investors for the bonds due to the credit downgrades of DEPFA by the rating agencies caused by the current financial crisis, the bonds converted to bank bonds, which meant the Bank was obligated under the terms of the Reimbursement Agreement to buy the bonds. As a result the interest rate on the bonds increased and the bonds would amortize over a 10 year period rather than the original 25 year period of the initial bond issue.

Since December 2008 Staff and the City's underwriter have been negotiating a financing with Compass Bank whereby the Compass Mortgage Company would loan WEDA up to \$69,000,000 that WEDA would use to refund the Bank Bonds owned by DEPFA. Under the terms of the loan commitment letter with WEDA, the Authority would have to obtain an interest rate exchange agreement, or interest rate swap, to convert the variable rate interest on the loan into a fixed rate. The agreement called for this interest rate exchange agreement to be done with Compass Bank.

Colorado Revised Statutes, Title 11, Article 59.3-103(2) stipulates that a public entity may enter into an agreement to exchange interest rates only if (a) the long-term debt obligations of the party with whom the public entity enters the agreement are rated in one of its two highest rating categories by one or more nationally recognized securities rating agencies or (b) the obligations under the agreement of the party with whom the public entity enters the agreement are (I) Guaranteed by a party whose long-term debt obligations are rated in one of its two highest rating categories by one or more nationally recognized securities rating agencies or (II) Collateralized by obligations deposited with the public entity or an agent of the public entity which would be legal investments for the public entity pursuant to Section 24-75-601.1, C.R.S., and which maintain a market value of not less than one hundred percent of the principal amount upon which the exchange of interest rates is based.

On April 13, 2009, the WEDA Board approved Resolution 106 that in part, authorized the Chair or Vice Chairperson of the Board of the Authority to approve the execution of the Loan Agreement, the Exchange Agreement, the Note and the Cooperation Agreement as on file with the with the Secretary of the Board. The Exchange Agreement on file with the Secretary was specifically between the Authority and Compass Bank.

On April 13, 2009, Compass Bank was rated Aa3 by Moody's Investor Services. On April 14, 2009, Moody's downgraded Compass Bank to A2. This action by Moody's now precludes WEDA from entering into an interest rate exchange agreement with Compass Bank unless the swap is guaranteed or collateralized, which it was not on the day the WEDA Board approved Resolution 106.

Staff is working with the WEDA's investment banker and the bank to arrange for another financial institution to either guarantee the obligations of Compass Bank under a rate exchange agreement or find another financial institution to enter into an exchange agreement directly with WEDA. The current focus is to have Compass Bank's parent company, Banco Bilbao Vizcaya Argentaria, an Aa1 rated Spanish Bank, either guarantee the Compass Bank swap or enter into the swap directly with WEDA itself. If those options are not feasible staff will pursue entering into a rate exchange agreement with another financial institution.

A new Resolution has been prepared for WEDA Board approval that will give the Chair and Vice Chairperson of the authority to review, approve and execute documents related to rate exchange agreement with a financial institution that meets the applicable requirements of the C.R.S..

Staff and the Underwriter will be available at the WEDA special meeting of April 20th to answer Board questions.

Respectfully submitted,

J. Brent McFall
Executive Director

Attachment

WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY

RESOLUTION NO. **108**

INTRODUCED BY COMMISSIONERS

SERIES OF 2009

RESOLUTION OF THE BOARD OF COMMISSIONERS OF
THE WESTMINSTER ECONOMIC DEVELOPMENT
AUTHORITY AUTHORIZING, APPROVING AND
DIRECTING THE EXECUTION AND DELIVERY OF AN
INTEREST RATE EXCHANGE AGREEMENT AND CERTAIN
OTHER DOCUMENTS IN CONNECTION THEREWITH

WHEREAS, the Westminster Economic Development Authority (the "Authority") is a public body corporate and politic, and has been duly created, organized, established and authorized by the City of Westminster, Colorado (the "City") to transact business and exercise its powers as an urban renewal authority, all under and pursuant to the Colorado Urban Renewal Law, constituting Part 1 of Article 25 of Title 31, Colorado Revised Statutes, as amended (the "Act"); and

WHEREAS, pursuant to Section 31-25-105 of the Act, the Authority has the power to borrow money and to apply for and accept advances, loans, grants and contributions from any source for any of the purposes of the Act and to give such security as may be required; and

WHEREAS, pursuant to Section 31-25-109 of the Act, the Authority has the power to issue refunding or other bonds (defined by the Act to mean any bonds, notes, interim certificates or receipts, temporary bonds, certificates of indebtedness, debentures or other obligations) from time to time in its discretion for the payment, retirement, renewal or extension of any bonds previously issued by it under the Act; and

WHEREAS, the Authority is authorized to issue bonds without an election; and

WHEREAS, the Authority has previously issued its Tax Increment Adjustable Rate Revenue Bonds (North Huron Urban Renewal Project) Series 2005 in the original aggregate principal amount of \$68,300,000, and presently outstanding in the aggregate principal amount of \$66,592,000 (the "Prior Bonds"); and

WHEREAS, the Authority has previously determined that it is in the best interests of the Authority and the citizens and taxpayers of the City that the Prior Bonds be refunded (the "Refunding Project"); and

WHEREAS, the Authority intends to enter into a Loan Agreement with Compass Mortgage Corporation ("Compass") to obtain a loan in the principal amount of not to exceed \$69,000,000 (the "Loan") in order to finance the costs of the Refunding Project; and

WHEREAS, pursuant to Sections 11-59.3-101 through 11-59.3-105, inclusive, C.R.S. (the "Interest Rate Exchange Act"), the Authority may enter into an agreement for an exchange of interest rates, cash flows or payments with respect to public securities (defined by the Interest Rate Exchange Act to mean bonds, notes, debentures, interim certificates, bond anticipation notes, commercial paper or other evidences of indebtedness, or lease, installment purchase or other agreements, or certificates of participation therein, issued by or on behalf of a public entity) that the Authority has issued if it finds that such an agreement would be in the best

interests of the Authority and if (i) the long-term debt obligations of the party with whom the Authority enters into the agreement are rated in one of its two highest rating categories by one or more nationally recognized securities rating agencies which regularly rate such obligations, or (ii) the obligations, under the agreement, of the party with whom the Authority enters into the agreement are either guaranteed by a party whose long-term debt obligations are rated in one of its two highest rating categories by one or more nationally recognized securities rating agencies that regularly rate such obligations or collateralized by obligations deposited with the Authority or an agent of the Authority, which would be legal investments for the Authority, and which maintain a market value of not less than 100% of the principal amount upon which the exchange of interest rates is based; and

WHEREAS, by resolution adopted by the Authority on April 13, 2009, the Authority previously approved the entering into of an interest rate exchange agreement with Compass Bank in order to fix the interest rate on the Loan; and

WHEREAS, subsequent to April 13, 2009, the ratings of the long-term debt obligations of Compass Bank have been downgraded so that Compass Bank no longer qualifies as a counterparty to an interest rate exchange agreement under Section 11-59.3-103(2)(a) of the Interest Rate Exchange Act; and

WHEREAS, in order to fix the interest rate on the Loan, there is proposed an ISDA Master Agreement relating to the Loan, including a Schedule thereto and a Confirmation thereunder (together, the "Exchange Agreement"), all between the Authority and a counterparty that complies with the requirements of the Interest Rate Exchange Act (the "Exchange Agreement Provider"), whereby the Authority will pay the Exchange Agreement Provider a fixed rate of interest to be specified in the confirmation of the Exchange Agreement on a notional amount to be specified in the Confirmation, and the Exchange Agreement Provider will pay the Authority a variable rate of interest equal to a specified percentage of the Index plus a Base Margin (both as defined in the Loan Agreement); and

WHEREAS, the Board of Commissioners of the Authority (the "Board") has received information as to the costs, risks and benefits of entering into the Exchange Agreement from the staff of the Authority; and

WHEREAS, the Authority specifically elects to apply the provisions of Title 11, Article 57, Part 2, C.R.S. to the Exchange Agreement; and

WHEREAS, the Board desires to delegate to the Executive Director of the Authority the power to determine the Exchange Agreement Provider and the terms of the Exchange Agreement consistent with the provisions of this Resolution and the Interest Rate Exchange Act; and

WHEREAS, there is on file with the Secretary of the Board the proposed form of the Exchange Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE WESTMINSTER ECONOMIC DEVELOPMENT AUTHORITY, COLORADO, THAT:

Section 1. All actions (not inconsistent with the provisions of this Resolution) heretofore taken by the Board and the officers of the Authority directed toward the entering into of the Exchange Agreement hereby are ratified, approved and confirmed.

