



## CITY COUNCIL AGENDA

**NOTICE TO READERS:** City Council meeting packets are prepared several days prior to the meetings. Timely action and short discussion on agenda items is reflective of Council's prior review of each issue with time, thought and analysis given. **Members of the audience are invited to speak at the Council meeting. Citizen Communication (item 7) and Citizen Presentations (item 12) are reserved for comments on items not contained on the printed agenda.**

1. **Pledge of Allegiance**
2. **Roll Call**
3. **Consideration of Minutes of Preceding Meetings**
4. **Report of City Officials**
  - A. City Manager's Report
5. **City Council Comments**
6. **Presentations**
  - A. Proclamation re Virginia Rigg's 100<sup>th</sup> Birthday
- 7 **Citizen Communication (5 minutes or less)**

**The "Consent Agenda" is a group of routine matters to be acted on with a single motion and vote. The Mayor will ask if any 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. Financial Report for May 2004
  - B. Engineering Design Contract - West 112th Avenue, Ranch Reserve Parkway to Huron Street Project
  - C. Engineering Design Contract - West 144<sup>th</sup> Avenue and I-25 Interchange Project
  - D. 68<sup>th</sup> Avenue and Federal Boulevard Sewer Line Repair Project
  - E. Addendum to City Manager's Employment Agreement
  - F. Extension of Banking Services Agreement with US Bank, N.A.
  - G. Purchase of Disposable Medical Supplies
  - H. Purchase of Gasoline and Diesel Fuel for City Vehicles
  - I. Swim & Fitness Center Boiler Replacement Contract Award
  - K. CB No. 35 annexing I-25/144<sup>th</sup> Avenue Right-of-Way (Dittman-Hicks)
  - L. CB No. 36 re 2004 Update of the Comprehensive Land Use Plan (Dittman-McNally)
  - M. CB No. 37 re 2004 CBDG Fund Appropriation (Dixon-Dittman)
  - N. CB No. 38 re 2004 Budget Supplemental Appropriation (Price-McNally)
  - O. CB No. 39 re Emergency Management Program Grant (Dittman-Dixon)
  - P. CB No. 40 re Supplemental Appropriation of BDC Watershed Grant Funds (Price-McNally)
  - Q. CB No. 41 re Filling Vacancy in Offices of Mayor and Councillor (Dittman-Dixon)

9. **Appointments and Resignations**

- A. Acceptance of Mayor Ed Moss' resignation effective July 6th

10. **Public Hearings and Other New Business**

- A. Public Hearing re Westminster Landscape Regulations 2004
- B. Councillor's Bill No. 42 re Westminster Landscape Regulations 2004
- C. Councillor's Bill No. 43 re Appropriation of FY2003 Carryover Funds Into FY2004
- D. Construction Contracts - Huron Street Improvements, 128<sup>th</sup> Avenue to 140<sup>th</sup> Avenue
- E. Councillor's Bill No. 44 re Vacation of Easement within Apple Blossom Lane Subdivision
- F. Councillor's Bill No. 45 re 2002 Code modifications re non-potable water system
- G. Resolution No. 40 re Reclaimed System Analyst and reclassification of Capital Projects Coordinator
- H. Councillor's Bill No. 46 re Continuous Municipal Service Requirements for Certain Firefighters
- I. 2003 Comprehensive Annual Financial Report
- J. Total Enterprise Asset Management and Building Division Operating Software Recommendation

11. **Business and Passage of Ordinances on Second Reading**

12. **Citizen Presentations (longer than 5 minutes) and Miscellaneous Business**

- A. City Council
- B. Executive Session

13. **Adjournment**

**GENERAL PUBLIC HEARING PROCEDURES ON NON-LAND USE MATTERS:**

Persons wishing to speak other than the applicant will be required to fill out a “Request to Speak or Request to Have Name Entered Into the Record” form indicating whether they wish to comment during the public hearing or would like to have their name recorded as having an opinion on the public hearing issue, may do so whether in favor or opposed. No specified order of those in favor or in opposition will be used. (Amended Res 45, 2000)

The presiding officer shall conduct the hearing in such manner as to provide for freedom of speech and expression of opinion of all persons speaking, subject only to the limits of courtesy and respect to other persons and their opinion as long as the subject is related to the public hearing notwithstanding the presiding officer has the authority to limit debate to a reasonable length of time to be equal for both positions.

Any person speaking may be questioned by members of Council or by the City Administration.

The presiding officer shall rule upon all disputed matters of procedure, unless, on motion duly made, he is overruled by a majority vote of Council members present. (Res. 39, 1984, 84, 1997)

CITY OF WESTMINSTER, COLORADO  
MINUTES OF THE CITY COUNCIL MEETING  
HELD ON MONDAY, JUNE 28, 2004 AT 7:00 P.M.

PLEDGE OF ALLEGIANCE

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

ROLL CALL

Mayor Moss, Mayor Pro-Tem McNally, Councillors Dittman, Dixon, Hicks, Kauffman and Price were present at roll call. J. Brent McFall, City Manager; Martin McCullough, City Attorney; and Michele Kelley, City Clerk, were also present. Absent none.

CONSIDERATION OF MINUTES

Councillor Dixon moved, seconded by Dittman to approve the minutes of the meeting of June 14, 2004 with no corrections or additions. The motion carried unanimously.

CITY MANAGER COMMENTS

Brent McFall, City Manager, commented on bicycle helmets saving lives. He also commented on the resignation of Ed Moss as Mayor and he welcomed Nancy McNally as the new Mayor.

CITY COUNCIL COMMENTS

Councillor Kauffman, Councillor Hicks and Councillor Dittman made parting comments to Mayor Moss.

Councillor Dixon commented on the great CML conference held in Steamboat Springs.

Mayor Pro-Tem McNally congratulated Tim Kauffman on his election to the CML Board.

Councillor Dittman commented on how well respected the City of Westminster is at the National League of Cities Association and Colorado Municipal League.

Councillor Hicks commented on the class conducted by Mary Ann Parrot at the CML Conference.

PROCLAMATION RECOGNIZING VIRGINIA RIGG'S 100<sup>TH</sup> BIRTHDAY

Mayor Moss presented a proclamation to Virginia Riggs, who will be celebrating her 100<sup>th</sup> birthday on July 2nd, and extend Westminster's congratulations and best wishes. Virginia and other family members were present.

CITIZEN COMMUNICATION

Bob June, 7500 Wilson Court addressed Council regarding the Fastracks rail service that is proposed and the where the stops in Westminster will be located.

Richard Uchida, 13240 Tejon Street addressed Council regarding drainage issues and split rail fence repair needed in the Amhurst Development, located between 132<sup>nd</sup> Avenue and 136<sup>th</sup> Avenue from Osage to Shoshone Streets.

### CONSENT AGENDA

The following items were considered as part of the consent agenda: Financial Report for May 2004; Engineering Design Contract - West 112th Avenue, Ranch Reserve Parkway to Huron Street Project with JR Engineering not to exceed \$133,600; Engineering Design Contract - West 144<sup>th</sup> Avenue and I-25 Interchange Project with Felsburg, Holt & Ullevig not to exceed \$999,629; 68<sup>th</sup> Avenue and Federal Boulevard Sewer Line Repair Project with Wildcat Civil Services not to exceed \$100,000; Addendum to City Manager's Employment Agreement; Extension of Banking Services Agreement with US Bank, N.A.; Purchase of Disposable Medical Supplies with BoundTree Medical and Tri-Anim Medical Products not to exceed \$78,566; Purchase of Gasoline and Diesel Fuel for City Vehicles with Gray Oil not to exceed \$223,050; Swim & Fitness Center Boiler Replacement Contract Award with American Mechanical for \$105,000; CB No. 35 annexing I-25/144<sup>th</sup> Avenue Right-of-Way; CB No. 36 re 2004 Update of the Comprehensive Land Use Plan; CB No. 37 re 2004 CBDG Fund Appropriation; CB No. 38 re 2004 Budget Supplemental Appropriation; CB No. 39 re Emergency Management Program Grant; CB No. 40 re Supplemental Appropriation of BDC Watershed Grant Funds; and CB No. 41 re Filling Vacancy in Offices of Mayor and Councillor.

Mayor Moss 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. There was no request.

Mayor Pro Tem McNally moved, seconded by Councillor Dittman to adopt the consent agenda items as presented. The motion carried unanimously.

### MAYOR MOSS' RESIGNATION

Councillor Dittman moved, seconded by Dixon to accept Mayor Ed Moss' resignation effective July 6, 2004. The motion carried unanimously.

### PUBLIC HEARING RE LANDSCAPE REGULATIONS

At 8:02 p.m. the public hearing was opened on the City of Westminster Landscape Regulations 2004. Terri Hamilton of the Planning Division gave a power point presentation and entered a copy of the Agenda Memorandum and other related items into the record. Karen Holbert, representative of Village Homes, and J.J. Martinez, Representing the Home Builders Association of Metropolitan Denver spoke in favor, and a letter from HBA dated June 28, 2004 was entered into the record. The public hearing was declared closed at 8:38 p.m.

### COUNCILLOR'S BILL NO. 42 RE 2004 LANDSCAPE REGULATIONS

Councillor Dittman moved, seconded by Dixon to pass Councillor's Bill No. 42 on first reading adopting the City of Westminster Landscape Regulations, 2004; and amending Title XI, Chapter 5, Section 12, Application Format and Content for Landscape and Irrigation Drawings and Private Improvements Agreement; and amending Title XI, Chapter 6, Section 5 (E), Construction of Improvements; and amending Title XI, Chapter 7, Section 5, Provisions for the Requirement of Landscaping; and amending Title XI, Chapter 12, Section 7 (C), Landscaping. Upon roll call vote, the motion carried unanimously.

### COUNCILLOR'S BILL NO. 43 APPROPRIATION OF FY2003 CARRYOVER FUNDS INTO FY2004

Councillor Kauffman moved, seconded by McNally to pass Councillor's Bill No. 43 as an emergency ordinance, appropriating FY2003 carryover funds into the FY2004 budgets of the General, Fleet, General Capital Improvement, Utility, Conservation Trust and Open Space Funds, and appropriating land sale proceeds received in FY2004.

Marty McCullough, City Attorney, suggested the following clause be included within the ordinance: Because a portion of the moneys allocated within this ordinance are needed to meet certain obligations that must be satisfied immediately, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on June 28, 2004, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem. The maker and second approved of the amendment to the ordinance. Upon roll call vote, the motion carried unanimously.

CONSTRUCTION CONTRACTS AWARD-HURON ST IMPROVEMENTS 128<sup>TH</sup> AVE-140<sup>TH</sup> AVE

Councillor Price moved, seconded by Hicks to award a contract for the construction of the Huron Street Improvements from 128<sup>th</sup> to 140<sup>th</sup> Avenue to the low bidder, Hamon Contractors, Inc in the amount of \$9,485,016; based on a report of the City Manager, find that the public interest is best served by accepting a negotiated proposal, and award a contract for construction engineering services with Felsburg, Holt and Ullevig in an amount not to exceed \$850,000; authorize a contingency for construction of \$950,000, and charge the total to the appropriate Capital and Utility Fund project accounts. The motion carried unanimously.

COUNCILLOR'S BILL NO. 44 RE VACATION OF EASEMENT APPLE BLOSSOM SUBDIVISION

Councillor Hicks moved, seconded by Price pass Councillor's Bill No. 44 on first reading, vacating a certain easement for Lot 36, Block 10 that was recorded on the plat for Apple Blossom Lane Subdivision per File No. 10, Map 156, and Reception No. 456049 in the County of Adams. The motion carried unanimously.

COUNCILLOR'S BILL NO. 45 RE CODE MODIFICATION FOR NON-POTABLE WATER SYSTEM

Councillor Dixon moved, seconded by McNally to pass Councillor's Bill No. 45 on first reading implementing the 2002 modifications to the City Code regarding the non-potable water system. Councillor Hicks requested to add **reclaimed** wherever non-potable appears within the ordinance. After discussion it was determined that Staff would review this amendment prior to second reading. Upon roll call vote, the motion carried unanimously.

RESOLUTION NO. 40 RE PUBLIC WORKS STAFFING ADDITION AND RECLASSIFICATION

Councillor Dixon moved, seconded by Dittman to adopt Resolution No. 40 approving the addition of one full-time Reclaimed System Analyst and the reclassification of one full time Capital Projects Coordinator position in the Administration division of Public Works and Utilities (PWU) to Reclaimed System Coordinator in the Water Resources and Treatment Division in the 2004 amended pay plan to support non-potable water system development and administration. Upon roll call vote, the motion carried unanimously.

COUNCILLOR'S BILL NO. 46 RE CONTINUOUS SERVICE REQUIREMENTS FIREFIGHTERS

Mayor Pro-Tem McNally moved, seconded by Hicks to pass Councillor's Bill No. 46 regarding an exception to Code provisions on continuous municipal service for certain firefighters as an emergency ordinance. Upon roll call vote, the motion carried unanimously.

2003 COMPREHENSIVE ANNUAL FINANCIAL REPORT

Councillor Dittman moved, seconded by Price accept the 2003 Comprehensive Annual Financial Report (CAFR). The motion carried unanimously.

TEAM AND BUILDING DIVISION OPERATING SOFTWARE RECOMMENDATION

Councillor Price moved, seconded by Dixon to authorize the City Manager to sign contract agreements for purchasing a Total Enterprise Asset Management System and Building Division Operating Software Program with Accela, Inc., in the amount of \$507,024; authorize a \$60,706 contingency amount; and authorize expending \$57,270 to purchase the necessary computer hardware for both software systems. Charge the expenses to the appropriate utility fund and general fund capital improvement budget accounts. The motion carried unanimously.

ADJOURNMENT:

The meeting was adjourned at 8:55 P.M.

ATTEST:

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

\_\_\_\_\_  
Mayor



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 28, 2004

**SUBJECT:** Proclamation re Virginia Rigg's 100<sup>th</sup> Birthday

**Prepared By:** Michele Kelley, City Clerk

**Recommended City Council Action**

City Council present a proclamation to Virginia Rigg, who will be celebrating her 100<sup>th</sup> birthday on July 2nd, and extend Westminster's congratulations and best wishes.