Section 2. The form, terms and provisions of the Exchange Agreement hereby are authorized and approved, and the Authority shall enter into the Exchange Agreement in the form as is on file with the Secretary of the Board, but with such changes therein as shall be consistent with this Resolution and as the Chair or Vice Chairperson of the Board or the Executive Director of the Authority shall approve, the execution thereof being deemed conclusive approval of any such changes. The Chair and/or the Vice Chairperson of the Board is hereby authorized and directed to execute and deliver the Exchange Agreement, for and on behalf of the Authority. The Secretary of the Board is hereby authorized and directed to affix the seal of the Authority to, and to attest, the Exchange Agreement as may be required.

Section 3. The officers of the Authority shall take all action which they deem necessary or reasonably required in conformity with the Act and the Interest Rate Exchange Act to enter into the Exchange Agreement, including the paying of incidental expenses, which are hereby authorized to be paid, and for carrying out, giving effect to and consummating the transactions contemplated by this Resolution and the Exchange Agreement, including, without limitation, the execution and delivery of any necessary or appropriate closing documents to be delivered in connection with the execution and delivery of the Exchange Agreement.

Section 4. Pursuant to Section 11-57-205, C.R.S., the Board hereby delegates to the Executive Director of the Authority the authority to make the following determinations with respect to the Exchange Agreement, including the execution of any certificates necessary or desirable to evidence such determinations, which determinations shall be subject to the restrictions and parameters set forth below and the Interest Rate Exchange Act: (a) the selection of the Exchange Agreement Provider and any guarantor of the Exchange Agreement Provider's obligations under the Exchange Agreement; (b) the notional amount of the Exchange Agreement; (c) the term of the Exchange Agreement; (d) the Index and the Base Margin used to calculate amounts to be paid to the Authority by the Exchange Agreement Provider pursuant to the Exchange Agreement; and (e) the fixed rate of interest to be paid to the Exchange Agreement Provider by the Authority pursuant to the Exchange Agreement. The foregoing authority shall be subject to the following restrictions and parameters: (1) the term of the Exchange Agreement shall not extend beyond June 1, 2016; (2) the notional amount of the Exchange Agreement shall not exceed \$69,000,000; (3) the specified percentage of the Index shall not be less than 60% nor more than 70%; (4) the Base Margin shall not exceed 3.0%; and (5) the fixed rate of interest payable by the Authority under the Exchange Agreement shall not exceed 6.0%.

Section 5. The Exchange Agreement is a special obligation of the Authority payable solely as provided in the Loan Agreement and the Exchange Agreement. Any payments due under the Exchange Agreement shall not constitute an indebtedness of the City or the State of Colorado or any political subdivision thereof, and neither the City, the State of Colorado nor any political subdivision thereof shall be liable thereon, nor in any event shall any payments due under the Exchange Agreement be payable out of funds or properties other than the Pledged Revenue, as such term is defined in the Loan Agreement. Neither the Commissioners of the Authority nor any persons executing the Exchange Agreement shall be liable personally on the Exchange Agreement.

Section 6. After the Exchange Agreement is entered into, this Resolution shall be and remain irrevocable, and may not be amended except in accordance with the Exchange Agreement and the Loan Agreement, until the Exchange Agreement has been fully paid, canceled and discharged in accordance therewith.

Section 7. The officers of the Authority are hereby authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Resolution, including

but not limited to the execution of such certificates and affidavits as may be reasonably required by the Exchange Agreement Provider and any guarantor of the Exchange Agreement Provider's obligations under the Exchange Agreement.

Section 8. All costs and expenses incurred in connection with the Exchange Agreement and the transactions contemplated by this Resolution shall be paid either from the proceeds of the Loan or from legally available moneys of the Authority, or from a combination thereof, and such moneys are hereby appropriated for that purpose.

Section 9. The Board has received information from the professional advisors of the Authority as to the costs, risks and benefits of the Exchange Agreement. The Board, in evaluating the merits of the Exchange Agreement, has given consideration to the savings and debt management benefits to the citizens residing within the boundaries of the Authority. The Board hereby finds that the Exchange Agreement, as set forth in the ISDA Master Agreement relating to the Loan Agreement, including the Schedule thereto and the Confirmation thereunder, is in the best interests of the Authority.

Section 10. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

Section 11. All bylaws, orders and resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order or resolution or part thereof.

Section 12. This Resolution shall be in full force and effect immediately upon its passage and approval.

PASSED, ADOPTED AND APPROVED this April 20, 2009.

(SEAL)

Chair/Vice Chairperson of the Board of Commissioners

APPROVED AS TO LEGAL FORM:

Attorney for the Authority

STATE OF COLORADO)
) SS.
WESTMINSTER ECONOMIC)
DEVELOPMENT AUTHORITY)

I, the Secretary of the Westminster Economic Development Authority (the “Authority”), do hereby certify that:

1. The foregoing pages are a true and correct copy of a resolution (the “Resolution”) passed and adopted by the Board of Commissioners of the Authority (the “Board”) at a special meeting held on April 20, 2009.

2. The Resolution was duly moved and seconded and the Resolution was adopted at the meeting of April 20, 2009, by an affirmative vote of a majority of the members of the Board as follows:

Name	“Yes”	“No”	Absent	Abstain
Nancy McNally				
Chris Dittman				
Bob Briggs				
Mark L. Kaiser				
Mary Lindsey				
Scott Major				
Faith Winter				

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

4. The Resolution was approved and authenticated by the signature of the Chair or Vice Chairperson of the Board, sealed with the Authority seal, attested by the Secretary of the Board and recorded in the minutes of the Board.

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

6. Notice of the meeting of April 20, 2009, in the form attached hereto as Exhibit A, was posted in at the Westminster City Hall, 4800 W. 92nd Street, in the City of Westminster, not less than twenty-four hours prior to the meeting in accordance with law.

WITNESS my hand and the seal of said Authority affixed April 20, 2009.

(SEAL)

Secretary

EXHIBIT A

(Form of Notice of Meeting)



WESTMINSTER

Staff Report

City Council Study Session Meeting
April 20, 2009



SUBJECT: Northwest Commuter Rail Corridor Update

PREPARED BY: Matt Lutkus, Deputy City Manager

Recommended City Council Action

City Council is requested to receive the presentation from RTD Staff on the status of the FasTracks Northwest Commuter Rail project.

Summary Statement

- City Staff have requested that the Regional Transportation District (RTD) Staff provide City Council with an update of the overall FasTracks program, and more specifically, an update on the Northwest Commuter Rail project. Chris Quinn, Project Manager for the RTD FasTracks Northwest Corridor, will provide Council with a PowerPoint presentation and will respond to any questions that Council may have about the current status of the project. Two members of the RTD Board of Directors have also been invited to attend.
- During the past several months, both Council and Staff have attended various meetings related to FasTracks, have closely followed and reviewed RTD materials and media reports and have been actively involved in discussions on the future of the Northwest Corridor project.

Expenditure Required: \$0

Source of Funds: N/A

Policy Issue

Does City Council continue to agree with the position that the only acceptable resolution to the political and financial challenges to the FasTracks project should be the completion of the full FasTracks system by 2017?

Alternatives

City Council could decide to participate in discussions that could lead to a compromise whereby only a portion of the infrastructure that will serve the Northwest Corridor is completed. City Council's previous position has been that the full FasTracks system needs to be completed in a timely manner in accordance with the promises that were made to voters when FasTracks was approved in 2004.