**Summary Statement**

- City Council is requested to present a Proclamation to Virginia Rigg, who was a Westminster resident for a major portion of her life, beginning in 1906 , at the age of 2 when her family move to a little white house at the corner of Lowell Boulevard and 72<sup>nd</sup> Avenue.
- Virginia's mother designed their home that was built in 1906 at 76<sup>th</sup> Avenue and Bradburn Boulevard.
- Virginia launched her teaching career from this home at 76<sup>th</sup> & Bradburn Boulevard beginning in 1918.
- Virginia taught at the Wolcott School, Colorado Women's College, Denver Academy of Music, Lamont School of Music, retiring as an Associate Professor of Music at the University of Denver in 1960.
- Virginia Rigg, members of the Westminster Historical Society and members of Virginia Rigg's family will all be present Monday evening.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**Policy Issue**

There are no policy issues identified.

**Alternative**

None identified.

**Background Information**

Virgina Rigg's parents settled in Westminster in 1906 and built their home at 7600 Bradburn Boulevard.

Her father, Samuel Rigg was appointed by Colorado Governor William E. Sweet to fill a vacancy as an Adams County Commissioner.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



WHEREAS, Virginia Rigg was born in a company house at the Union Stockyards on July 2, 1904; and

WHEREAS, Virginia, along with her parents, Samuel and Alma moved to Westminster in 1906, with her older brother and sister when Virginia was two years old; and

WHEREAS, It is indeed significant when one of our citizens has the unique perspective of viewing our community for a century. Within that century, great changes have taken place on the streets of Westminster. Gone are the dirt roads, the horse and buggies, the one room school house, the farms and the orchards which were such a hallmark of the original DeSpain Junction. Today Westminster is a modern vibrant city and Virginia has been here for the entire transformation; and

WHEREAS, Virginia's mother was a piano teacher whose students resided throughout the Denver/Westminster area making her mother a familiar site, traveling in her horse and buggy from house to house; and

WHEREAS, Virginia Rigg is an esteemed former citizen of the City of Westminster, whose contribution to the musical heritage of our City is profound; and

WHEREAS, Virginia Rigg has been a teacher of piano for eighty-six years, privately and at the Wolcott School, Colorado Women's College, Denver Academy of Music, the Lamont School of Music and the University of Denver, retiring as an Associate Professor of Music in 1960; and

WHEREAS, Virginia's father, Samuel Rodem Rigg, served as an Adams County Commissioner from 1925 until his death in 1929; and

WHEREAS, Virginia's mother, Alma Ruffner Rigg, lived to the age of 106 and was a respected piano teacher, author and advocate of women's suffrage; and

WHEREAS, Virginia continues to teach piano to this day. Her impact upon the music and cultural growth of the Westminster and Denver region has been substantial leaving us all the recipients of this legacy.

NOW THEREFORE, I, Ed Moss, Mayor of the City of Westminster, on behalf of the entire City Council and Staff, do hereby congratulate Virginia Rigg on her upcoming 100<sup>th</sup> birthday.

Signed this 28<sup>th</sup> day of June, 2004.

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Ed Moss, Mayor



## WESTMINSTER COLORADO

### Agenda Memorandum

City Council Meeting  
June 28, 2004



**SUBJECT:** Financial Report for May 2004

**Prepared By:** Mary Ann Parrot, Finance Director

### Recommended City Council Action

Accept the Financial Report for May 2004 as presented.

### Summary Statement

City Council is requested to review and accept the attached monthly financial statement and monthly revenue report. The Shopping Center Report is also attached to this monthly financial report.

- Across all shopping centers, total sales & use tax receipts are down 1% over the one-month period of May 2003. In April this figure was positive 9%. This is due primarily to a slowdown in revenues reported by 10 of the 25 shopping centers, which showed declines when comparing May 2004 to May 2003. While total sales tax revenues continued to grow, it was at a slower pace than seen last month.
- The Westminster Mall is up 2% for May, compared to May of last year. Last month this figure was positive 7%. Year-to-date the Mall is down 4%; last month this figure was down 5%.
- Public Safety Tax receipts for the month of May were \$772,247; last month this figure was \$871,755. This is further indication of revenues increasing at a slower pace than seen in April.

Key features of the monthly financial report for May are as follows:

- At the end of May, five months of the year have passed, or 41.7% of the calendar year.
- The Sales and Use Tax Fund revenues are currently \$953,098 over pro-rated budget for the year. The May figures reflect the sales in April, tax receipts received in May. This is due, in part, to receipt of PST taxes, but is also due to excess revenues as Business Assistance Packages are retired, as well as a general upturn in the economy.
- Without the new PST, Sales Tax Returns (returns only, adjusted for early and late returns) are up for May 2004 compared to May 2003 by 3.3%, an increase of \$92,679 over May 2003. Retired business assistance packages accounted for \$51,517 of this increase.
- Again, looking at year-to-date figures without the PST, analysis shows the following:
  - For the five months ending in May, Sales Tax Returns (only) are 5.7% ahead of 2003 year-to-date, or an increase of \$932,188. These figures are adjusted for early and late returns. For the five months ending in May, the fund is 3.4% ahead of 2003 year-to-date. Last month this figure was 4.0%.
- For the month of May, the entire fund is 0.6% ahead of May 2003. Last month this figure was 13.0%. The reasons for this difference are as follows:
  - Sales Tax Returns (only) are up \$92,679 for May compared to April's increase of \$262,306.
  - Use taxes are down \$80,801 over May 2003. Last month use taxes showed an increase of \$181,659 over April 2003. Use tax flows are volatile and reflect purchases of large-ticket items. It is primarily because of the volatility of this factor that the total Sales and Use Tax Fund is showing an increase of only 0.6% for the month compared to May of last year.
- The General Fund revenue is currently 102.2% of pro-rated budget for five months.

### **Policy Issues**

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

### **Alternatives**

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

### **Background Information**

This section is broken down into a discussion of highlights of each fund presented.

For revenues, a positive indicator is a pro-rated budget percentage at or above 100%. For expenditures, a positive indicator is a pro-rated budget percentage that is below 100%. If a fund is on schedule for the year regarding revenues and/or expenditures, the percentage will be 100% of pro-rated budget figures.

### General Fund

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

At the end of May, the General Fund is in the following position regarding both revenues and expenditures:

- Revenues are over pro-rated budget by \$708,811, (102.2% of pro-rated budget). This is due to excess revenues on a pro-rated basis in Taxes, Licenses and Permits, Intergovernmental Revenues, Fines, Other Services, and Miscellaneous.
- Expenditures are under budget by \$5.5 million (84% of pro-rated budget), due to under-spending in several departments. Spending does not occur evenly throughout the year in many departments, particularly with regard to insurances in Central Charges and spending on contract services in several other departments. Public Safety Tax expenditures to date are largely reflected in the Police and Fire Department operating budgets which are 88% and 83% of pro-rated budgets, respectively. To date 8.5 police personnel and 13 fire personnel have been hired. In addition, the orders have been placed for the seventh engine and fourth ambulance in the Fire Department. It is anticipated that all of the Public Safety hiring's and major equipment purchases will be complete by mid-2005.

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

These funds are the repositories for the 3.85% City Sales & Use Tax for the City. The Sales & Use Tax Fund provides monies for the General Fund, the Capital Project Fund and the Debt Service Fund. The Open Space Sales & Use Tax Fund revenues are pledged to meet debt service on the POST bonds, buy open space, and make park improvements on a pay-as-you-go basis. The Public Safety Tax was approved by the voters in the November 2003 election, and is a 0.6% sales and use tax to be used to fund public safety-related expenses. At the end of May, the position of these funds is as follows:

- Sales & Use Tax Fund revenues are over pro-rated budget by \$953,098 (104.2% of pro-rated budget). These numbers include \$772,247 of PST receipts and \$51,517 in income due to retired business assistance packages.

- Sales & Use Tax Fund expenditures are even with pro-rated budget because of the transfers to the General Fund, Debt Service Fund and General Capital Improvement Fund.

- Open Space Sales & Use Tax Fund revenues are over pro-rated budget by \$47,881 (102.7% of pro-rated budget).
- Open Space Sales & Use Tax Fund expenditures are over pro-rated budget by \$564,485 (131% of pro-rated budget) due to land purchases of \$877,103 finalized in March. These variances will occur throughout the year, as land purchases are unevenly distributed throughout the year.

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

This fund reflects the operating results of the City's water, wastewater and storm water systems. It is important to note that net operating revenues are used to fund capital projects. At the end of May, the Enterprise is in a positive position.

- Combined Water & Wastewater revenues are under pro-rated budget by \$242,551 (98% of budget):
  - Water revenues over pro-rated budget by \$255,304 (103% of pro-rated budget). This month, water revenues are over pro-rated budget due primarily to the tap fee income during the month of \$500,560, resulting in tap fee income \$972,557 over pro-rated budget on a year-to-date basis.
  - Wastewater revenues under pro-rated budget by \$497,855 (90% of pro-rated budget), due in part to revenues for monthly rates and charges being lower during this quarter than historical averages and due in part to the reversal of the unrealized gain in interest income.
  - Storm water Drainage revenues slightly over pro-rated budget by \$196 (100.05% of pro-rated budget).
- Combined Water & Wastewater expenses are under budget by \$3,187,131 (70% of budget):
  - Water expenses under pro-rated budget by \$2,135,733 (72% of budget) due to lower contracted service costs early in the year.
  - Wastewater expenses under pro-rated budget by \$1,051,398 (68% of budget) for the same reason – lower contracted service costs.
  - Storm Drainage expenses under pro-rated budget by \$63,143 (37% of budget).

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

This enterprise reflects the operations of the City's two municipal golf courses. The enterprise as a whole is in net negative budget on a pro-rated basis, with net income currently \$105,575 under pro-rated budget for the year. Seasonal fluctuations will impact this enterprise due to the nature of the golf business. In addition, City Council will be considering measures in the 2005 budget to allow the golf courses to work out of the current negative position over the coming years.

- Legacy – Revenues are under pro-rated budget by \$108,921 (81% of pro-rated budget).
- Legacy – Expenses are under pro-rated budget by \$22,257 (95.5% of pro-rated budget).
- Heritage – Revenues are under pro-rated budget by \$70,400 (86% of pro-rated budget).
- Heritage – Expenses are under pro-rated budget by \$51,489 (91% of pro-rated budget).

Staff will attend the June 28th City Council Meeting to address any questions.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

**City of Westminster  
Financial Report  
For the Five Months Ending May 31, 2004**

Description	Budget	Pro-rated for Seasonal Flows	Notes	Actual	(Under) Over Budget Pro-rated	% Pro-Rated Budget
<b>Wastewater Fund</b>						
<b>Revenues</b>						
Charges for Services						
Rates and Charges	9,419,599	3,848,331	(1)	3,520,823	(327,508)	91%
Tap Fees	1,775,000	732,500	(1)	788,647	56,147	108%
Interest Income	690,000	282,210	(2)	58,665	(223,545)	21%
Miscellaneous	10,000	4,167		1,218	(2,949)	29%
Sub-total Water Revenues	<u>11,894,599</u>	<u>4,867,208</u>		<u>4,369,353</u>	<u>(497,855)</u>	<u>90%</u>
Carryover	(1,781,514)	-	(3)	-	-	
Total Revenues	<u>10,113,085</u>	<u>4,867,208</u>		<u>4,369,353</u>	<u>(497,855)</u>	<u>90%</u>
<b>Expenditures</b>						
Central Charges	2,078,784	702,980	(4)	602,473	(100,507)	86%
Public Works & Utilities	6,126,157	2,552,565		1,601,674	(950,891)	63%
Total Operating Expenses	<u>8,204,941</u>	<u>3,255,545</u>		<u>2,204,147</u>	<u>(1,051,398)</u>	<u>68%</u>
Revenues Over(Under) Expenses	<u>1,908,144</u>	<u>1,611,663</u>		<u>2,165,207</u>	<u>553,543</u>	

(1) Res'l Sales 40.9%, Comm'l Sales 40.8%, Res'l Taps 41.5%, Comm'l Taps 40.4%.

(2) Interest Income historically at 40.9% at this time of year; current variance is due to reversal of FYE unrealized gain from 2003, required per the Governmental Accounting Standards Board.

(3) Carryover from prior year is budgeted for the next year; included here to render correct balanced budget perspective. Carryover (Actual) represents use of prior year retained earnings, as budgeted.

(4) Debt Service is due June 1 (Interest only) and Dec 1 (Prin + Int) and has been pro-rated in the Budget-Pro-rated column.



**WESTMINSTER**  
**COLORADO**  
Agenda Memorandum

City Council Meeting  
June 28, 2004



**SUBJECT:** Engineering Design Contract - West 112th Avenue, Ranch Reserve Parkway to Huron Street Project

**PREPARED BY:** David W. Loseman, Senior Projects Engineer

**Recommended City Council Action:**

Authorize the City Manager to sign a contract with JR Engineering for the final design of West 112th Avenue between Ranch Reserve Parkway and Huron Street in an amount not to exceed to \$121,600 and authorize a \$12,000 design contingency. The City of Northglenn will reimburse the City of Westminster 50% of this design cost. Funds for these expenses are available in the appropriate project account in the General Capital Improvement Fund.

**Summary Statement:**

- Traffic on West 112th Avenue has increased with the recent improvements to the West 112th Avenue and Federal Boulevard intersection as well as the “fly over” of I-25 that was recently completed by the City of Northglenn.
- Both the City of Westminster and the City of Northglenn have a desire to improve the stretch of 112th Avenue between these two projects. This section of West 112th Avenue is a “bottleneck” in that private developers have completed some of the road improvements but most sections of the road have remained as a two-lane road, which is not sufficient to handle the increasing traffic volume.
- On April 12, 2004, Council approved an Intergovernmental Agreement (IGA) with the City of Northglenn to address these concerns. This IGA identifies an equal split of the cost for design with the City leading the design effort.
- Proposals were requested from qualified engineering consultants. Each firm that responded was reviewed for its experience with similar projects, its familiarity with the West 112th Avenue, and the value indicated by the proposed fees for the expected scope of the work. The firm of JR Engineering was chosen from a group of 6 short-listed consultants for the final design effort. The firm’s experience in Westminster includes several projects with the Department of Public Works and Utilities as well as the widening of West 92<sup>nd</sup> Avenue between Harlan Street and Yates Street that was completed several years ago. At \$121,600, their proposed design fees for the effort are judged to be reasonable and a good value.
- Authorization is sought for a total of \$151,600. The design contract with JR Engineering will be a maximum amount of \$121,600. A project contingency of \$12,000 is also being requested, which will be held in a separate account.
- Funds for this design and contingency are available in the appropriate project account in the General Capital Improvement Fund.

**Expenditure Required:** Not to Exceed \$133,600

**Source of Funds:** General Capital Improvement Fund

**Policy Issues**

Should the City proceed with the design work for the West 112th Avenue, Alcott Street to Huron Street Project?

**Alternatives**

Alternatives include postponing or abandoning the final design of this roadway. This alternative is not recommended, given the desire of both Cities to have this project design completed so construction can begin immediately when construction funds become available.

**Background Information**

The widening of West 112th Avenue between Federal Boulevard and Huron Street is becoming more important with the increased traffic flows along this corridor. This increased flow is largely due to the recent completion of Northglenn’s “flyover” project of West 112th Avenue over I-25 as well as Westminster’s recently completed intersection improvements at West 112th Avenue and Federal Boulevard. These two projects provide two through lanes in both directions, which feed into single lanes in both directions between Ranch Reserve Parkway and Huron Street. This “bottleneck” creates a capacity concern along this increasingly important arterial roadway. West 112th Avenue is the only roadway that crosses I-25 between 104<sup>th</sup> Avenue and 120<sup>th</sup> Avenue. This additional crossing of the highway allows citizens to bypass the frequently congested 104<sup>th</sup> Avenue and 120<sup>th</sup> Avenue routes. With this additional highway crossing, increased traffic on West 112th Avenue is starting to become evident. Staff has received several phone calls from citizens living along this section of West 112th Avenue requesting that the construction of the widening of this road be considered in the 2005/ 2006 budget preparation. The design budget was approved by Council in the 2003/ 2004 budget. In addition, a portion of the construction funds was set aside from carryover funds in 2003.

Staff advertised a Request for Proposals in the Daily Journal and received 13 responses. Of these thirteen, six firms were “short-listed” by staff from both Cities. The fee proposals by the finalists are listed below:

<b>Firm</b>	<b>Fees</b>
JR Engineering	\$121,600
Burns and McDonnell	\$162,430
Martin/ Martin	\$189,951
Nolte	\$197,994
TranSystems Corporation	\$242,868
David Evans and Associates	\$251,010

A detailed review of the proposals by both Westminster and Northglenn staff concluded with the recommendation that the firm of JR Engineering be awarded the contract for final design of the West 112th Avenue, Alcott Street to Huron Street project. The proposal submitted by JR Engineering showed a thorough understanding of the project. Add to this their proposed fee, which is the lowest of the six candidates, and Staff believes that they are a good choice for this project. Staff is recommending award of the contract for final design to JR Engineering.

**SUBJECT:** Engineering Design Contract - West 112th Avenue, Ranch Reserve Parkway to Huron Street Project

Page 3

In addition, authorization is sought for \$12,000 for a project contingency. This brings the total funding needed \$133,600. The City of Northglenn will then reimburse the City of Westminster 50% of the design cost. The recommended funding authorizations are summarized below.

Final Design contract with JR Engineering	\$121,600
Contingency	\$ 12,000
<b>Total</b>	<b>\$133,600</b>

Respectfully submitted,

J. Brent McFall  
City Manager





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** Engineering Design Contract - West 144<sup>th</sup> Avenue and I-25 Interchange Project

**PREPARED BY:** David W. Loseman, Senior Projects Engineer

**Recommended City Council Action:**

Authorize the City Manager to sign a contract with Felsburg, Holt & Ullevig for the final design of the 144<sup>th</sup> Avenue and I-25 Interchange Project. Based on the recommendation of the City Manager, Council finds that the public interest would be best served by awarding this work to Felsburg, Holt & Ullevig as the sole source of the work. Authorize a project budget of \$999,629, including up to \$899,629 for design activities under this contract, \$50,000 for title research, appraisals and other activities preparatory to acquiring right-of-way, and \$50,000 in contingency. Funds for this expense are available in the 144<sup>th</sup>/I-25 Interchange project account in the General Capital Improvement Fund.

**Summary Statement:**

- The West 144<sup>th</sup> Avenue Interchange at I-25 has become a critical element in the development of the new mall to be built by Forest City Enterprise at the northwest corner of this interchange.
- In order to meet the very aggressive time schedule proposed by Forest City, Staff is recommending that Council authorize a sole source contract with Felsburg, Holt & Ullevig (FHU). The advantage of this approach is that it will save approximately six weeks in the consultant selection process. This sole source approach will also save approximately six weeks in the design process since FHU was the designer for the 136<sup>th</sup> Avenue Interchange at I-25 that will soon open to the public. Because of their previous efforts, much of the design from the 136<sup>th</sup> project can be replicated at the 144<sup>th</sup> interchange thus, saving time.
- The City has an existing Intergovernmental Agreement (IGA) with Thornton relating to this interchange. This IGA gives Thornton the authority to hire the design engineer for this project. Staff believes that it is in the best interest of the City to lead this design effort since the City will be paying for all of the design costs initially with future reimbursement from Thornton.
- The cost proposal submitted by Felsburg, Holt & Ullevig is very competitive as compared to design costs of other capital improvement projects that Staff has completed in the recent past. Their fee is approximately 5.5% of the anticipated cost of construction. A typical design fee for a project of this magnitude would be in the range of 6% to 8%.
- Funds for the design and other work are available in the appropriate project account in the General Capital Improvement Fund. The City of Thornton is anticipated to participate in 50% of this cost.

**Expenditure Required:** Not to Exceed \$ 999,629

**Source of Funds:** General Capital Improvement Fund and the City of Thornton

**Policy Issues**

Should the City proceed with the design work on the 144<sup>th</sup> Avenue and I-25 Interchange and hire Felsburg, Holt & Ullevig as the sole source contractor for this work?

**Alternatives**

- Alternatives include postponing or abandoning the final design of this interchange. Given the strong desire of the City and Forest City Enterprise to have the interchange installed by fall of 2006, this alternative is not recommended.
- A second alternative would be to solicit proposals from other design firms. This alternative is not recommended since this would add approximately three months to the schedule. Meeting the desired deadline of this very aggressive schedule will be a challenge even using the recommended sole source approach. In addition, Staff does not believe that any cost savings would be realized through a proposal process.
- A third alternative would be to allow Thornton to proceed with the consultant selection process and lead the design effort as originally outlined in the existing Intergovernmental Agreement. This alternative is not recommended since it is expected that Thornton would not pursue the construction of this interchange as aggressively as the City will.

**Background Information**

Staff from the Cities of Thornton and Westminster began joint planning of the 144<sup>th</sup> Avenue interchange with I-25 several years ago. Both cities are interested in advancing the approvals of the new 144<sup>th</sup> Avenue Interchange and confirming its place on the Denver Regional Council of Government's Regional Transportation Plan. The required Systems Level Feasibility Study of the 144<sup>th</sup> Avenue interchange was completed in 2001. The Project Level Feasibility Study was completed this year and determined that a diamond interchange design is the preferred alternative. The Colorado Department of Transportation and the Federal Highway Administration have approved moving ahead on the 144<sup>th</sup> Interchange project. The next step is to design the new interchange.

On December 8, 2003, Council authorized the execution of an Intergovernmental Agreement (IGA) with Thornton regarding the design of the interchange. This IGA indicates that Thornton will lead the design effort for this project. Since the City has a more pressing need to build the interchange than does Thornton, Staff is recommending that the City take over this design lead.

With Council's approval of the design contract with Felsburg, Holt & Ullevig, Staff will immediately begin the design of the interchange in an effort to open the new interchange to the public in the fall of 2006. Staff is requesting that Council establish an initial budget for this project as follows:

Felsburg, Holt & Ullevig design contract	\$899,629
Title work, appraisals, pre-acquisition activities	\$ 50,000
Contingency	\$ 50,000
<b>Total</b>	<b>\$999,629</b>

Respectfully submitted,

J. Brent McFall  
City Manager



**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** 68<sup>th</sup> Avenue and Federal Boulevard Sewer Line Repair Project

**Prepared By:** Richard A. Clark, P.E., Utilities Operations Manager  
Andy Mead, Utilities Operations Coordinator

**Recommended City Council Action**

Authorize the City Manager to execute a contract with Wildcat Civil Services, L.L.C., to complete sewer line repairs as a result of a sanitary sewer blockage and overflow; authorize a project budget not to exceed \$100,000 and charge the appropriate Utilities Operations Division budget account.

**Summary Statement:**

- At the June 7, 2004 City Council Study Session, staff presented information related to a recent sanitary sewer overflow that occurred in the area of 68<sup>th</sup> Avenue and Federal Boulevard on Thursday, June 3, 2004. A proposed project not to exceed \$100,000 in cost to complete needed repairs to the affected sewer line was discussed and supported by City Council.
- The project includes bypassing the flow, clearing the blockage in the sewer line, repair and replacement of manholes, and completing the lining of approximately 280 feet of deteriorated 24-inch sewer line utilizing trenchless technology. This will allow the repair to be completed without any open-cut excavating.
- Due to the emergency nature of this event, staff has already moved ahead with soliciting bids from contractors to complete the needed work on the sewer line. These bids were received and Wildcat Civil Services, L.L.C., was selected based on their ability to immediately move onto the site and begin repair activities, along with a competitive price quoted to complete the sewer line repair project. The basic bypass pumping and lining will be \$47,600 plus additions for cleaning, repair and other undiscovered work that may be required for a satisfactory repair.
- Funds for this expenditure will be taken from the Utility Operations Division CIP budget.

**Expenditure Required:** Not to exceed \$100,000

**Source of Funds:** Water and Sewer Fund CIP – Little Dry Creek Inflow & Infiltration

## **Policy Issue**

Should the City utilize Utilities Division funds to complete the needed sewer line repair project using an outside contractor that has already initiated emergency response work at the site?

## **Alternative**

Delay the necessary sanitary sewer line repair and lining project and assume responsibility for additional sewer line blockages and overflow damages that may occur. This alternative is not recommended as the emergency work has already commenced and needs to be completed.

## **Background Information**

On Thursday, June 3, 2004, Utilities Division staff was notified by their sewer system maintenance contractor, ECO Resources, Inc., of a partial sewer line blockage. The contractor was working in the area of 68<sup>th</sup> Avenue and Federal Boulevard completing routine inspection of the sanitary sewer outfall lines in this area. While subsequently cleaning the sewer line, the contractor encountered a blockage in the 24-inch sanitary sewer line and attempted to break the blockage loose to allow unrestricted sewer flow downstream. In preparing to catch the materials causing the sewer line blockage, the contractor placed a partial barrel section into the line and attached recovery lines to it. However, when the materials from the blockage were caught in the barrel, it broke loose and caused a sewer line blockage and overflow into the nearby Little Dry Creek.

Utilities staff responded to the area and, in conjunction with the contractor, were eventually able to catch up to the barrel and extract it from the sewer line and reduce the high flow levels along with the overflow condition. Due to the extent of the sewer overflow into the affected area, the Colorado Department of Health was notified of this event and its affect on Little Dry Creek. Precautionary measures were taken at the site where Little Dry Creek is located to inform the public of the impacted quality of the water in the creek.

During follow-up efforts, which included inspection of the sewer lines, it was discovered that approximately 10-11 feet of the top of the 24-inch sewer pipe was missing. This section of the line was temporarily repaired by the Utilities field crews on June 4. There still remains debris in the sewer line causing a restriction in flow that needs to be removed. With this in mind, staff is including the rehabilitation of about 280 feet of sewer line by means of trenchless technology lining as part of the repair project. Also included in this project will be manhole repairs and/or replacements due to the damage caused by the sewer backup. The manholes will be fitted with bolt-down covers to prevent the kind of vandalism that caused the blockage in the sewer line.

The contractors contacted to complete this repair project were: WSU, at a price quote of \$60,730; Insituform, at a price quote of \$40,000; and Wildcat Civil Services, at a price quote of \$47,600. As noted earlier, Wildcat Civil Services was selected based on their ability to immediately move onto the site and begin repairs to the sewer line. Also, their price quote was only slightly higher than the low quote from Insituform. However, Insituform was not able to respond to the repair for three more weeks, which was not acceptable to the City in terms of addressing this emergency repair project.

Staff is requesting approval to continue with the sewer line repair project to include removing the remaining blockage from the line, completing the sewer line repair using the trenchless lining process, manhole repairs, manhole replacement, and other associated costs to complete the total project that will not exceed a cost of \$100,000.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** Addendum to Employment Agreement with J. Brent McFall

**Prepared By:** Matt Lutkus, Deputy City Manager for Administration

**Recommended City Council Action**

Authorize the Mayor to execute an addendum to the current employment agreement with City Manager J. Brent McFall to provide for a lump sum retention incentive payment after six years of continuous employment.

**Summary Statement**

- City Council is requested to approve an addendum to the 2004-05 employment agreement with J. Brent McFall for his services as City Manager.
- The proposed addendum reflects Council's desire to incorporate a retention incentive into Mr. McFall's employment contract.
- The addendum provides for Council's allocation of \$60,000 in the year 2005 to be paid to Mr. McFall if he continues to be employed as City Manager through January 2, 2011.

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

**Source of Funds:** 2005 General Fund Budget

**Policy Issues**

Should the City Council approve a change to the current employment agreement with Mr. McFall that would provide him with a supplemental financial incentive to continue as City Manager for a six-year period beginning January, 2005?