Background Information

During the past several months, there has been considerable discussion with regard to the ability of the RTD to complete the FasTracks system as it was proposed to and approved by the voters in 2004. A combination of escalating construction costs and lower than anticipated FasTracks' sales tax revenues have resulted in a projected substantial shortfall in the funds necessary to complete the entire system by 2017. While sufficient funds have been identified from Federal and private sources to supplement FasTracks' sales tax dollars and thus allow the completion of the West Corridor and potentially the East and Gold Lines, the cost and revenue projections show that the Northwest, North Metro and I-225 rail projects cannot be completed without additional financial resources being secured.

On a more positive note, RTD FasTracks' Staff, their consultants, the affected governmental entities and the variety of other organizations have continued to make progress on the FasTracks project. At Monday evening's Study Session, Chris Quinn, Project Manager for FasTracks Northwest Rail, will be on hand to provide City Council with an update on these various aspects of the project. RTD Directors Bill Christopher and Lee Kemp have also been invited to attend the Study Session.

Some of the areas that will be addressed in this presentation and City Staff observations are as follows:

FasTracks Program Updates

The State-required Annual Program Evaluation was recently completed for 2009 and was presented to the RTD Board of Directors on March 3. The financial review concluded that there has been a decrease of nearly \$1 billion in construction costs but this has not been enough to address the continued decline in projected program sales tax revenues. Revenue and expenditure projections show that there will be a \$2.2 billion funding gap by the original projected program completion date of 2017. It has been projected that the project could be fully completed if voters approved a .4% increase in sales tax for this program.

Topics that are specifically related to the Northwest Rail Environmental Evaluation include the following:

Analysis of Modeling Data

Projections for the anticipated ridership along the corridor are based on data collected by Denver Regional Council of Governments (DRCOG) working with the local planning officials throughout the corridor. The various projections of the local staff were modified to conform to DRCOG's projections for the growth in the entire metropolitan area. The RTD Staff used this data to develop models that allowed them to project the ridership of both the rail and regional bus service along the Corridor in 2015 (the previous projected opening date) and 2035. This analysis was later reviewed by a private consultant. City Staff believes strongly that the modeling projections from these studies

significantly understate the level of ridership that will take place along the Corridor. City Staff are currently in discussions with the staff from other entities in the Corridor with regard to the hiring of a consultant to review the raw data, complete further analysis and assess the validity of the previous modeling projections.

Station Design

The City's Community Development Staff have been working very closely with RTD Staff on an ongoing basis to develop the placement and design of the three commuter rail stations in Westminster including Westminster Center Station that is not currently in the FasTracks budget. The PowerPoint presentation will include a review of the preliminary design for each of the three stations as well as sketches of the proposed shelters at each stop.

Railroad Negotiations

RTD Staff continue to negotiate with Burlington Northern Santa Fe (BNSF) on the use of the Railroad's right-of-way, the coordination of passenger transit service with the BNSF freight service and various other related issues.

Fencing

As Council is aware, RTD currently has a policy whereby all of their rail right-of-way will be fenced. City Staff as well as staff representing entities along the Corridor have had extensive discussions with RTD regarding the practicality of this policy as it pertains to the Northwest Corridor. The City's position has been that no additional fencing be added to the Corridor given the limited practicality of fences where accessibility to the right-of-way would continue regardless of whether or not fences are in place, the aesthetic considerations and the need to continue the free movement of wildlife especially in open space areas. As will be noted in the presentation Monday evening, RTD Staff is currently reviewing feedback provided by various jurisdictions along the Corridor.

Quiet Zones

Considerable work has been done during the past year to help ensure the eventual designation of quiet zones along the Corridor. In those cases where the construction and implementation of quiet zones mitigate the noise impact of passenger transit services, the FasTracks budget could potentially pay for a substantial portion of the costs associated with quiet zones. This is a very important issue for the City given the fact that eight of the approximate 40 street – rail intersections along Northwest Rail are located within the Westminster city limits.

The Northwest Commuter Rail component of the FasTracks program is an extremely important part of the City's strategic plan. It will contribute significantly to the City's goals of vibrant neighborhoods and commercial areas and a strong balance the local economy during the coming decade.

Respectfully submitted,

J. Brent McFall
City Manager



WESTMINSTER

Staff Report

City Council Study Session Meeting
April 20, 2009



SUBJECT: Proposed “Green Building/Sustainability” Additions to the Growth Management Competition for Single Family Detached (SFD), Single Family Attached (SFA), Multi-Family, and Senior Housing Categories

PREPARED BY: Mac Cummins, AICP, Planning Manager
Walter Patrick, Planner 1

Recommended City Council Action

Provide input regarding the proposed green building/sustainability additions to the Growth Management competition process. Direct staff to prepare a resolution for adoption by City Council on May 11, 2009, regarding the addition of sustainable design elements to the Single Family Detached (SFD), Single Family Attached (SFA), Multi-Family, and Senior Housing design guidelines, and to prepare a resolution allocating Service Commitments in each category for 2009.

Summary Statement

- The existing residential design guidelines provide minimum design requirements to aid in the development of high quality residential projects. In addition to the minimum criteria there are also incentive criteria that are used to provide a basis for allocating limited Service Commitments to developers through a yearly competition.
- The City Council has recognized the need to encourage environmentally sensitive residential development by including sustainable design criteria within each of the residential design guidelines including SFD, SFA, Multi-Family, and Senior Housing, and last summer directed staff to research and propose additions to the Growth Management Program to achieve this policy goal.
- City staff will review the proposed revisions with the City Council at the April 20 Study Session. The proposed revisions to the residential Design Guidelines are tentatively scheduled for City Council adoption on May 11, 2009.

Expenditure Required: \$0

Source of Funds: N/A

Background Information

At the request of City Council, Community Development staff researched potential incentives that would encourage sustainable, also known as “green,” residential development to add to the Growth Management competition process. Staff reviewed green building and sustainable development standards from various jurisdictions within the Denver Metro area and from other parts of the country and compared and contrasted the benefits (and costs) associated with each type of green building technique. Below, Council will find a summary of the proposed green building incentives that staff are proposing to add to the competition process. Each incentive was derived from a combination of research and staff input with an underlying goal of reducing the environmental impact of residential development while maintaining or improving the quality of life for future residents. Several of these are relatively low-cost, high-impact incentives that are a first step towards creating high-quality green neighborhoods in Westminster.

The number of points associated with each incentive were based on the difficulty of implementation, cost to the developer, and the positive environmental impact of the incentive. These point values were also closely compared with items of similar importance in the other categories in the design guidelines. The points available for sustainable design elements are proposed to comprise between 20-30 percent of the total points available for each residential category.

Summary of Proposed Revisions

The changes listed below summarize the major proposed revisions to the existing guidelines and include both minimums and incentives. (See attached Sustainable Design scoring sheet for points associated with each incentive).

Landscaped Islands/Medians/Tree Lawns

Increasing the size of the islands or tree lawns increases a tree’s health and subsequent canopy coverage of the paved area, thus reducing the heat island effect. Generally speaking, the heat island effect is an impact where increased impervious area (i.e. more asphalt/concrete) creates additional ground level heat. Solid surfaces take longer to cool down after heating up than do soft surfaces. Reduction in the heat island effect will cool the perceived ambient temperature and reduce watering needs for landscaping, and reduce energy consumption within structures.

Water Conservation

The maximum turf area cannot exceed 40% of the common landscaped area. Highly efficient irrigation systems and methods must be incorporated, including things such as soil moisture based controllers and rain sensors to reduce consumption. Overall, staff has found that in certain applications, developers use “turf” as a default in providing landscape. Putting this cap on proposals will force developers to more efficiently utilize turf area in their designs, which will reduce water usage. Generally speaking, this standard will not reduce turf to the point of not feeling as if there is a “green” feeling within a project, but merely eliminate needless turf areas within projects, and create a more efficient turf area. The current standard maximum turf area is 50%.

Site Design/Stormwater

Use of vegetative swales, on-site rain gardens or bio-retention is incorporated to increase the area for infiltration, reduce the impact on detention areas, and recharge ground water. Vegetated swales shall be long and narrow with a high end and a low end to allow water to flow. Often check dams are used to create several small pools of water to slow, filter and infiltrate water into the ground. Further, bioswales may be vegetated with rushes and other ornamental grasses.