**Alternatives**

Another approach that Council could take to achieve the \$60,000 bonus over a period of six years would be to allocate \$10,000 per year into an escrow account set up for this purpose. The new section of the agreement would call for the annual appropriation of the \$10,000 subject to repeal or non-appropriation by the City Council in any fiscal year. It is Staff's opinion that the recommended action is more closely in line with City Council's direction on how the bonus incentive would work. By providing future discretion on whether or not \$10,000 would be allocated in a given year, the end result could be an amount of less than \$60,000 over the six-year time frame. Moreover, it is anticipated that \$60,000 would be available in the 2005 budget to fund the full amount of the proposed incentive bonus. Both the recommended action and this alternative were drafted by special legal counsel and comply with the applicable TABOR provisions.

**Background Information**

City Council recently conducted a mid-year review of the 2004-2005 employment agreement with City Manager J. Brent McFall. Due to fiscal constraints, the Council had not changed Mr. McFall's annual compensation rate for 2004 and, at this point, will not be making any changes for the current year. However, Council did determine that it would be beneficial to the City to incorporate a retention incentive bonus into Mr. McFall's contract that would provide for the \$60,000 bonus to be paid if Mr. McFall's employment continued until January 2, 2011.

At City Council's direction, Deputy City Manager for Administration Matt Lutkus contacted special legal counsel John Hayes to draft appropriate language that would be incorporated into the current employment agreement. The use of legal counsel to draft this addendum helps ensure that the new provision is in compliance with the applicable provisions of the Taxpayers' Bill Of Rights (TABOR) section of the State Constitution.

The attached addendum to the employment agreement was prepared by John Hayes, an attorney who specializes in employment law. It incorporates the provisions requested by City Council related to the bonus of \$60,000 immediately following six years of continued employment by Mr. McFall as City Manager beginning January 1, 2005. As directed by Council, the incentive payment would be in addition to any salary increases that the City Manager would receive as a result of his annual performance review.

If a retention bonus is approved by Council, the amount of the bonus will be included in the proposed 2005-2006 Budget. In addition, Staff will include the appropriate language in the 2005 Budget Appropriation Ordinance to allocate the funds to a designated reserve account.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

## EMPLOYMENT AGREEMENT

THIS AGREEMENT, effective as of the 1st day of January 2004, by and between the City of Westminster, State of Colorado, a municipal corporation, hereinafter called "CITY" as party of the first part, and J. BRENT McFALL, hereinafter called "EMPLOYEE", as party of the second part, both of whom understand as follows:

WHEREAS, the CITY desires to continue employing the services of J. BRENT McFALL, as City Manager of the City of Westminster as provided by City Charter, Chapter IV, Section 7; and

WHEREAS, it is the desire of the City Council to provide certain benefits, establish certain conditions of employment, and to set working conditions of said EMPLOYEE; and

WHEREAS, it is the desire of the City Council to (1) secure and retain the services of EMPLOYEE and to provide inducement for him to remain in such employment; (2) make possible full work productivity by assuring EMPLOYEE'S morale and peace of mind with respect to future security; (3) act as a deterrent against malfeasance or dishonesty for personal gain on the part of EMPLOYEE, and (4) provide a just means for terminating EMPLOYEE's services at such time as he may be unable to fully discharge his duties due to age or disability or when CITY may desire to otherwise terminate his employ; and

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

### SECTION 1. DUTIES:

CITY hereby agrees to continue the employment of J. BRENT McFALL as City Manager of CITY to perform the duties and functions specified in Section 4.8 of the City Charter and such other legally permissible and proper duties and functions as the City Council shall from time to time assign.

### SECTION 2. TERMS:

A. EMPLOYEE agrees to remain in the exclusive employ of CITY and EMPLOYEE will serve as City Manager from January 1, 2004 through December 31, 2005. Further, EMPLOYEE agrees not to become employed by any other employer until said termination date, unless said termination date is effected as hereinafter provided.

The term "employed" shall not be construed to include occasional teaching, writing, consulting work or other related activities performed on EMPLOYEE'S time off.

B. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of the City Council to terminate the services of EMPLOYEE at any time, subject only to the provisions set forth in Section 3, Paragraph A and B of this agreement.

C. Nothing in this agreement shall prevent, limit or otherwise interfere with the right of EMPLOYEE to resign at any time from his position with the CITY, subject only to the provisions set forth below.

### SECTION 3. TERMINATION, NOTICE AND SEVERANCE PAY:

A. In the event City Council decides to exercise its right to terminate EMPLOYEE before expiration of the aforementioned term of employment and during such time that EMPLOYEE is willing and able to perform the duties of City Manager, then and in that event, the CITY agrees to give EMPLOYEE eight (8) months' written notice or to pay EMPLOYEE a lump sum cash payment equal to his base salary for the ensuing eight (8) months, provided however, that in the event the EMPLOYEE is terminated because of his conviction of any illegal act, then, and in that event, CITY has no obligation to give notice or pay the aggregate severance sum designated in this paragraph.

B. In the event the CITY at any time during the employment term reduces the salary or other financial benefits of EMPLOYEE in a greater percentage than an applicable across the board reduction for all City employees, or in the event the CITY refuses, following written notice to comply with any other provisions benefiting EMPLOYEE herein, or the EMPLOYEE resigns following a formal suggestion by the City Council that he resign, then, and in that event, EMPLOYEE may, at his option, be deemed to be "terminated" at the date of such reduction, such refusal to comply or such resignation, within the meaning and content of the eight (8) months' severance pay provisions herein.

C. The severance provisions contained in section A and B shall remain the same in 2005 except that the eight (8) months of notification or severance pay shall be increased to nine (9) months beginning January 1, 2005. Furthermore, it is Council's intent to increase the length of notice or the number of months of severance pay provided in lieu of such notice to ten (10) months on January 1, 2006, eleven (11) months on January 1, 2007, and twelve (12) months on January 1, 2008.

D. In the event EMPLOYEE voluntarily resigns his position with the CITY before expiration of the aforesaid term of employment, then EMPLOYEE shall give the CITY sixty (60) days notice in advance in writing.

E. The parties may, by mutual written agreement, shorten the time required for written notification of termination or resignation set forth in this section.

#### SECTION 4. SALARY:

The CITY agrees to pay EMPLOYEE for his services rendered pursuant hereto an annual base salary of \$151,137 payable in installments at the same time as other employees of the CITY are paid. In addition, the City will make a lump sum payment of \$16,000 to the EMPLOYEE's deferred compensation plan. The City further agrees to provide the EMPLOYEE with a one-time \$6,000 merit bonus payable in January 2004. The City Council shall review the employee's salary no later than May 1, 2004, to determine if any mid year adjustments will be made to his base compensation.

CITY agrees to review the EMPLOYEE'S performance annually, no later than October 31st of each year. Salary evaluation each year shall be at the discretion of the CITY.

#### SECTION 5. HOURS OF WORK:

A. It is recognized that EMPLOYEE must devote a great deal of his time outside normal office hours to business of the CITY, and to that end EMPLOYEE will be allowed to take compensatory time off as he shall deem appropriate during normal office hours.

B. EMPLOYEE shall not spend more than ten (10) hours per week in teaching, consulting, or other non-City connected business without the expressed prior approval of the Council. Provided, that such consulting or other non-City connected business does not constitute a conflict of any nature with EMPLOYEE'S work as City Manager. City Council shall be the sole judge of such conflicts whose determination shall be final.

#### SECTION 6. TRANSPORTATION:

EMPLOYEE'S duties require that he shall have the exclusive use at all times during his employment with the CITY of an automobile provided to him by the EMPLOYEE. EMPLOYEE shall be responsible for paying of liability, property, maintenance, repair and regular replacement of said automobile. A monthly car allowance of \$500 shall be paid to EMPLOYEE to assist in compensating for these costs.



SECTION 7. DUES AND SUBSCRIPTIONS:

CITY agrees to budget and to pay the professional dues of EMPLOYEE necessary for his continuation and full participation in national, regional, state, and local associations and organizations necessary and desirable for his continued professional participation, growth and advancement, and for the good of the City.

SECTION 8. PROFESSIONAL DEVELOPMENT:

CITY hereby agrees to budget and to pay the travel and subsistence expenses of EMPLOYEE for professional and official travel, meetings and occasions adequate to continue the professional development of EMPLOYEE and to adequately pursue necessary official and other functions for CITY, including but not limited to the International City/County Management Association, the Colorado Municipal League, and such other national, regional, state and local governmental groups and committees thereof which EMPLOYEE serves as a member.

SECTION 9. GENERAL EXPENSES:

CITY recognizes that certain expenses of a non-personal, job-affiliated nature are incurred by EMPLOYEE, and hereby agrees to reimburse or to pay said non-personal, job-affiliated expenses. Disbursement of such monies shall be made upon receipt of duly executed expense vouchers, receipts, statements, or personal affidavit.

SECTION 10. FRINGE BENEFITS:

EMPLOYEE will be allowed all benefits as are extended to all other Department Head level employees, except that when such benefits are in conflict with this contract, said contract shall control.

SECTION 11. OTHER TERMS AND CONDITIONS OF EMPLOYMENT:

A. The City Council shall fix any other terms and conditions of employment as it may from time to time determine, relating to the performance of EMPLOYEE, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this agreement, the City Charter or any other law.

B. All provisions of the City Charter and Code, and regulations and rules of the City relating to vacation and sick leave, retirement and pension system contributions, holidays, longevity pay, and other fringe benefits and working conditions as they now exist or hereafter may be amended, shall also apply to EMPLOYEE as they would to other employees of CITY in addition to said benefits enumerated specifically for the benefit of EMPLOYEE, except as herein provided.

C. In the 2005 Budget, the City Council shall appropriate the sum of \$60,000, which sum shall be placed into a separate account within the City, which amount shall be paid in one lump sum payment to EMPLOYEE on January 2, 2011 in the event EMPLOYEE continues to serve as City Manager through said date. This retention incentive payment shall be in addition to any salary or other benefit paid to EMPLOYEE during the term of this Employment Agreement.

SECTION 12. GENERAL PROVISIONS:

- A. The text herein shall constitute the entire agreement between the parties.
- B. This agreement shall be binding upon and to the benefit of the heirs at law and executors of EMPLOYEE.
- C. This agreement becomes effective on January 1, 2004 and shall be in effect through December 31, 2005.

D. If any provision, or any portion hereof contained in this agreement is held to be unconstitutional, invalid or unenforceable, the portion thereof shall be deemed severable, and the remainder shall not be affected, and shall remain in full force and effect.

E. Nothing in this agreement shall be construed as creating a multiple fiscal year obligation on the part of the City within the meaning of Colorado Constitution Article X, Section 20.

F. The parties agree that this contract is entered into and shall be governed by the laws of the State of Colorado.

IN WITNESS WHEREOF, the City of Westminster, Colorado, has caused this agreement to be signed and executed on its behalf by its Mayor, and duly attested by its City Clerk, and EMPLOYEE has signed and executed this agreement.

Approved by Westminster City Council on this 27th day of October 2003.

\_\_\_\_\_  
Mayor

ATTEST:

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

\_\_\_\_\_  
J. Brent McFall

APPROVED AS TO FORM:

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

Amendment to Section 11 approved by City Council on 6-28-04



WESTMINSTER  
C O L O R A D O  
Agenda Memorandum

City Council Meeting  
June 28, 2004



**SUBJECT:** Extension of Banking Services Agreement with US Bank, N.A.

**Prepared By:** Robert Smith, Treasury Manager

**Recommended City Council Action**

Based on the recommendation of the City Manager, the City Council finds that the public interest would be best served by awarding a contract for banking services to US Bank, National Association as the sole source of the work and authorizes the City Manager to sign a First Amendment to the Banking Services Agreement with US Bank, N.A., in substantially the same form as attached, to extend the existing contract for a two years to June 30, 2006, based on reduced pricing incorporated into the Agreement.

**Summary Statement**

It has been and is the City's current banking policy to put the general banking services contracts out to competition. In this way, the City has diversified its banking relations in return for the best quality of services at the lowest cost for the City. Current bank relationships include:

- US Bank – Cash management (Bank accounts for general operating, controlled disbursement, pension and municipal courts. This includes check, ACH, and wire transactions.)
- UMB Bank – Lockbox operations to process utility billing and sales tax payments,
- Vectra Bank – Bank accounts for Westminster Commons,
- Key Bank – Master lease finance operations.

The three-year Banking Services Agreement with US Bank was signed in May 1999, with an option for two one-year renewals, which extended the contract to the current 5-year term. This is standard language for banking contracts as changing banks can be disruptive and expensive. If a bank provides high quality services at the least cost to the City, it is in the City's best interests to contract with a bank for its general banking services for a longer period of time, such as five years since changing banks can be disruptive and expensive. Unless extended, the current Agreement will expire on June 30, 2004. The rationale for extending the contract is summarized below.

- US Bank has provided consistent and superior customer service throughout the period. The Bank-assigned relationship officer has remained on the City account for the entire five years, and the Bank is responsive in all areas concerned when Staff inquires about transactions, fees, or when a special need arises. Bank staff also has been very helpful in problem solving to meet the requests the City has made.
- US Bank increased the interest rate credited on City funds held at the bank, which reduced the cost of banking to the City, even though the Bank did not have to do this by contract.
- Staff has negotiated an additional reduction in selected fees in return for extending the contract for two years. Lower fees will further decrease the annual charges to the City by 7% to 8% per year in 2004-2006.

**Expenditure Required:** \$0

**Source of Funds:** N/A

### Policy Issues

Is it in the best interests of the City to award a two-year extension to the Banking Services Agreement with US Bank, N.A., without going out for bid? Formatted: Bullets and Numbering

### Alternatives

Submit the banking services function for competition. This option is not recommended for several reasons: Formatted: Bullets and Numbering

- Staff believes that the level of service US Bank provides the City in the area of cash management services is extremely high quality. Their automated web-based treasury workstation is simple to use and provides the needed controls to maintain security of transactions. The attention to customer needs that U.S. Bank provides to the City is exemplary.
- The fees that US bank charges for this service are below market levels. Staff does not believe that there is a need as this time to issue and RFP and perhaps switch service providers.
- Conversion to a new cash management bank is a significant undertaking that is disruptive to the City's conduct of daily financial transactions. Potentially switching to another bank for these services would be disruptive and also presents an unknown concerning the level of customer service a new bank might provide.
- Staff will undertake the RFP process for banking services in the 1<sup>st</sup> quarter of 2006, thus putting the contract out to the market to guarantee the best quality services to the City at the least cost. At that time, a recommendation could be forthcoming to stay with US Bank or move to a new bank, depending on the outcome of the competition.

### Background Information

City Council is requested to extend the term of the Banking Services Agreement with US Bank, N.A. This extension would be for a two-year period from June 30, 2004 through June 30, 2006 and would be contingent upon the Bank reducing transaction-related fees as negotiated with Staff. Prior to the end of this period, Staff would initiate an RFP process to evaluate the market for cash management services and to select a vendor for another five-year period.

The City awarded the contract for banking services to US Bank in May 1999 after a competitive bidding process. Three other banks were considered during that process. Those banks were Norwest Bank (now Wells Fargo), Bank One, and Key Bank.

During the time that US Bank has been the cash management bank for the City, the Bank has not raised its rates for processing transactions.

- These fixed fees were required by the City for the term of the contract.
- In addition, US Bank lowered costs during the five years even though not required to by the contract. Initially the interest rate credited to the City balances the City maintained at the bank to pay for banking services was set as the 3- month Treasury Bill less 0.20%. During the initial term of the contract, US Bank agreed to increase that rate to the 3- month Treasury Bill rate. This has the effect of lowering fees to the City by decreasing the size of the non-interest bearing compensating balance the City must maintain at the Bank to pay for bank services.
- Staff has negotiated a further reduction in certain transaction related fees through June 30, 2006. This reduction should lower the annual fees by about \$2,200, a 7% to 8% reduction from the City's current charges. In addition, the Bank has agreed not to increase these or other fees during the two-year extension period. In summary, Staff believes that the proposed rate structure is competitive in the current market place.

US Bank has provided superior customer service during the time they have been the cash management bank for the City. When a special need arises, Bank staff has been very helpful in problem solving to respond to that need.

- The Bank is very responsive when Staff requests them to initiate a unique transaction that is atypical of the City's normal transaction type. An example is the effort made by our account representative and a local branch manager of the Bank to quickly generate a cashier's check for WEDA when the check was needed to make a payment to a developer working to assemble properties at the Shops at Walnut Creek.
- From time to time specialists from the Bank have provided free training to City staff on banking issue. An example is the training provided to City Staff who handle cash receipts on how to identify counterfeit currency.
- The Bank worked with the City to identify check fraud involving forged City of Westminster checks and helped to apprehend the person who was fraudulently using City of Westminster checks. The City lost no money as a result of the US Bank's efforts.

US Bank is one of the local banks that the City uses for financial services. The others include:

- UMB Bank (retail and wholesale lock box services to collect and process utility billing and sales tax receipts),
- Vectra Bank (banking services for Westminster Commons) and
- Key Bank (lease financing).

The City has enjoyed a productive working relationship with all of the US Bank staff assigned to the City account. The benefit to the City is that Bank staff understands the City's cash management needs and can develop and provide services customized to meet those needs. Staff believes it is valuable to continue a close working relationship with US Bank to realize the benefits from their working knowledge of the City and the cash management skills they can bring to bear to continue to develop efficient approaches to managing the City's cash inflows and outflows.

Fees for banking services are paid for through compensating balances maintained at the Bank and therefore, no budget revisions are necessary.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

FIRST AMENDMENT TO AGREEMENT FOR BANKING SERVICES  
DATED MAY 3, 1999, BETWEEN THE CITY OF WESTMINSTER, COLORADO  
AND US BANK, NATIONAL ASSOCIATION

This Amendment to the Agreement is entered into this 28<sup>th</sup> day of June 2004, by and between the City of Westminster, a Colorado home-rule municipality (the "City"), and US Bank, National Association (the "Bank").

WHEREAS, the City has a need for cash management and general banking services on a regular basis;

WHEREAS, the City has had a long standing relationship with the Bank; and

WHEREAS, the parties are desirous of entering into a new contract, this would continue their positive working relationship for an additional two years.

NOW THEREFORE, in consideration of the above premises, the mutual covenants set forth below, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the parties agree to amend Agreement as follows:

Section 1. TERM:

The Term of this Agreement shall be extended to June 30, 2006, unless terminated earlier as provided herein.

ATTACHMENT A:

The Fee Schedule provided in Attachment A to the Contract will be amended in substantially the same form as follows:

Attachment A, First Amendment

Banking Services Contract Between the City of Westminster and US Bank, National Association

Pricing for July 1, 2004, through June 30, 2006

Service:

The City of Westminster will maximize cash flow by using a cash concentration and controlled disbursement account. The City shall also retain a separate account for the Municipal Court. Accounts may be deleted and others added as necessary. Should the market make this structure less profitable than other alternative, the Bank will advise the City.

The earnings credit benchmark used towards the bank charges shall be based on the 91-Day T-Bill index and set effectively the first business day of each month. The 91-Day rate is the average of the high-rate paid at the previous 13 weekly public auctions for the 91-Day T-Bill note. The City may use compensating balances, direct payment or a combination of the two to pay for the banking service costs. Credits on earnings for the compensating balance may be rolled forward quarterly. The bank shall provide the following agreed upon costs.

CITY OF WESTMINSTER FEE SCHEDULE

Service	Fee
<u>DDA Charges:</u>	
Account Maintenance	\$10.00
Paper Credits	\$0.25
Electronic Credits	\$0.25
Paper Debits	\$0.15
Electronic Debits	\$0.15
Deposited Item Local - Unencoded	\$0.05
Deposited Item Regional - Unencoded	\$0.10
Deposited Item Transit - Unencoded	\$0.10
Pre-Enc Dep Item - Local	\$0.03
Pre-Enc Dep Item - Regional	\$0.05
Pre-Enc Dep Item - Transit	\$0.08
Rejected Pre-Encoded Dep Item	\$0.15
Deposited Return Item	\$1.00
Redeposited Returned Item	\$0.75
<u>Account Reconciliation Services:</u>	
Full POS Pay Maintenance	\$50.00
Full POS Pay Per Item	\$0.04
POS Pay Only Maintenance	\$20.00
POS Pay Only Per Item	\$0.02
ARP Manual Input	\$0.20
ARP Transmission Output	\$10.00
<u>OnLine Banker:</u>	
OLB Pymt Module	\$50.00
OLB Security Token	\$3.50
US Connections Dom NonRep	\$6.50
Incoming DOM	\$5.00
<u>USB Connections:</u>	
IntraDay Tran-First	\$25.00
IntraDay Tran-Next	\$15.00
Previous Day Sum & Tran-First	\$25.00
Previous Day Sum & Tran-Next	\$15.00
Previous Day Tran	\$25.00
Controlled Disbursement Sum	\$25.00
Controlled Disbursement Tran	\$25.00
Investment Sweep Activity	\$20.00
Mo Maintenance Terminal Wire Module	\$50.00
Mo Maintenance Terminal Stop Acct	\$10.00
EDI Remittance Detail	\$15.00
BAI Item Reported Terminal	\$0.02
Stop Placed Item	\$10.00
Monthly Maintenance Web Acct Trnsfr	\$20.00
Photo Copy Request Item	\$5.50

Service	Fee
Investment Sweep	\$85.00
<u>Controlled Disbursement:</u>	
Cont Disb – Fixed Maintenance	\$70.00
Cont Disb - Items	\$0.10
<u>EDI Monthly Maintenance</u>	\$30.00
<u>ACH Services:</u>	
ACH Monthly Maintenance	\$25.00
ACH Process Run	\$20.00
ACH Originated Fed Item	\$0.05
ACH Originated On-US Item	\$0.05
ACH Received Item	\$0.15
PC ACH Direct Monthly Maintenance	\$35.00
PC ACH Direct Process Run	\$4.50
PC ACH Direct Item	\$0.20
ACH Block Monthly Maintenance	\$6.00
ACH Return Per Item	\$1.75
ACH Notification Of Change Item	\$1.50
ACH Item Adjustment	\$20.00
<u>Coin/Currency:</u>	
Curr. Strapped Ord	\$0.45
Curr Ord/\$100	\$0.06
Coin Rolled Order	\$0.085
<u>Cash Vault:</u>	
Cash Deposit – Denver (Per \$100)	\$0.09
Loose Change Deposit - Denver	\$10.00
<u>Image Services:</u>	
Account Maintenance	\$20.00
Items Imaged	\$0.35
Image Per CD Rom	\$20.00
Duplicate CD Rom	\$20.00



IN WITNESS WHEREOF, the parties hereto have caused this Contract to be signed and sealed as of the day and year first above written.

CITY OF WESTMINSTER, COLORADO

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

(CITY SEAL)

Approved by Westminster  
City Council on \_\_\_\_\_

Attest:

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

APPROVED AS TO FORM:

By: \_\_\_\_\_  
City Attorney

US Bank, National Association

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** Purchase of Disposable Medical Supplies

**Prepared By:** Randy Peterson, Emergency Medical Services Coordinator

**Recommended City Council Action:**

Authorize the City Manager to enter agreements for disposable medical supplies with both BoundTree Medical and Tri-Anim Medical Products in an amount not to exceed \$78,000.

**Summary Statement**

In 2003, Centura St. Anthony Hospital informed staff that the Fire Department could no longer restock disposable medical supplies from the hospital's emergency rooms. This change required the Fire Department to budget and purchase its own inventory of these types of supplies, instead of restocking at the hospital. BoundTree Medical, a local vendor, was temporarily awarded the bid until an official bid process was established and the Department could get an idea of the amount of supplies and quantities needed. In February of 2004, advertisement of an official bid in accordance with the City's Purchasing Policies for 123 disposable medical items was published on the Internet and received a response from eight vendors. Of the respondents, only BoundTree Medical could supply each item on the list. One other vendor, Tri-Anim Medical Products was competitive on a few select items but could not supply all needed items.

**Expenditure Required:** Not to exceed \$78,000

**Source of Funds:** Fire Department Operating Budget

**Policy Issue**

Should the City proceed with a contract for these purchases of medical supplies for the Emergency Medical Services operation?

**Alternatives**

1. Award a single bid to BoundTree Medical and not split the bid with Tri-Anim Medical Products. BoundTree is the current supplier and staff is comfortable with their products and service. In the interest of budget savings staff does not recommend this alternative.
2. Award a single bid to Tri-Anim Medical Products. Staff does not recommend this alternative because this vendor is unable to supply a majority of the supplies needed.
3. Reject both bids and seek alternative bids from other vendors. Staff has spent over four months evaluating the current bids in order to ascertain whether each vendor's products are compatible and of the same quality of current disposable medical supplies.

**Background Information**

In 2003, Centura St. Anthony Hospital informed staff that the Fire Department could no longer restock disposable medical supplies from the hospital's emergency rooms. Changes in Federal regulations related to the relationship between hospitals and ambulance providers effected this change. Centura St. Anthony Hospital is Westminster's primary destination for patient transport and the Fire Department has had a long-standing arrangement with the hospital that any disposable medical supplies used during the treatment of the patient, could be restocked through the emergency room. Centura St. Anthony Hospital would in turn bill the patient for items used. The Department has always purchased a small number of disposable medical supplies for back up, however this change requires the Fire Department to stock a significantly greater number of items.

As a result of these changes, the Department created a purchasing and stocking system to allow ambulance personnel to restock directly from the fire station after treatment of each patient. In July 2003, the Fire Department established a disposable medical supply fee billed directly to the patient to help offset these costs. A supplemental budget request allowed the department to maintain an adequate inventory throughout the remainder of 2003.

Staff realized that the annual cost for disposable medical supplies would be significant, so in February 2004, a formal bid process was implemented by Emergency Medical Coordinator and the City Purchasing Officer. A total of 123 disposable medical items were listed and sent to medical supply vendors, with eight respondents replying to the sealed envelope bid. Of the eight respondents, only four were legitimate contenders based on price and availability of items. Those vendors were: BoundTree Medical, American LaFrance, Moore Medical, Tri-Anim, and Emergency Medical Products. This was a very time intensive bid process, as each item used in patient care must meet certain standards and be compatible with other items. Staff has spent the last four months evaluating these vendors and their products for quality and compatibility with current supplies and with each potential vendor's products.

During the interim period since July 2003, BoundTree Medical was selected as the temporary vendor based on having a local sales representative and recommendations from an informal survey of several ambulance transporting agencies in the Denver Metro area. BoundTree Medical pricing on most items was below the average of the competitors, and their customer service has proven to be very good.

**SUBJECT:**

Purchase of Disposable Medical Supplies

Page 3

On 16 of the 123 items listed, Tri-Anim Medical Products bids were lower than BoundTree Medical. The cost savings for the 16 medical supplies quoted by Tri-Anim makes it advantageous to split the award. Samples and specifications of these items were examined and appeared to be reasonable for everyday usage.

Based on unit costs, staff recommends splitting the award for disposable medical supplies to BoundTree Medical, and Tri-Anim Medical Products. This award will be effective for a one year period with an option of renewing for the following two years.

Respectfully submitted,

J Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** Purchase of Gasoline and Diesel Fuel for City Vehicles

**Prepared By:** Carl F. Pickett, Purchasing Specialist

**Recommended City Council Action**

Award the bid for unleaded gasoline and diesel fuel to Gray Oil to be delivered on an as-needed basis, authorize a maximum expenditure of \$ 223,050 for this purchase, and charge the expense to the appropriate 2004 Fleet Maintenance Fund Budget.

**Summary Statement**

- City Council approved funds to purchase fuel in the 2004 Fleet Maintenance Fund Budget. An additional \$23,800 has since been allocated to this account from the Public Safety Tax that was approved in 2003.
- In February 2004, Council authorized the purchase of gasoline and diesel fuel from Hill Petroleum, utilizing a bid process available through the Multiple Assembly of Procurement Officials (MAPO). That contract expires June 30, 2004. The City currently has the opportunity to utilize a very favorable bid for fuel by the Regional Transportation District (RTD) until the end of the year. The RTD bid is being recommended for the purchase of both unleaded and diesel fuel, and saves the City money over and above the MAPO bid with Hill Petroleum.