Paving Materials

Integrally colored permeable hardscape can be used throughout the site to reduce glare, heat island effects, and storm water runoff. Permeable hardscape includes but is not limited to colored concrete pavers and porous concrete. Permeable hardscape use shall be limited to non right-of-way areas including but not limited to internal walkways, driveways, and patios. In the future, permeable hardscape may be used in street construction, but at this point, the technology has some construction defect issues. Cities that have implemented such technology have found that sink holes and other construction defect problems have led to significant maintenance problems. Staff is monitoring the research journals regarding future use/implementation of these types of applications and if it makes sense to implement in the future, staff will bring this forward to the Council for consideration.

Pedestrian Circulation

Enhance pedestrian and bicycle infrastructure for internal connections, connections to all multi-modal transportation nodes and connections to adjacent neighborhoods, schools, commercial centers to reduce auto dependence by encouraging walking and biking. This would effectively require better site planning and the elimination of solid walls around large portions of residential subdivisions, give incentives to beautify/improve bus transit stops adjacent to residential projects, and create an environment more conducive to multi modal transportation.

The existing guidelines do have minimums for pedestrian/bicycle paths but these are focused toward connections to the City's trail system for recreational purposes. The intent in the sustainable guidelines is to encourage connections to sidewalks, major roadways, commercial areas, etc; and to make easier connections for someone who would want to bike or walk to work, school, or shopping. This would become a minimum, and not an incentive; i.e. no bonus points would be awarded for this, but would become the minimum required in the guidelines.

Pro-Active Solar Construction

Pre-plumb and pre-wire homes for future installation of solar water heating and photovoltaic systems to make it easier for homeowners to install the desired systems at a low cost. Roof design will also accommodate future installation of such systems. This is something that is very difficult to retrofit compared to installation originally. If developers choose to prewire/preplumb these systems, the opportunity for solar and water heating technology to be implemented in the future increases dramatically, especially as the actual heating/cooling technologies improve in efficiency.

In addition to pre-wiring and pre-plumbing the homes, staff has added a point incentive for the installation of the solar water heating and photovoltaic systems. This can be a very expensive initial installation, but is something that staff believes the City should encourage, as end buyers are less likely to install on their own. Initial installation can make the home(s) dramatically more energy efficient from the start. Plus the cost can be incorporated into the mortgage for the home.

Dwelling Unit Energy Efficiency

Dwelling units will be constructed to meet insulation and energy efficiency standards. For example, from R-38 to R-49 roof insulation, R-30 to R-38 floor insulation; and triple-pane windows. An increased energy efficiency rating allows for reduced energy consumption.

Community Facilities

Community facilities should incorporate “green” design standards such as: installation of solar water heating and/or photovoltaic systems on the facility buildings or achieving Leadership in Energy and Environmental Design (LEED) certification at level silver or higher.

At this time, LEED is a recognizable standard of certification. In the future, there may be other certifying entities that make more sense to utilize; but at this point, LEED certification is an industry standard. Requiring LEED certification also allows the City to track how many LEED certified buildings are within the City; which many cities use in marketing publications for the City and their green building programs. It also ensures the structure(s) will be efficient to a level that reduces several different impacts to the environment.

Next Steps

Based on the discussion and after receiving input from the City Council Study Session, staff will be scheduling the allocation of Service Commitments for 2009 in each category. At that time, Planning Division staff will also present to City Council revised design guidelines for Single Family Detached (SFD), Single Family Attached (SFA), Multi-Family, and Senior Housing for consideration and discussion by the City Council. The addition of the green building section to the Growth Management Program, also requires amending the design guidelines for each category to be reflective of those additions.

Staff is proposing bringing this item back for City Council approval on May 11, 2009; with the competition opening shortly thereafter. (Exact dates will be provided at the May 11 City Council meeting.) Staff does not anticipate many applications in this yearly cycle, given the current state of the economy.

After the competition closes, assuming there are applicants and Service Commitment winners in each category, those projects would be scheduled for City Council consideration and adoption of a resolution to award commitments to individual projects, just as in the past.

City staff will be prepared to answer questions at the Study Session.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment:

- Sustainable Design Score Sheet

SCORING **SUSTAINABLE DESIGN**

Project City	
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SF Max M/S Max
Pts. Pts.

1. LANDSCAPING AND WATER CONSERVATION

a. Tree Lawns (Single-Family Attached and Detached Competition only)

300	50

Incentives: * Minimum tree lawn width of 6 feet
* Tree lawns will be increased above the minimum to improve the walking experience and improve long-term tree health
* 50 points awarded for each additional foot of tree lawn width above six feet, up to 300 points total for this incentive

a. Landscaped Islands / Medians (Multi-Family and Senior Housing Competition only)

50	50

Minimum: * Landscaped islands in parking areas must be a minimum of 9' wide.
Incentive: * Increasing the size of the islands increases a tree's health and subsequent canopy coverage of the paved area, thus reducing the heat island effect.

* Parking lot islands are minimum 14' wide: 25 points

* Parking for islands are minimum 19' wide: 50 points

b. Water Conservation

Minimum: * The maximum turf area cannot exceed 40% of the landscaped area. Highly efficient irrigation systems and methods must be incorporated, including ET or soil moisture based controllers and rain sensors to reduce consumption.

100	100

Incentives: * Turf area will be reduced to reduce water consumption

* 30 - 35% turf area: 75 points

* 25 - 29% turf area: 100 points

c. Site Design/Stormwater

200	200

Incentive: * Use of vegetative swales, on-site rain gardens or bio-retention is incorporated to diffuse infiltration, reduce the impact on detention areas, and recharge ground water. Vegetated swales shall be long and narrow with a high end and a low end to allow water to flow. Open check dams are used to create several small pools of water to slow, filter and infiltrate water into the ground. Open, bioswales are vegetated with rushes and other ornamental grasses. These features may not necessarily reduce detention pond areas.

- * Vegetative swale, rain garden or bio-retention area of 5% of total detention sf: 100 points
- * Vegetative swale, rain garden or bio-retention area of 10% of total detention sf: 200 points

d. Paving Materials

75	75

Incentive: * Integrally colored permeable hardscape is used throughout the site to reduce glare, heat island effects, and storm water runoff. Permeable hardscape includes but is not limited to colored concrete pavers, cobblestones, and porous concrete. Permeable hardscape use shall be limited to non-right-of-way areas including but not limited to internal walkways, driveways, and patios.

- * 20% sf of non-right-of-way area is permeable hardscape: 25 points
- * 30% sf of non-right-of-way area is permeable hardscape: 50 points
- * 40% or more sf of non-right-of-way area is permeable hardscape: 75 points

c. Pedestrian Circulation

- Minimum: * Enhance pedestrian and bicycle infrastructure for internal connections, connections to all multi-modal transportation nodes and connections to adjacent neighborhoods, schools, commercial centers to reduce auto dependence by encouraging walking and biking.
- * 1. Site amenities such as bus shelters, benches, trash receptacles, and pervious decorative paving are incorporated at all bus stops adjacent to the development
 - * 2. Incorporation of an internal pedestrian and bicycle corridor network including punch-throughs, 12-foot wide with a 6-foot walkway.

2. BUILDING CONSTRUCTION

a. Pro-active solar construction

500 500 Incentives: * Pre-plumb and pre-wire homes for future installation of solar water heating and photovoltaic systems to make it easier for homeowners to install the desired systems at a low cost.

Roof design will also accommodate future installation of such systems:

- * 25 points for each 10% of pre-plumbed and pre-wired housing units for a maximum of 250 points, or
- * 50 points for each 10% of housing units with roof-mounted solar water heating systems and/or photovoltaic systems for a maximum of 500 points

b. Dwelling unit energy efficiency

500 500 Incentives: * Dwelling units will be constructed to meet one of the following insulation and energy efficiency standards:

- * Performance rating: 25% better than minimum performance criteria required by the 2009 IECC
- * Prescriptive ratings: From R-38 to R-49 roof insulation, R-30 to R-38 floor insulation; triple-pane windows
- * UA trade-off: Building must be a minimum of 5% above 2009 IECC per ResCheck

c. Community Facilities

600 600 Incentives: * Install solar water heating and/or photovoltaic systems on the clubhouse/meeting/recreational facility buildings: 250 points

- * Community buildings will be LEED Silver or higher: 300 points
- * Mail kiosk will be covered and incorporate solar-powered lighting: 50 points

2333 2075 SUBTOTAL (SUSTAINABLE DESIGN)

	SFD	SFA	MF	Senior
Existing Max Pts. For each category	8250	5350	6825	4975
Sustainable Design total points	2325	2325	2075	2075
Total points with Sustainable Design	10575	7675	8900	7050
Percent of Sustainable pts compared to Max.Pts.	21.99%	30.29%	23.31%	29.43%



WESTMINSTER

Staff Report

City Council Study Session Meeting
April 20, 2009



SUBJECT: Water Supply Status Update

PREPARED BY: Mary Jay Vestal, Water Resources Engineer
Josh Nims, Water Resources Engineering Coordinator

Summary Statement

- This report is for City Council information only and requires no action by City Council.
- The City of Westminster has a strong water supply portfolio centered on water diverted from Clear Creek into storage in Standley Lake.
- The City's current storage is more than sufficient for this year's needs. In addition, forecasts of streamflow based on the snowpack in our watershed promise adequate diversions this year to replenish the City's use.
- Staff does not anticipate need for water use restrictions in 2009 and will lease a limited amount of surplus water to FRICO irrigators as directed by Council.
- Staff will be present at the April 20, 2009, City Council Study Session to present the current water supply status and to answer Council's questions.

Background Information

RAW WATER SUPPLY SYSTEM

The City of Westminster owns and operates a water supply system that provides a dependable supply of high quality water to over 125,000 people in Westminster, Federal Heights and various unincorporated areas in Adams and Jefferson counties. The raw water portion of this system is centered on Standley Lake, a water storage reservoir with over 42,000 acre-feet of storage capacity. The City owns more than half of the storage available in Standley Lake and shares the ownership, operation and maintenance of Standley Lake with the Farmers Reservoir and Irrigation Company (FRICO), Thornton and Northglenn.

Standley Lake receives water mainly through three irrigation ditches—the Farmers High Line Canal, the Croke Canal, and the Church Ditch—that divert water from Clear Creek near Golden. In addition, water from Coal Creek rights and water from the West Slope delivered through Denver Water’s Moffat Tunnel system are both diverted into the City’s Kinnear Ditch Pipeline and sent to Standley Lake. Additional water is delivered to the City’s storage in Standley Lake through water rights exchanges involving the City’s ownership of shares in the Kershaw and Manhart ditches, Jim Baker Reservoir and storage in West Gravel Lakes. The City’s water supply system is shown in the attached map.

CURRENT WATER SUPPLY CONDITIONS

Westminster’s raw water supply is currently in good shape. The City’s storage in Standley Lake is at approximately 24,500 acre feet, or 110 percent of its entitlement. Standley Lake, as a whole, is approximately 85 percent full. Westminster has an additional 800 acre feet stored in Jim Baker Reservoir and 900 acre feet in the West Gravel Lakes that will be used this season for water exchanges to bring the maximum amount of water to Standley, where it will feed the City’s municipal supply system.

Although dry conditions have been prevalent this winter in the lower elevations, the snow pack in the Clear Creek watershed has been slightly above normal. The South Platte River Basin is reporting 91 percent of average snowpack (measured as snow water equivalent) overall. Snowpack within the Clear Creek basin, however, is more promising at 115 percent of average (April 10, 2009 data). The Natural Resource Conservation Service (NRCS) National Water and Climate Center uses snowpack and other data to model statistical forecasts of streamflow. Their model is forecasting a good likelihood of runoff being above average for Clear Creek at Golden.

Snowpack in Colorado varies both in time, year-to-year and in place due to storm tracks and atmospheric circulation patterns. In general, the majority of the snowpack that feeds municipal and agricultural water supplies falls after February 1, and Clear Creek Basin generally receives the majority of its annual snowfall during the months of March and April. Experience has shown that the difference between a very wet and a very dry year may come down to the presence or absence of just a few major storm systems. Therefore, Staff continues to closely monitor the snowpack and streamflow throughout these late winter and spring months in order to efficiently manage its raw water operations throughout the year.

PLANS FOR THIS YEAR’S WATER SUPPLY

Due to the seniority of Westminster’s water rights on Clear Creek, even a moderately dry year can be sufficient to fill the City’s account in Standley Lake. If current conditions continue, Staff anticipates that Westminster’s storage in Standley Lake will be more than adequate in the coming year and does not anticipate any water use restrictions for the City in 2009. Also, it is important to remember that

the City has water in excess of its current needs due, in part, to the fact that the City has not yet fully grown into its water supply.

As an aside, although Westminster's water supply is currently strong, it is important to remember that the Colorado Front Range is a high desert environment and the climate and weather are characterized by variability. High temperatures, high winds, high solar radiation, low humidity and low annual rainfall contribute to an environment where *water conservation will always be prudent*.

Securing and developing a long-term water supply is a key component of City Council's goal of Financially Sustainable City Government Providing Exceptional Services. Monitoring and tracking the City's source water is important to providing affordable, safe and clean drinking water to the citizens.

Staff will be in attendance on Monday night with a brief presentation.

Respectfully submitted,

J. Brent McFall
City Manager

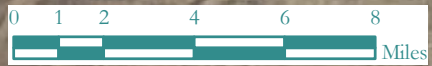
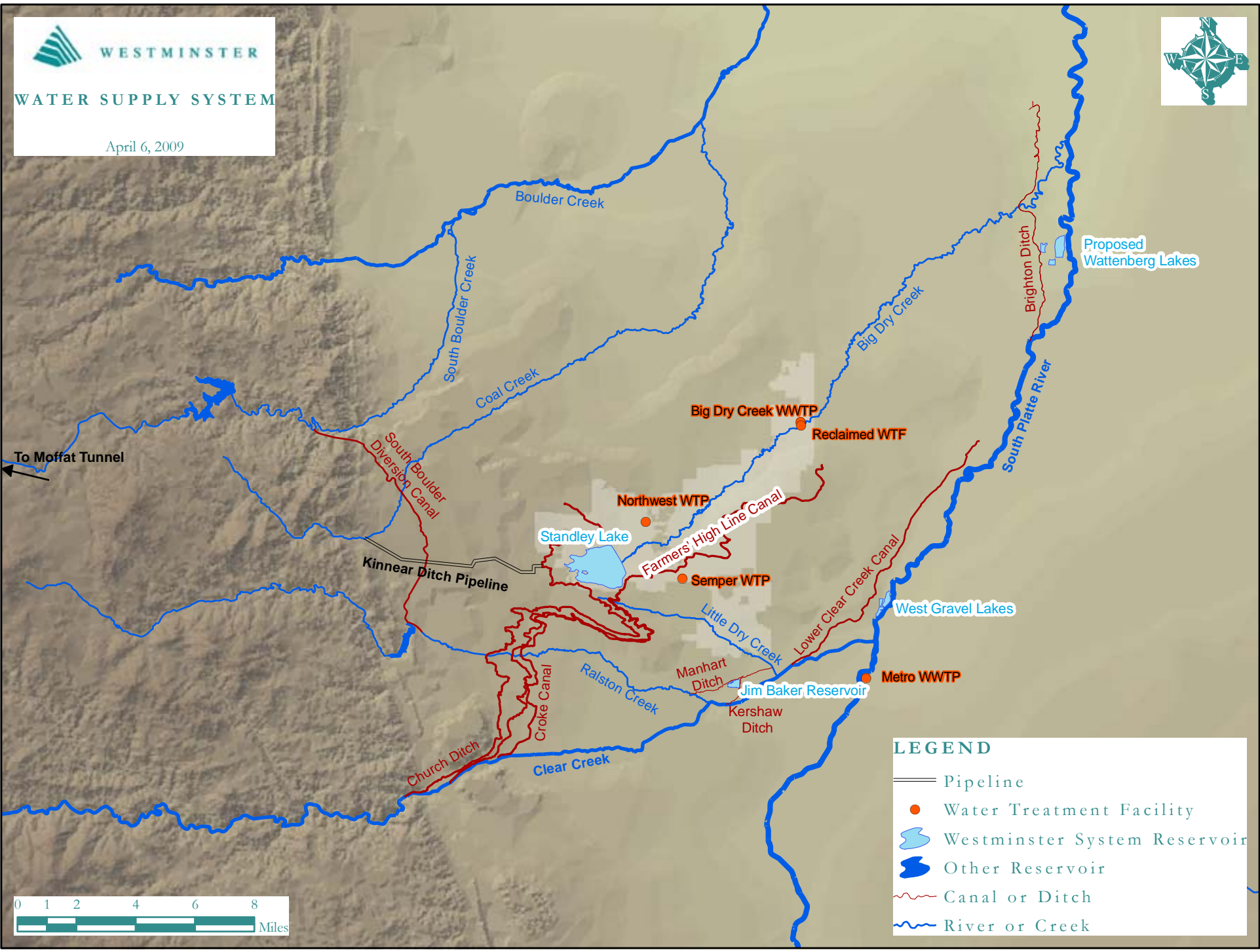
Attachment - Map