**Expenditure Required:** Not to Exceed \$223,050

**Source of Funds:** Fleet Maintenance Division, Fleet Maintenance Fund

**Policy Issue**

Should the City utilize the RTD bid for its fuel purchases for the balance of 2004?

**Alternative**

Do not use the RTD bid and re-bid fuel. This is not recommended as the volume of fuel used by the City of Westminster is about 1/10<sup>th</sup> the volume of RTD, and it is very doubtful that better pricing can be obtained.

**Background Information**

As part of the 2004 Budget, City Council approved the purchase of fuel for the City's vehicles. For the past three years, Hill Petroleum has been the awarded low bidder for fuel services through the MAPO bid. The City has participated in this award on a year by year basis. Hill Petroleum still has the MAPO bid.

Late last year, Staff approached RTD, to see if they would be willing to put cooperative bid language in their fuel bid, since their volume of fuel purchased was greater than the combined volume of the MAPO group. RTD agreed, and in December 2003, included in its fuel purchase bid documents, cooperative language that allowed state, municipal, county, special district, school district or other local government agencies to piggyback on its vendors pricing. This is a competitive bid and offers greater volume and lower prices to the City than the City can obtain on its own. Of the local vendors that responded to RTD's Invitation for Bid, the low bid from Gray Oil for diesel is being recommended for award. Gray Oil did not have the low bid for unleaded fuel, but the firm is willing to honor the price they did bid. Since the City is only planning on using this contract for six months, Staff recommends using just the one vendor, Gray Oil, for delivery of both diesel and unleaded fuel. This will allow for continuity of delivery and service for 2005, when the City hopes to have a different contract in place with Gray Oil.

Staff is currently working out arrangements whereby the City would be able to piggyback on an even more favorable bid that the City and County of Denver has with Gray Oil. Contractual agreements do not allow the City to take advantage of this pricing agreement until January 1, 2005.

The RTD bid was structured such that the bidders were essentially quoting a price differential above/below the current weekly Oil Price Information Service (OPIS) or the New York Mercantile Exchange (NYMEX) average futures price, depending on whether the fuel would be purchased with either a "floating" or "fixed" price, respectively. Westminster is choosing to "float" the price until the end of the year, since fixing the price requires a year long commitment. Floating the price means that the gas and diesel prices will fluctuate up and down over the remaining course of the year, just as they do at the gas pump. Prices vary daily, but a comparison with the last invoiced price from Hill Petroleum and the daily quoted price from Gray Oil saves the City six cents per gallon for diesel and ten cents per gallon for unleaded.

The formula to figure weekly pricing is as follows:

Unleaded - Thursday OPIS fuel price less \$0.005 (1/2 cent per gallon), plus freight and Colorado Environmental.

#2 Diesel - Thursday OPIS fuel price less \$0.0380 (3.8-cents per gallon) plus freight and Colorado Environmental.

The full load freight rates to the City of Westminster are \$.0142 per gallon - Gasoline and \$.0161 per gallon - Diesel Fuel.

Using the above formula, the estimated cost for fuel in the rest of the current year is based on the approximate annual usage and approximate price as follows:

<b>FUEL</b>	<b>APPROXIMATE QUANTITY</b>	<b>APPROXIMATE PRICE</b>	<b>EXTENDED PRICE</b>	<b>VENDOR</b>
Un-Leaded	111,000 gallons	\$1.35 gal	\$149,850	Gray Oil
Diesel	60,000 gallons	\$1.22 gal	\$73,200	Gray Oil

Westminster City Code 15-1-4-A1 specifically states that using a bid by another unit of government is an acceptable form of purchasing for the City.

The not to exceed total cost of \$223,050 combined with the year to date expenditure of \$165,500 totals \$388,550. The total annual estimated cost of the fuel is not within the amount previously approved by City Council for this expense. With the volatility of the fuel market, it is very difficult to predict where costs will end up this year. If the fuel pricing either remains at its current levels or increases further, Staff may be requesting that Council approve a contingency transfer to cover the unbudgeted overage later during the year.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** Swim & Fitness Center Boiler Replacement Contract Award

**Prepared By:** Barbara Giedraitis, Recreation Supervisor, Swim & Fitness Center

**Recommended City Council Action**

Authorize the City Manager to execute a contract with American Mechanical Services in the amount of \$96,620 for the replacement of the boiler at the Swim & Fitness Center, authorize an \$8,380 contingency amount for a total amount of \$105,000, and charge the expense to the Parks, Recreation and Libraries Capital Improvement Project Account designated for Recreation Improvements.

**Summary Statement**

- The Department of Parks, Recreation and Libraries hired Integrated Mechanical Systems, Inc., Engineer Consultants, to make recommendations and prepare drawings for the replacement of the building boiler at the Swim & Fitness Center.
- The project engineer, Integrated Mechanical Systems, Inc., and Staff from Building Operations and Maintenance recommend the installation of two 750 btu boilers to ensure the dependability of the Swim and Fitness Center boiler system, thus lessening the potential negative impact on guest service.
- The scheduled replacements would be completed during an extended shut down of the Swim & Fitness Center from September 7, 2004, to October 17, 2004.
- American Mechanical Services supplied a low total bid of \$96,620. This firm has presented the appropriate qualifications and was recommended by both Integrated Mechanical Systems, Inc., and Staff as being qualified to do this work.

**Expenditure Required:** \$105,000

**Source of Funds:** General Capital Improvement Funds Recreation Facilities  
Improvements Account



**Policy Issue**

Should the City replace the existing boiler system at the Swim & Fitness Center?

**Alternatives**

1. City Council could choose to not authorize the boiler replacement project at the Swim & Fitness Center. Staff does not recommend this option, as the existing boiler is unreliable and affects guest service.
2. City Council could require that Staff re-bid the boiler replacement project at the Swim & Fitness Center. Staff does not recommend this action, as the bids received are bona-fide and competitive.

**Background Information**

The Swim & Fitness Center is a 29,850-square-foot multipurpose recreation facility that serves City of Westminster residents and non-residents of all ages. The Swim & Fitness Center was the first recreation center built by the City of Westminster in 1972. The center amenities include an 8-lane 25-yard pool, diving well, teaching/play pool, sauna, steam room, hot tub, racquetball and handball-wallyball courts, a cardiovascular and strength training room, an aerobic studio and locker rooms. The center also has a community room that is used for programming as well as being available to the public for rental for private parties, events and meetings.

The boiler that is scheduled for replacement provides heat to the locker rooms, lobby entrance, showers and hot tub. The current system is original to the building and has had extensive repair work performed on it to keep it running. The existing boiler is operating at approximately 50% efficiency, whereby the specified replacement boiler is expected to run at 85% minimum efficiency.

The base bid included a single boiler system. The bid alternate includes a double boiler system that is preferred by Staff and recommended by the project engineer, Integrated Mechanical Systems, Inc. The bids received are as follows:

<b>Firm</b>	<b>Base Bid</b>	<b>Bid Alternate</b>	<b>Total</b>
American Mechanical Services	\$78,540	\$18,080	<b>\$96,620</b>
Kimmel Mechanical	\$93,150	\$20,100	<b>\$113,250</b>
Expert Mechanical Services	\$112,390	\$17,475	<b>\$129,865</b>
Braconier Plumbing and Heating	\$123,000	\$34,700	<b>\$157,700</b>

The bid from American Mechanical Services is a good bid that meets all of the City’s specifications.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** Second Reading of Councillor's Bill 35 re Annexation of the I-25/144<sup>th</sup> Avenue Right-of-Way

**Prepared By:** David Falconieri, Planner III

**Recommended City Council Action:**

Pass Councillor's Bill No. 35 on second reading annexing the I-25/144<sup>th</sup> Avenue right-of-way to the City of Westminster.

**Summary Statement:**

- The City has begun the process of designing the 144<sup>th</sup> Avenue interchange on I-25 as a joint project with the City of Thornton and the Colorado Department of Transportation (CDOT). Construction of the interchange will begin in 2005.
- A portion of the proposed interchange area remains unincorporated and in order to utilize urban renewal funds, the area must be within the corporate limits of the City. Therefore, this proposed annexation is essential in order for the interchange to be completed.
- Staff is also recommending that the southbound lanes of I-25 north of 144<sup>th</sup> Avenue be annexed at this time in order to close the last remaining gap between Westminster and the City of Thornton in this area.
- This request was approved on first reading by City Council on June 14, 2004.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILOR'S BILL NO. **35**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 15 AND 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Council of the City of Westminster a written petition for annexation to and by the City of Westminster of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Adams, State of Colorado; and

WHEREAS, City Council has been advised by the City Attorney and the City Manager that the petition and accompanying maps are in substantial compliance with Section 31-12-101, et.seq., Colorado Revised Statutes, as amended; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No. 39 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situate, lying and being in the County of Adams, State of Colorado, to wit:

A parcel of land being a portion of the west half of Section 15 and the northwest quarter of Section 22, Township 1 South, Range 68 West, 6<sup>th</sup> Principal Meridian, in the County of Adams, State of Colorado, said parcel of land being more particularly described as follows:

Commencing at the south quarter of said Section 15;

Thence along the southerly line of said west half of Section 15, North 89°37'00" West 100.01 feet to a line parallel with and distant westerly 100.00 feet, measured at right angles, from the easterly line of the west half of said Section 15 and the Point of Beginning;

Thence along said parallel line, North 00°08'30" West 3968.94 feet to the northerly line of the south half of the northwest quarter of said Section 15;

Thence along said northerly line, North 89°28'30" West 100.01 feet to the westerly right-of-way of Interstate 25, being a line parallel with and distance 200.00 feet westerly, measured at right angles, from said easterly line of the west half of Section 15, being also the easterly boundary of the annexation to the City of Westminster recorded January 2, 1986 at Reception No. B621803 in the office of the Clerk and Recorder of said county;

Thence along said westerly right-of-way and said easterly boundary the following 9 courses:

- 1) Along said parallel line, South 00°08'30" East 175.50 feet;
- 2) Departing said parallel line, South 11°10'00" West 102.00 feet to a line parallel with and distant westerly 220.00 feet, measured at right angles, from said easterly line of the west half of Section 25;
- 3) Along said parallel line, South 00°08'30" East 400.00 feet;
- 4) Departing said parallel line, South 11°27'00" East 102.00 feet to a line parallel with and distant 200.00 feet westerly, measured at right angles, from said easterly line of the west half of Section 15;
- 5) Along said parallel line, South 00°08'30" East 899.81 feet;
- 6) Departing said parallel line, South 11°10'00" West 102.00 feet to a line parallel with and distant westerly 220.00 feet, measured at right angles, from said easterly line of the west half of Section 15;
- 7) Along said parallel line, South 00°08'30" East 500.00 feet;
- 8) Departing said parallel line, South 11°27'00" East 102.00 feet to a line parallel with and distant 200.00 feet westerly, measured at right angles, from said easterly line of the west half of Section 15;
- 9) Along said parallel line, South 00°08'30" East 1493.80 feet to the northeasterly corner of the parcel of land described in the deed to the Department of Highways, State of Colorado, recorded February 16, 1956 in Book 595, Page 288 in said Office of the Clerk and Recorder;

Thence along the southerly, easterly, and northerly boundaries of said annexation to the City of Westminster the following 5 courses:

- 1) Along the northerly boundary of said parcel of land recorded in Book 595 at Page 288, South 85°28'41" West 701.66 feet to the easterly boundary of said parcel of land;
- 2) Along said easterly boundary, South 00°23'00" West 40.00 feet to the easterly boundary of a parcel of land described in the deed to the Department of Highways, State of Colorado, recorded February 16, 1956 in Book 597, Page 367 in said Office of the Clerk and Recorder;
- 3) Along said easterly boundary, South 00°23'00" West 30.00 feet to the southerly boundary of said parcel of land;
- 4) Along the southerly boundary of said parcel of land, South 83°55'05" East 704.88 feet to the easterly boundary of said parcel of land and the westerly right-of-way of Interstate Highway 25 as described in the deed to the State Highway Commission of Colorado recorded August 24, 1953 in Book 473 at Page 187, being a line parallel with and distant westerly 200.00 feet, measured at right angles, from the easterly line of said northwest quarter of Section 15;
- 5) Departing said westerly right-of-way, said easterly boundary, and said parallel line, South 89°37'00" East 100.01 feet to the easterly boundary of said annexation, being a line parallel with and distant westerly 100.00 feet, measured at right angles, from the easterly line of said northwest quarter of Section 22;

Thence along the northerly prolongation of said easterly boundary, North 00°25'00" West 98.86 feet to a line parallel with and distant westerly 100.00 feet, measured at right angles, from said easterly line of the west half of Section 15;

Along said parallel line, North 00°08'30" West 1.14 feet to the Point of Beginning.

Containing 12.016 acres (523,408 sq. ft.), more or less.

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

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of June, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of June, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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

I-25/144<sup>th</sup> Avenue Annexation



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** Second Reading of Councillor's Bill No. 36 re the Adoption of the Comprehensive Land Use Plan – 2004 Update

**Prepared By:** Max Ruppeck, Senior Projects Manager

**Recommended City Council Action:**

Pass Councillor's Bill No. 36 on second reading adopting the 2004 Update of the Comprehensive Land Use Plan.

**Summary Statement:**

- The adoption hearing for the Comprehensive Land Use Plan (CLUP) represented the culmination of a 19 month effort to prepare an update of a plan to provide strategic direction in the development of land in the City.
- Significant public input opportunities were provided throughout the Comprehensive Land Use Plan update process. The elements of this process were described in previous agenda memorandums and at the June 14, 2004 meeting.
- This request was approved on first reading by City Council on June 14, 2004.

**Expenditure Required:** \$ 0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO. **3124**

COUNCILLOR'S BILL NO. **36**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Dittman - McNally**

A BILL

FOR AN ORDINANCE REPEALING AND REENACTING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN WITH THE 2004 UPDATE, AND MAKING CONFORMING AMENDMENTS TO THE WESTMINSTER MUNICIPAL CODE.