WESTMINSTER

WATER SUPPLY SYSTEM

April 6, 2009



LEGEND

- Pipeline
- Water Treatment Facility
- Westminster System Reservoir
- Other Reservoir
- Canal or Ditch
- River or Creek



W E S T M I N S T E R

Staff Report

Information Only Staff Report
April 20, 2009



SUBJECT: 2009 1st Quarter City Council Expenditure Report

PREPARED BY: Barbara Opie, Budget & Special Projects Manager
Aric Otzelberger, Management Analyst

Summary Statement:

- This report is for City Council information only and requires no action by City Council.
- The attached document is a listing of all 2009 City Council posted expenditures from January 1 through March 31, 2009.
- In addition, based on City Council's direction at the April 6 Study Session, Staff has identified \$29,425 in reductions to the City Council 2009 Budget; these reductions are outlined in the Background Section of this Staff Report. This equates to a reduction of approximately 13.8% to City Council's 2009 Budget.

Background Information

The following report is a listing of City Council expenditures by each account for January 1 through March 31 as posted by April 3, 2009. As of March 31, 2009, 25% of the year elapsed and Council spent approximately 16.5%, or \$35,259 of its budget. City Council's total adopted budget for 2009 is \$213,244. This report does not reflect expenditures related to the March National League of Cities event, as those expenditures have not yet been processed and posted to City Council's career development account. Those expenditures will be reflected in City Council's Expenditure Report for the 2nd Quarter.

Per City Council's direction at the Study Session meeting on April 6, Staff has prepared a list of operating budget reductions to City Council's meeting expense, career development, and other contractual service accounts. Based on Council's direction, the following changes totaling \$29,425 will be made to City Council's 2009 Budget unless otherwise instructed; these funds will be moved into a Budget Hold account from which funds may not be expended:

- Meeting Expense – Elimination of the Boards and Commissions gift certificates provided to members at year-end as a small thank you for serving the City of Westminster. The amount budgeted for the Boards and Commissions for their brunch/Strategic Planning Discussion and gift certificates totals \$5,150. Of this amount, approximately \$1,375 was spent for the Strategic Planning Discussion held April 1, which includes the cost of the meal as well as the facilitator's fee. Based on Council direction, staff will freeze the balance of \$3,775 that would have been utilized towards gift certificates later this year.
- Career Development – A total reduction of \$20,250 in out-of-state travel. This total is due to savings of \$5,200 from two Councillors not attending the March National League of Cities (NLC) Legislative Conference in Washington, DC. In addition, per Council's direction, eliminate the November NLC Congress of Cities conference in San Antonio, Texas, saving the total budgeted amount of \$15,050 for that conference.
- Other Contractual Service – A total reduction of \$5,400 due to elimination of funding community groups that request funding from the City Council for more than one fundraising activity. This includes the following groups and events:
 - Adams County School District 50 Foundation – eliminate the foundation's annual golf tournament (\$600) but continue to fund the Recreation for Education/Water World tickets (\$1,500)
 - Westminster Rotary Foundation – eliminate one of the two club's sponsorships (Noon Club and the 7:10 Club), each funded at \$2,500
 - Adams County School District 12 Foundation – eliminate the golf tournament sponsorship (\$500) but continue to fund the Five Star Gala banquet (\$1,300)
 - Westminster Public Safety Recognition Foundation – eliminate the golf tournament sponsorship (\$400) but continue to sponsor the annual banquet (\$1,000)
 - Community Reach – eliminate the Mary Cianco/Community Reach golf tournament (\$650) funded through City Council's budget but continue program sponsorship through the Human Services Board funding (in 2009, Community Reach Center was funded at \$12,000 through the HSB)
 - Senior Hub – eliminate the golf tournament sponsorship (\$150) funded through City Council's budget but continue program sponsorship through the Human Services Board funding (in 2009, the Senior Hub was funded at \$14,000 through the HSB)
 - Children's Outreach – eliminate the golf tournament sponsorship (\$600) funded through City Council's budget but continue program sponsorship through the Human Services Board funding (in 2009, the Children's Outreach was funded at \$13,500 through the HSB)

Two groups that would have fallen under the same category have already received funding in 2009. However, Staff will return with this list for consideration with the mid-year budget review later this summer and will include the following two groups as potential permanent reductions:

- MetroNorth Chamber annual banquet (\$2,200) and golf tournament (\$500)
- Adams County MMCYA (\$500) and Adams County MMCYA banquet (\$500)

If Staff has accurately reflected City Council's desired reductions pursuant to the discussion at the April 6 Study Session above, these reductions to the meeting expense, career development, and other contractual service accounts will be reflected in the next quarter's expenditure report. These reductions would be part of and in addition to the City's overall \$750,000 General Fund operating reductions that are being implemented in order to address the City's projected revenue shortfall in 2009. As outlined for City Council at the April 6 Study Session, City Council's allocation of the \$750,000 is \$3,121 (approximately 1.5% of Council's 2009 Budget) and the amount identified by City Council clearly exceeds that amount.

The budget is a planning tool and represents a best estimate regarding actual expenditures. If you have any questions about items included in this report, please contact Aric Otzelberger at 303-658-2004 or at aotzelbe@cityofwestminster.us.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

1st Quarter 2009 City Council Expenditure Report

SALARIES - MAYOR/COUNCIL (ACCT: 10001010.60800.0000)			
EXPENDITURE	DATE	DESCRIPTION	PAID TO:
2,715.62	1/4/2009	Salaries	Councillors
2,715.62	1/18/2009	Salaries	Councillors
2,715.62	2/1/2009	Salaries	Councillors
2,715.62	2/15/2009	Salaries	Councillors
2,715.62	3/1/2009	Salaries	Councillors
2,715.62	3/15/2009	Salaries	Councillors
2,715.62	3/29/2009	Salaries	Councillors
\$19,009.34	TOTAL		<i>% of total City Council budget</i> 34.56%
\$73,700.00	BUDGET	2009 APPROVED BUDGET	<i>% of account budget expended year-to-date</i> 25.79%
\$54,690.66	BALANCE		

COUNCIL ALLOWANCE (ACCT: 10001010.61100.0000)			
EXPENDITURE	DATE	DESCRIPTION	PAID TO:
728.00	1/4/2009	Council allowances	Councillors
728.00	1/18/2009	Council allowances	Councillors
728.00	2/1/2009	Council allowances	Councillors
728.00	2/15/2009	Council allowances	Councillors
728.00	3/1/2009	Council allowances	Councillors
728.00	3/15/2009	Council allowances	Councillors
728.00	3/29/2009	Council allowances	Councillors
\$5,096.00	TOTAL		<i>% of total City Council budget</i> 8.50%
\$18,116.00	BUDGET	2009 APPROVED BUDGET	<i>% of account budget expended year-to-date</i> 28.13%
\$13,020.00	BALANCE		

MILEAGE REIMBURSEMENT (ACCT: 10001010.61200.0000)			
EXPENDITURE	DATE	DESCRIPTION	PAID TO:
143.10	3/24/2009	Mileage and Parking	Dittman
\$143.10	TOTAL		<i>% of total City Council budget</i> 3.00%
\$6,400.00	BUDGET	2009 APPROVED BUDGET	<i>% of account budget expended year-to-date</i> 2.24%
\$6,256.90	BALANCE		

MEETING EXPENSES (ACCT: 10001010.61400.0000)			
EXPENDITURE	DATE	DESCRIPTION	PAID TO:
115.20	2/11/2009	ADCOG Dinner, 1/28 - McNally, Dittman, Briggs, Major(2)	City of Broomfield
40.00	2/12/2009	Metro North DC Breakfast - Briggs and Kaiser	Metro North Chamber (P-card)
20.00	3/18/2009	Metro North BAH, 3/4 - Briggs, Lindsey, McNally, Kaiser	Paypal (P-card)
60.00	3/18/2009	Metro North Mayor's Roundtable, 4/9 - Briggs, Dittman	Metro North Chamber (P-card)
\$235.20	TOTAL		<i>% of total City Council budget</i> 5.04%
\$10,750.00	BUDGET	2009 APPROVED BUDGET	<i>% of account budget expended year-to-date</i> 2.19%
\$10,514.80	BALANCE		

CAREER DEVELOPMENT (ACCT: 10001010.61800.0000)			
EXPENDITURE	DATE	DESCRIPTION	PAID TO:
50.00	3/4/2009	NLC - WIMG membership renewal - Winter	National League of Cities
-217.50	3/18/2009	Refund of 50% of registration fees for 11/08 NLC conference - Major	City of Westminster
50.00	3/18/2009	ICSC - Dittman 2009 membership renewal	International Council of Shopping Centers
1,273.78	3/19/2009	US 36 Lobbying Trip (Airfare \$443; lodging \$661.82; meals \$158.96; misc. \$10)	McNally
\$1,156.28	TOTAL		<i>% of total City Council budget</i> 18.49%
\$39,425.00	BUDGET	2009 APPROVED BUDGET	<i>% of account budget expended year-to-date</i> 2.93%
\$38,268.72	BALANCE		

TELEPHONE (ACCT: 10001010.66900.0000)			
EXPENDITURE	DATE	DESCRIPTION	PAID TO:
41.06	2/27/2009	Council Blackberry	Verizon Wireless
101.05	2/27/2009	Council Blackberry	Verizon Wireless
41.06	2/27/2009	Council Blackberry	Verizon Wireless
41.06	2/27/2009	Council Blackberry	Verizon Wireless
41.06	2/27/2009	Council Blackberry	Verizon Wireless
41.06	3/18/2009	Council Blackberry	Verizon Wireless
41.06	3/18/2009	Council Blackberry	Verizon Wireless
41.06	3/18/2009	Council Blackberry	Verizon Wireless
41.06	3/18/2009	Council Blackberry	Verizon Wireless
\$429.53	TOTAL		<i>% of total City Council budget</i> 1.66%
\$3,550.00	BUDGET	2009 APPROVED BUDGET	<i>% of account budget expended year-to-date</i> 12.10%
\$3,120.47	BALANCE		

1st Quarter 2009 City Council Expenditure Report

PC REPLACEMENT FEE (ACCT: 10001010.66950.0000)			
EXPENDITURE	DATE	DESCRIPTION	PAID TO:
2,353.00	1/31/2009	Annual PC Replacement Fee for City Council	City of Westminster
\$2,353.00	TOTAL		<i>% of total City Council budget</i> 1.10%
\$2,353.00	BUDGET	2009 APPROVED BUDGET	<i>% of account budget expended year-to-date</i> 100.00%
\$0.00	BALANCE		

SPECIAL PROMOTIONS (ACCT: 10001010.67600.0000)			
EXPENDITURE	DATE	DESCRIPTION	PAID TO:
250.00	3/18/2009	Jefferson Economic Council Industry Awards Breakfast - McNally, Dittman, Briggs, Kaiser, Lindsey	Jefferson Economic Council
\$250.00	TOTAL		<i>% of total City Council budget</i> 1.50%
\$3,200.00	BUDGET	2009 APPROVED BUDGET	<i>% of account budget expended year-to-date</i> 7.81%
\$2,950.00	BALANCE		

OTHER CONTRACTUAL SERVICE (ACCT: 10001010.67800.0000)			
EXPENDITURE	DATE	DESCRIPTION	PAID TO:
500.00	1/29/2009	2009 MMCYA Sponsorship	Adams County
500.00	1/29/2009	2009 MMCYA Banquet Sponsorship	Adams County
600.00	1/29/2009	After Prom Sponsorship	Standley Lake High School
500.00	2/5/2009	Brothers Redevelopment Annual Paint-a-Thon Sponsorship	Brothers Redevelopment
200.00	2/5/2009	After Prom Sponsorship	Jefferson Academy
600.00	2/5/2009	2009 Golf Tournament Sponsorship	Children's Outreach Theatre
500.00	2/11/2009	Westminster HS After Prom Sponsorship	Adams 50 Schools
2,075.00	2/18/2009	2009 Metro North Annual Gala sponsorship - 2/1	City of Westminster
500.00	3/4/2009	2009 Metro North Chamber Golf Tournament Sponsorship	Metro North Chamber
3.38	3/18/2009	MMYCA reception - supplies	Party America
\$5,978.38	TOTAL		<i>% of total City Council budget</i> 21.69%
\$46,250.00	BUDGET	2009 APPROVED BUDGET	<i>% of account budget expended year-to-date</i> 12.93%
\$40,271.62	BALANCE		

SUPPLIES (ACCT: 10001010.70200.0000)			
EXPENDITURE	DATE	DESCRIPTION	PAID TO:
52.65	2/19/2009	Council dinner supplies	Costco
17.48	3/18/2009	Council dinner supplies i.e. cookies and salad dressing	Safeway
\$52.65	TOTAL		<i>% of total City Council budget</i> 2.34%
\$5,000.00	BUDGET	2009 APPROVED BUDGET	<i>% of account budget expended year-to-date</i> 1.05%
\$4,947.35	BALANCE		

FOOD (ACCT: 10001010.70400.0000)			
EXPENDITURE	DATE	DESCRIPTION	PAID TO:
79.20	2/5/2009	Council Pop	Vend-One
21.12	2/23/2009	Cookies-MMCYA Reception	Petty Cash to Phil Jones
60.96	2/27/2009	Council dinner	Black Jack Pizza
80.00	2/27/2009	Council dinner	Sweet Tomatoes
53.00	2/27/2009	Council dinner	Li's Chinese
47.70	2/27/2009	Council dinner	Papa J's Restaurant
26.40	3/5/2009	Council Pop	Vend-One
73.77	3/18/2009	Council dinner	Black Jack Pizza
40.00	3/18/2009	Council dinner	Wishbone Restaurant
73.41	3/18/2009	Council dinner	Los Lagos
\$555.56	TOTAL		<i>% of total City Council budget</i> 2.11%
\$4,500.00	BUDGET	2009 APPROVED BUDGET	<i>% of account budget expended year-to-date</i> 12.35%
\$3,944.44	BALANCE		

\$213,244.00	TOTAL 2009 CITY COUNCIL BUDGET
-\$35,259.04	TOTAL 2009 CITY COUNCIL EXPENDITURES
\$177,984.96	BALANCE
16.53%	PERCENT OF BUDGET EXPENDED YTD



Staff Report

Information Only Staff Report
April 20, 2009



SUBJECT: Monthly Residential Development Report

PREPARED BY: Walter G. Patrick, Planner I

Summary Statement:

This report is for City Council information only and requires no action by City Council.