Whereas, the City Charter and state statute authorize City Council adoption of a comprehensive land use plan for the use, division and development of land for the purpose of protecting the public health, safety and welfare and accomplishing the harmonious development of the City; and

Whereas, the City has conducted an extensive review of existing land use and proposals for future development, including the participation of the public and of landowners in a series of public meetings and hearings before the Planning Commission; and

Whereas, the Planning Commission has considered the plan and recommended its adoption to the City Council with certain modifications; and

Whereas, a proposed comprehensive land use plan has been presented to the City Council with adaptations as recommended by the Council, Planning Commission, Citizens, and city staff after further review; and

Now therefore, the City Council hereby finds that the proposed Westminster Comprehensive Land Use Plan, dated June 2, 2004, provides for the use, division and development of land and meets the general purpose of protecting the public health, safety and welfare as authorized by Section 4.16 of the City Charter; and

Further, the City Council finds that the proposed Westminster Comprehensive Land Use Plan, dated June 2, 2004, meets the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality as authorized by Part Two of Title 31, Chapter 23, C.R.S.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Westminster Comprehensive Land Use Plan, dated July 15, 1997, is hereby repealed.

Section 2. The Westminster Comprehensive Land Use Plan, dated June 2, 2004 is hereby adopted.

Section 3. Westminster Municipal Code, Title 11, Chapter 3-4 is hereby amended as follows:

11-3-4: CATAGORIES OF AWARD,

Subsection (A)-2 shall read "Category A-2: Active single family attached residential developments having a density of EIGHT (8) ~~ten (10)~~ or less dwelling units per acres."

Subsection (A)-3: shall read "Category A-3: Active multi family residential developments having a density of greater than EIGHT (8) ~~ten (10)~~ dwelling units per acre."

Subsection (B)-2: shall read “Category B-2: New single family attached residential developments having a density of EIGHT (8) ~~ten (10)~~ or less dwelling units per acre.”

Subsection (B)-3: shall read “Category B-3: New multi family residential developments having a density of greater than EIGHT (8) ~~ten (10)~~ dwelling units per acre.”

Subsection (G)-2: shall read “Category L-2: Legacy Ridge single family attached residential developments having a density of EIGHT (8) ~~ten (10)~~ or less dwelling units per acre.”

Subsection (G)-3: shall read “Category L-3: Legacy Ridge multi family residential developments having a density greater than EIGHT (8) ~~ten (10)~~ dwelling units per acre.”

Section 4. Compliance with said Plan, as provided in Westminster Municipal Code Chapter 4-16 of Title 11, shall be mandatory upon the effective date of this ordinance.

Section 5. Land use designations shown in the Plan may be affected by pre-existing vested rights or contractual development commitments. The applicability and scope of such vested rights or contractual developments, if any, will be reviewed and determined at the time of development plan approval.

Section 6. If a provision of the Plan conflicts with a provision of any policy, standard, or regulation adopted by the City, the more strict provision shall prevail.

Section 7. This ordinance shall take effect upon its passage after second reading.

Section 8. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14<sup>th</sup> day of June, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28<sup>th</sup> day of June, 2004.

ATTEST:

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Mayor

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City Clerk

Comprehensive Land Use Plan – Update 2004





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** Councillor's Bill No. 37 re 2004 CDBG Fund Appropriation

**Prepared By:** Robin Byrnes, Community Development Programs Coordinator

**Recommended City Council Action:**

Pass Councillor's Bill No. 37 on second first reading appropriating 2004 CDBG funds in the amount of \$681,000.

**Summary Statement**

- City Council action is requested to pass the attached Councillors Bill on second reading appropriating 2004 Community Development Block Grant (CDBG) funds in the amount of \$681,000, awarded by the U.S. Department of Housing and Urban Development (HUD).
- The 2004 CDBG allocation of \$681,000 was designated to fund the 2004 CDBG projects, per City Council approval on November 24, 2003.
- In 2003, the City was allocated \$696,000 from HUD, an increase of \$4,000 from the 2002 CDBG final allocation of \$692,000. In 2004, the City was allocated \$681,000 from HUD, a decrease of \$15,000 from the 2003 CDBG final allocation. The 2004 CDBG allocation was less due to an increase in the number of new CDBG entitlement cities and counties throughout the country.
- HUD approved the City's 2004 CDBG Action Plan on May 10, 2004. The 2004 Action Plan is a required submission by HUD that outlines the City's local goals and priorities in regards to the use of the 2004 CDBG allocation and designates the 2004 CDBG projects.
- This Councillor's Bill was passed on first reading on June 14, 2004

**Expenditure Required:** \$0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.  
SERIES OF 2004

COUNCILLOR'S BILL NO. **37**  
INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. This is the initial appropriation for 2004 for the CDBG Fund. The appropriation of \$681,000 is the amount approved by the US Department of Housing and Urban Development (HUD) for the City for 2004.

Section 2. The \$681,000 increase in the CDBG Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase	Final Budget
<b>Revenue</b>				
Block Grant-CDBG	7600.40610.0025	\$0	<u>\$681,000</u>	\$681,000
Total change to revenues			<u>\$681,000</u>	
Description	Account Number	Current Budget	Increase	Final Budget
<b>Expenses</b>				
Salaries	76030350.60200.0000	\$0	\$104,324	\$104,324
CDBG-04 Block Grant	80476030616.80400.8888	0	<u>576,676</u>	576,676
Total change to expenses			<u>\$681,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 14th day of June, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of June, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** Councillor's Bill No. 38 re 2004 Budget Supplemental Appropriation

**Prepared By:** Karen Creager, Internal Auditor

**Recommended City Council Action:**

Pass Councillor's Bill No. 38 on second reading providing for supplementary appropriations to the 2004 budget of the General, General Capital Improvement, Golf Course and Open Space Funds.

**Summary Statement**

City Council action is requested to pass the attached Councillor's Bill on second reading, which authorizes a supplemental appropriation to the 2004 budget of the General, General Capital Improvement, Golf Course and Open Space Funds.

General Fund amendments total: \$383,861

General Capital Improvement Fund amendments total: \$105,140

Open Space Fund amendments total: \$42,000

Golf Course Fund amendments total: \$399,642

This Councillor's Bill was passed on first reading June 14, 2004.

**Expenditure Required:** \$930,643

**Source of Funds:** The funding sources for these expenditures include reimbursements, lease proceeds, fines, sponsorships, contributions, easement payment, and sale of a K-9.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **38**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT, OPEN SPACE AND GOLF COURSE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$383,861 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$83,081,992. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of reimbursements, library fines, lease proceeds, sale of a K-9 and sponsorships.

Section 2. The \$383,861 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Grants - Jeffco	1000.40640.0020	\$0	\$1,890	\$1,890
Federal Grants	1000.40610.0000	11,000	12,911	23,911
General Misc	1000.43060.0000	154,866	1,500	156,366
Other Financing Use	1000.46000.0000	0	344,560	344,560
Library Fines	1000.42120.0034	125,000	1,500	126,500
Contributions	1000.43100.0000	5,000	<u>21,500</u>	26,500
Total Change to Revenues			<u>\$383,861</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Career Dev	10020300.61800.0343	\$0	\$1,890	\$1,890
Overtime	10020300.60400.0344	0	12,911	12,911
Other Equipment	10020500.76000.0000	187,219	1,500	188,719
Other Financing Use	10010900.78800.0000	0	344,560	344,560
Other Cont Svcs	10050620.67800.0000	148,870	1,500	150,370
Special Promotions	10030340.67600.0000	19,600	<u>21,500</u>	41,100
Total Change to Expenses			<u>\$383,861</u>	

Section 3. The 2004 appropriation for the GCIF initially appropriated by Ordinance No. 2977 in the amount of \$9,036,000 is hereby increased by \$105,140 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$8,974,273. The actual amount in the GCIF on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of contributions.

Section 4. The \$105,140 increase in the GCIF shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Cash-in-lieu Fut Cap Proj	7500.40210.0751	\$0	\$100,000	\$100,000
Contributions	7500.43100.0000	0	<u>5,140</u>	5,140
Total Change to Revenues			<u>\$105,140</u>	

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Retail Initiative	80275030527.80400.8888	\$0	\$100,000	\$100,000
Trails Development	80175050135.80400.8888	593,154	5,140	598,294
Total Change to Expenses			<u>\$105,140</u>	

Section 5. The 2004 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2977 in the amount of \$4,663,797 is hereby increased by \$42,000 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$4,347,828. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of an easement payment.

Section 6. The \$42,000 increase in the Open Space Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
General Misc	5400.43060.0000	\$0	<u>\$42,000</u>	\$42,000
Total Change to Revenues			<u>\$42,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Land Purchases	54010900.76600.0000	\$640,484	<u>\$42,000</u>	\$682,484
Total Change to Expenses			<u>\$42,000</u>	

Section 7. The 2004 appropriation for the Legacy Ridge Portion of the Golf Course Fund initially appropriated by Ordinance No. 2977 in the amount of \$1,927,183 is hereby increased by \$199,821 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$2,124,597. The actual amount in the Legacy Ridge Portion of the Golf Course Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of lease proceeds.

Section 8. The \$199,821 increase in the Legacy Ridge Portion of the Golf Course Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Fin Source	2200.46000.0000	\$0	<u>\$199,821</u>	\$199,821
Total Change to Revenues			<u>\$199,821</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Fin Use	22010900.78800.0000	\$0	<u>\$199,821</u>	\$199,821
Total Change to Expenses			<u>\$199,821</u>	

Section 9. The 2004 appropriation for the Heritage Portion of the Golf Course Fund initially appropriated by Ordinance No. 2977 in the amount of \$2,007,519 is hereby increased by \$199,821 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$2,209,747. The actual amount in the Heritage Portion of the Golf Course Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt lease proceeds.

Section 10. The \$199,821 increase in the Heritage Portion of the Golf Course Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Fin Source	2300.46000.0000	\$0	<u>\$199,821</u>	\$199,821
Total Change to Revenues			<u>\$199,821</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Fin Use	23010900.78800.0000	\$0	<u>\$199,821</u>	\$199,821
Total Change to Expenses			<u>\$199,821</u>	

Section 11. – 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 12. This ordinance shall take effect upon its passage after the second reading.

Section 13. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 14th day of June, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of June, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**  
Agenda Memorandum

City Council Meeting  
June 28, 2004



**SUBJECT:** Second Reading of Councillor's Bill No. 39 re Emergency Management Program Grant

**Prepared By:** Captain Mike Reddy, Emergency Management Coordinator

**Recommended City Council Action:**

Pass Councilor's Bill No. 39 on second reading authorizing a supplemental appropriation in the amount of \$20,000 allowing the City to receive an Emergency Management Performance Grant (EMPG) provided through the Colorado Office of Emergency Management (COEM).

**Summary Statement**

- This Councillor's Bill was passed on first reading June 14, 2004.
- On December 8, 2003, Council authorized staff to apply for grant funds to support the City's emergency management program.
- On April 16, 2004 staff received a Grant Award Letter from the COEM in the amount of \$20,000.00.
- Staff has attached a proposed budget for expenditures of the grant that fulfills the requirements of the grant and addresses critical needs within the City's emergency management program. This grant will be used to provide contract emergency management training, specialized training for City employees, and emergency coordination center equipment.
- Funding requires soft match that will be achieved through existing budgeted funds for the emergency management program.
- Funds are made available on a cost reimbursement basis through quarterly submittals.
- An annual program paper has been accepted by COEM and quarterly activity reports will be required.
- Once the funding level is established for local jurisdictions, the State will set aside that amount for future years assuming federal funds are made available to COEM.

**Expenditure Required:** \$20,000 (Additional City of Westminster funds are not required to receive this grant.)

**Source of Funds:** Federal Emergency Management Agency Grant

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **39**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund, initially appropriated by Ordinance No. 2977 in the amount of \$71,818,317 is hereby increased by \$20,000 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$82,698,131. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of an emergency management performance grant.

Section 2. The \$20,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Revenue</b>				
Federal Grants	1000.40610.0000	\$11,000	<u>\$20,000</u>	\$31,000
Total change to revenues			<u>\$20,000</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Expenses</b>				
Career Dev	10025260.61800.0000	\$30,800	\$1,600	\$32,400
Contract Svcs	10025260.67800.0000	12,456	10,368	22,824
Supplies	10025260.70200.0000	32,266	<u>8,032</u>	40,298
Total change to expenses			<u>\$20,000</u>	

Section 3. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance.

The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

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



INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 14th day of June, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of June, 2004.

ATTEST:

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Mayor

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City Clerk



Agenda Memorandum

City Council Meeting  
June 28, 2003



**SUBJECT:** Second Reading of Councillor’s Bill No. 40 re Supplemental Appropriation of Big Dry Creek Watershed Grant Funds

**Prepared By:** David Carter, Laboratory Services Coordinator, Big Dry Creek Wastewater Treatment Facility

**Recommended City Council Action:**

Pass Councillor’s Bill No. 40 on second reading appropriating \$25,000 into the Special Studies Project account as a result of a United States Department of Energy (DOE) Grant extension.

**Summary Statement**

- City Council action is requested to pass the attached Councillor’s Bill on second reading that appropriates \$25,000 into the Special Studies Project account as a result of a United States Department of Energy (DOE) Grant extension.
- The DOE grant’s focus is to aid in the continuing biological monitoring program on Big Dry Creek and to encourage the continued formation of a watershed group comprised of the cities of Westminster, Broomfield, Northglenn, Thornton and Department of Energy/Rocky Flats to study the Big Dry Creek watershed, and to identify and involve additional stakeholders in the further study and management of the watershed basin.
- This Councillor’s Bill was passed on first reading on June 14, 2004.

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**Expenditure Required:** \$25,000

**Source of Funds:** The DOE will provide grant funds to the City of Westminster as grant administrator for the Big Dry Creek Watershed Association.