- The following report updates 2009 residential development activity per subdivision (please see attachment) and compares 2009 year-to-date (March) totals with 2008 year-to-date (March) figures.
- The table below shows an overall decrease (-83.3%) in new residential construction for 2009 year-to-date when compared to 2008 year-to-date totals.
- Residential development activity in March 2009 reflects decreases in single-family detached (6 versus 11 in 2008) and single-family attached (0 versus 12 in 2008), and no change in multi-family or senior housing development when compared to the March totals in 2008 (0 for both years).

NEW RESIDENTIAL UNITS (2008 AND 2009)

UNIT TYPE	MARCH		% CHG.	YEAR-TO-DATE		% CHG.
	2008	2009		2008	2009	
Single-Family Detached	11	6	-45.5	22	7	-68.2
Single-Family Attached	12	0	-100.0	20	0	-100.0
Multiple-Family	0	0	0.0	0	0	0.0
Senior Housing	0	0	0.0	0	0	0.0
TOTAL	23	6	-73.9	42	7	-83.3

Background Information

In March 2009, service commitments were issued for 6 new housing units within the subdivisions listed on the attached table.

The column labeled “# Rem.” on the attached table shows the number of approved units remaining to be built in each subdivision.

Total numbers in this column increase as new residential projects (awarded service commitments in the new residential competitions), Legacy Ridge projects, build-out developments, etc. receive Official Development Plan (ODP) approval and are added to the list.

Respectfully submitted,

J. Brent McFall
City Manager

Attachment

ACTIVE RESIDENTIAL DEVELOPMENT

<u>Single-Family Detached Projects:</u>	Feb-09	Mar-09	2008 YTD	2009 YTD	# Rem.*	2008 Total
Bradburn (120th & Tennyson)	1	2	1	4	58	17
CedarBridge (111th & Bryant)	0	0	0	0	4	1
Country Club Highlands (120th & Zuni)	0	0	0	0	99	2
Countryside Vista (105th & Simms)	0	0	0	0	9	0
Huntington Trails (144th & Huron)	0	2	6	2	129	15
Hyland Village (96th & Sheridan)	0	0	1	0	107	4
Legacy Ridge West (104th & Leg. Ridge Pky.)	0	1	0	0	5	1
Lexington (140th & Huron)	0	0	0	0	4	0
Meadow View (107th & Simms)	0	0	0	0	2	2
Park Place (95th & Westminster Blvd.)	0	0	1	0	40	7
Ranch Reserve (114th & Federal)	0	0	1	0	0	2
Savory Farm Estates (109th & Federal Blvd.)	0	0	0	0	24	0
South Westminster (Shoenberg Farms)	0	0	1	0	47	5
Various Infill	0	1	0	1	6	2
Winters Property (111th & Wads. Blvd.)	0	0	0	0	8	0
Winters Property South (110th & Wads. Blvd.)	0	0	0	0	10	0
<i>SUBTOTAL</i>	<i>1</i>	<i>6</i>	<i>11</i>	<i>7</i>	<i>552</i>	<i>58</i>
<u>Single-Family Attached Projects:</u>						
Alpine Vista (88th & Lowell)	0	0	0	0	84	0
Bradburn (120th & Tennyson)	0	0	2	0	0	4
CedarBridge (111th & Bryant)	0	0	0	0	0	0
Cottonwood Village (88th & Federal)	0	0	0	0	62	0
East Bradburn (120th & Lowell)	0	0	0	0	117	0
Eliot Street Duplexes (104th & Eliot)	0	0	0	0	10	0
Highlands at Westbury (112th & Pecos)	0	0	0	0	18	12
Hollypark (96th & Federal)	0	0	0	0	20	0
Hyland Village (96th & Sheridan)	0	0	6	0	153	12
Legacy Village (113th & Sheridan)	0	0	0	0	62	0
South Westminster (East Bay)	0	0	0	0	58	6
South Westminster (Shoenberg Farms)	0	0	0	0	54	0
Summit Pointe (W. of Zuni at 82nd Pl.)	0	0	0	0	58	0
Sunstream (93rd & Lark Bunting)	0	0	0	0	18	0
<i>SUBTOTAL</i>	<i>0</i>	<i>0</i>	<i>8</i>	<i>0</i>	<i>714</i>	<i>34</i>
<u>Multiple-Family Projects:</u>						
Bradburn (120th & Tennyson)	0	0	0	0	233	0
Hyland Village (96th & Sheridan)	0	0	0	0	54	0
Mountain Vista Village (87th & Yukon)	0	0	0	0	144	0
Prospector's Point (87th & Decatur)	0	0	0	0	24	0
South Westminster (East Bay)	0	0	0	0	29	0
South Westminster (Harris Park Sites I-IV)	0	0	0	0	12	0
<i>SUBTOTAL</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>496</i>	<i>0</i>
<u>Senior Housing Projects:</u>						
Covenant Retirement Village	0	0	0	0	0	0
Crystal Lakes (San Marino)	0	0	0	0	7	0
Legacy Ridge (112th & Federal)	0	0	0	0	168	0
<i>SUBTOTAL</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>175</i>	<i>0</i>
TOTAL (all housing types)	1	6	19	7	1937	92

* This column refers to the number of approved units remaining to be built in each subdivision.

City of Westminster City Council Study Session Notes
April 6, 2009

Mayor Nancy McNally called the Study Session to order at 6:35 PM. All Councillors were in attendance.

City Staff in attendance included: City Manager Brent McFall; Assistant City Manager Steve Smithers; Assistant City Attorney Jeff Betz; Deputy City Manager Matt Lutkus; Budget and Special Projects Manager Barbara Opie; City Engineer Dave Downing; Assistant City Engineer Steve Baumann; Community Development Director John Carpenter; Senior Public Information Specialist Joe Reid; Management Analyst Phil Jones and Management Analyst Aric Otzelberger.

The guest in attendance was Danny Tomlinson with Tomlinson and Associates.

Legislative Update

Danny Tomlinson, the City of Westminster's contract lobbyist, was present to provide a status update to City Council on pending bills and other legislative activities at the State Capitol. Mr. Tomlinson briefed City Council on recent actions related to several bills of interest, including HB 1327 (Urban Renewal), SB 180 (Collective Bargaining for Public Safety Employees) and SB 85 (Business Personal Property Tax Exemption). The City of Westminster has taken Official City Positions to oppose these three bills. In addition to the bill update, Mr. Tomlinson discussed the State of Colorado's budget process and the State's current financial challenges. This legislative update was informational in nature and no action was necessary by City Council.

Proposed Expansion of City and County of Broomfield Detention Facility

Community Development Director John Carpenter was present to provide City Council with a brief update on the City and County of Broomfield's planned detention facility expansion. The current facility is designed to hold 80 prisoners and the proposed expansion would accommodate 140 prisoners. On March 4, Broomfield hosted a public meeting on the project and invited Westminster residents in the vicinity of the detention facility to that meeting. Three residents attended that meeting. City Council expressed gratitude to the City and County of Broomfield for holding the public meeting and for keeping Westminster residents informed on the project. City Council did not express any specific concerns with the proposed expansion.

2009 Financial and Budget Update

City Manager Brent McFall, Assistant City Manager Steve Smithers and Budget and Special Projects Manager Barbara Opie presented a financial update to City Council. Staff presented economic data along with sales and use tax revenue figures for the City for 2008 and for the first quarter of 2009. Staff also highlighted the specific actions that the City has taken to date address the City's current projected \$12.5 million revenue shortfall for 2009 and 2010. In addition, Staff discussed the current economic uncertainty that exists and the possibility of an additional revenue shortfall of \$3.4 million for 2009 and 2010. In the event of this additional shortfall, Staff highlighted potential actions that might be considered to reduce expenditures in order to meet the potential additional shortfall. Finally, Staff asked Council for direction on possible expenditure reductions to City Council's operating budget for 2009. City Council expressed support for reducing expenditures in the City Council operating budget and discussed potential reductions for travel, conferences and sponsorships. Based on City Council's direction, Staff will prepare a list of potential expenditure reductions for City Council's budget for 2009 and will present this list for Council's consideration.

Mayor McNally adjourned the Study Session at 8:25 PM.