Respectfully submitted,

J. Brent McFall  
City Manager

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **40**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE INCREASING THE 2004 BUDGET OF THE WATER PORTION OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the Water Portion of the Utility Fund initially appropriated by Ordinance No. 2977 in the amount of \$28,737,449 is hereby increased by \$25,000 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$29,212,190. The actual amount in the Water Portion of the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a grant from the United States Department of Energy.

Section 2. The \$25,000 increase in the Water Portion of the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Revenue</b>				
Federal Grants	2000.40610.0000	\$0	<u>\$25,000</u>	\$25,000
Total change to revenues			<u>\$25,000</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Expenses</b>				
Environmental Grant	80120035189.80400.8888	\$217,330	<u>\$25,000</u>	\$242,330
Total change to expenses			<u>\$25,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 14th day of June, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of June, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** Second Reading of Councillor’s Bill No. 41 re Filling Vacancy in Offices of Mayor and Councillor

**Prepared By:** Sharon Widener, Assistant City Attorney

**Recommended City Council Action**

Pass Councillor’s Bill No. 41 on second reading, amending Chapters 10 and 11 of Title 1 of the Westminster Municipal Code, which sets forth the procedures for the filling of a vacancy in the office of Mayor and Councillor.

**Summary Statement**

- The City Charter and City Code provide that if the office of Mayor becomes vacant, the Mayor Pro Tem shall assume the office of Mayor and hold such office until the next regular election.
- In addition, the current City Code provides that at the next regular election, a Mayor shall be elected to “complete the four-year term of the person previously elected, or for a new four-year term as applicable.” This provision contemplates the election of a replacement Mayor for less than four years in the event the resigning mayor, at the time of resignation, had a term of office that extended beyond the next scheduled regular election.
- The proposed ordinance would provide that at the next regular election following a mayoral resignation, a new mayor shall be elected for a term of four years, regardless of the terms of office of the resigning mayor. This ordinance reflects the intent of the 2003 City Charter amendment that made all terms of office on City Council equal to four years.
- This Councillor’s Bill was passed on first reading on June 14, 2004.

**Expenditure Required:** \$0

**Source of Funds:** N/A

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **41**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

A BILL

FOR AN ORDINANCE AMENDING PROVISIONS OF THE WESTMINSTER MUNICIPAL CODE  
IN THE EVENT OF MAYOR OR COUNCIL VACANCY

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 1-10-1, subsection (D), W.M.C., is hereby AMENDED to read as follows:

**CHAPTER 10 MAYOR**

**1-10-1: ELECTION AND TERM LIMITATION OF MAYOR:**

(D) If the Mayor resigns or if the office otherwise becomes vacant, the Mayor Pro Tem shall assume the office of Mayor and shall hold office until the next regular City election. AT SAID ELECTION, A MAYOR SHALL BE ELECTED FOR A FOUR-YEAR TERM. ~~At said election a Mayor shall be elected either to complete the four year term of the person previously elected, or for a new four year term, as applicable.~~ The position of the Councillor/Mayor Pro Tempore shall then be filled according to the provisions of Section 1-11-4, W.M.C. ~~The provisions of Section 1-11-4 shall apply to a vacancy in the office of Mayor in the same manner as to other members of Council, unless in conflict with this section.~~ This section shall not apply to a vacancy which is the result of a recall petition or recall election, in which case City Charter procedures applicable to recall shall apply.

Section 2. Section 1-11-4, subsection (A), W.M.C., is hereby AMENDED to read as follows:

**CHAPTER 11 CITY COUNCIL**

**1-11-4: FILLING VACANCIES:**

(A) Any vacancy WHICH OCCURS in the City Council ~~more than ninety (90) days before the next regular City election~~ shall be filled within thirty (30) days by a majority of the remaining members of the City Council; ~~said appointee to hold office until the Monday following such election, at which election such vacancy shall be filled for any balance of the unexpired original term.~~ SAID APPOINTEE TO HOLD OFFICE FOR THE BALANCE OF THE UNEXPIRED TERM. ~~Any vacancy which occurs in the City Council ninety (90) days or less before the next regular City election shall not be filled.~~

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14<sup>th</sup> day of June, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28<sup>th</sup> day of June, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** Mayor Moss' Resignation

**Prepared By:** Michele Kelley, City Clerk

**Recommended City Council Action**

Accept Mayor Ed Moss' resignation effective July 6, 2004.

**Summary Statement**

- Mayor Moss has announced his appointment as a judge for the 17<sup>th</sup> Judicial District.
- State law requires that Mayor Moss resign his position as Mayor.
- Mayor Moss has served on the Westminster City Council since 1999, when he was elected to City Council. He was selected by City Council as Mayor Pro Tem in November, 2001, and moved into the position of Mayor when former Mayor Nancy Heil resigned in December, 2001.
- Mayor Moss was elected Mayor on November 4, 2003.
- A copy of Mayor Moss' resignation letter is attached.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**SUBJECT:** Mayor Moss' Resignation – Page 2

**Policy Issues**

Whether to accept Mayor Moss' resignation effective July 6, 2004.

**Alternative**

There are no alternatives identified.

**Background Information**

Mayor Moss was first elected to City Council in November, 1999 and was selected by Council as Mayor Pro Tem in November, 2001. He moved into the position of Mayor in January, 2002 when former Mayor Nancy Heil resigned, and then was elected Mayor in November, 2003.

The Westminster City Charter calls for the Mayor Pro Tem to succeed the Mayor should that individual resign mid-term.

The Mayor Pro-Tem, Nancy McNally, will be sworn into office as Mayor, at the July 12<sup>th</sup> Council meeting, and Council will then appoint another Council member to be Mayor Pro Tem.

A vacancy on the Westminster City Council will exist when Mayor Moss vacates the office of Mayor and the Council then has 30 days to fill the City Council vacancy by appointment.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment





## WESTMINSTER COLORADO

### Agenda Memorandum

City Council Meeting

Distributed early to permit adequate time for Council review for the June 28 Council meeting.



**SUBJECT:** Public Hearing and Action on Councillor's Bill No. 42 re City of Westminster Landscape Regulations 2004

**Prepared By:** Terri Hamilton, Planner III

### Recommended City Council Action:

- Hold a public hearing.
- Pass Councillor's Bill No. 42 adopting the City of Westminster Landscape Regulations, 2004; and amending Title XI, Chapter 5, Section 12, Application Format and Content for Landscape and Irrigation Drawings and Private Improvements Agreement; and amending Title XI, Chapter 6, Section 5 (E), Construction of Improvements; and amending Title XI, Chapter 7, Section 5, Provisions for the Requirement of Landscaping; and amending Title XI, Chapter 12, Section 7 (C), Landscaping.

### Summary Statement:

- The City of Westminster adopted comprehensive Landscape Regulations in 1997. The revised Landscape Regulations as proposed reflect significant modifications in the area of water conservation, a revised format for posting on the City's web site, and additions and amendments to the Regulations regarding various aspects of landscape design used by staff in the review and evaluation of landscape plans. Attachments to this Agenda Memorandum include a summary of the proposed revisions to the Landscape Regulations, a copy of the existing Regulations with proposed changes, a copy of the correspondence between one Planning Commissioner and staff, and a copy of correspondence between the Denver Home Builders Association (HBA) and staff regarding concerns expressed by the HBA.
- Two additional City staff have been identified, a Landscape Architect, and an Official Development Plan Inspector, to implement the additional level of landscape and irrigation plan review, and field inspections. Staff will bring these requests back to City Council for action at a later date.
- This Agenda Memorandum and attachments are being sent out earlier than usual to provide City Council with adequate time for review prior to the scheduled public hearing of this item at the June 28th City Council meeting.
- Staff reviewed these proposed revisions with the City Council at their May 17 Study Session and at a public hearing before the Planning Commission on June 8.
- Should Council adopt the Landscape Regulations, they would become effective on September 1, 2004.

**Expenditure Required:** \$34,213 for September- December 2004, \$103,678 for 2005

**Source of Funds:** Utility Fund

### **Planning Commission Recommendation**

The Planning Commission held a public hearing and reviewed the revised Landscape Regulations on June 8, 2004, and voted unanimously (6-0) to recommend the City Council approve the City of Westminster Landscape Regulations, 2004. Planning Commission also recommended City Council be provided with a copy of the letter from the Home Builders Association of Metropolitan Denver along with staff's comments and a copy of the comments from one Planning Commissioner and staff's response. Two persons attended the public hearing. No one spoke in favor of or in opposition to the proposed revisions.

### **Policy Issue**

Should the City Council amend the City Code regarding Landscape Regulations to reflect modifications contained in the revised regulations?

### **Alternatives**

- Approve the Councilman's Bill revising the Landscape Regulations as recommended by staff with the additional revisions to be made to the Regulations as noted in the Background Section of this Staff Report.
- Delay the approval process for the Revised Landscape Regulations in order to allow for revisions to what is currently proposed.
- Do not approve the Councilman's Bill regarding the revised Landscape Regulations and direct City Staff to try to negotiate additional water conservation measures and design items on a case by case basis.

### **Background Information**

In 1997, City Council adopted comprehensive Landscape Regulations to address requirements for landscaping. These regulations provided direction regarding landscape design and construction; established parameters for minimum landscape area and plant materials for the various types of land uses; provided for the preparation of landscape and irrigation plans; provided a list of recommended plant materials (including those plants that can thrive with lowered water requirements); described and encouraged "xeriscape" (water conservation); required the ongoing maintenance of landscaping; and detailed warranty procedures for the installation of landscape improvements during the construction process.

The existing Landscape Regulations address "xeriscaping," a landscape approach developed in Denver in response to water shortages that refers to an attractive landscape that uses little supplemental water. Xeriscaping involves seven water conservation principles: design, irrigation, soil preparation, mulch, appropriate use of turf, use of low water plants, and maintenance. The existing Landscape Regulations require irrigation, soil preparation, mulch, and long-term maintenance of the landscape. The revised Regulations now address design (both of the landscape and irrigation), appropriate use of turf, and use of low water plants as requirements instead of options. This is in direct response to the ongoing drought in Colorado and the desire to use water resources more efficiently.

Numerous jurisdictions are in the process of revising, or have recently revised their Landscape Regulations to better address water conservation. City Staff has reviewed numerous regulations, including a state sponsored "Model Landscape Ordinance" to obtain ideas and provide a context for proposed revisions to Westminster's Landscape Regulations. The Department of Community Development; Department of Parks, Recreation and Libraries; and Department of Public Works and Utilities have worked together to prepare the revisions proposed.

Two additional City staff, a Landscape Architect, and an Official Development Plan Inspector, have been identified as necessary to implement the additional level of landscape and irrigation plan review, and field inspections. Funding for these positions is reflected in the section "Expenditure Required." These positions are proposed to be funded by the City's Utility Fund, and will be brought back for City Council authorization prior to the effective date, September 1, 2004, of these reviewed Regulations.

Attached to this Staff Report is a summary and copy of the proposed Revised Landscape Regulations. City Staff has made a few minor revisions and corrections to the initial draft previously reviewed by City Council, Planning Commission, and the Home Builders Association (HBA). As requested by the HBA, the size of mulch rings around trees was reduced; and the requirement for certified irrigation designers and installers was eliminated. Other revisions within the Regulations that may be of particular interest to City Council are as follows:

1. Artificial turf is proposed to be allowed within single-family detached and duplex yard areas not adjacent to a street, public or private park or open space; and also as approved by the City on a case-by-case basis for sports fields and other limited applications. Artificial turf in these yard areas may still be somewhat visible from these areas depending upon building setbacks and fencing. The revised regulations do not regulate the quality of artificial turf that would be allowed. The existing Landscape Regulations do not address artificial turf.

City Council may agree with the proposed revision, or may recommend that artificial turf not be allowed for use by residents, or may recommend that a greater use of artificial turf be allowed. City Staff supports allowing limited use of artificial turf as proposed in the revised regulations.

2. Soil preparation is proposed to be installed in all portions of single-family yard areas that could be landscaped, prior to certificate of occupancy. Installation will be the responsibility of the developer of the lot and verification must be provided to the City regarding the amount of soil amendment installed. Frequently, the developer/builder of the lot already provides front yard landscaping (including soil amendment). With this proposed revision, the developer will also install the soil amendment in the remaining yard areas and the prospective homeowner will not have to undertake this task prior to completing their landscaping.

City Staff has researched the additional cost for this requirement, and based upon a 9,000 S.F. lot with 3,000 S.F. in building footprint, driveway, patio and sidewalk, and a remaining front yard of 3,000 S.F. and rear yard of 3,000 S.F.; the additional cost to the developer is approximately \$360-400. Not only can the developer obtain the soil amendment, installation and delivery cost at a savings based upon quantity of work to be performed, (and savings from a single delivery cost), but the installation of the soil amendment is easier to perform in rear and side yards, prior to finishing out the landscaping on the front yard, that is usually installed by the developer. Having the soil amendment in the remaining portions of the yard is not only a perk for the future homeowner, but it assures that this critical aspect of water conservation does indeed occur.

City Council may agree with the proposed revision, or may recommend that this revision be removed from the revised Regulations. City Staff supports the requirement of having the soil amendment installed all at one time, by the developer of the single-family lot, as currently proposed in the revised Regulations.

3. A second design option for fewer, but larger landscape medians within parking lots is proposed in the revised regulations. This allows two landscape design options for parking lot landscaping without an overall reduction of landscape area. One design, currently required, is to provide a landscape median every three rows of parking. A second design option, proposed, is to provide a larger landscape median every six rows of parking.

City Council may agree with the proposed revision, or may recommend that the status quo of requiring a landscape median every three rows of parking be maintained as the only desired design solution, or may recommend that providing a landscape median every six rows of parking become the new standard.

City Staff recommends allowing the two alternative design options as proposed in the revised Regulations. Both options provide visual relief within parking areas, while providing design flexibility.

4. Single-family and duplex lots, with rear and side yard areas not adjacent to a street, do not have a minimum amount of required landscape area. These yard areas could be any combination of landscape area, hardscape area (deck, patio, sidewalk, etc.), mulch, or artificial turf. Yard areas adjacent to a street will be required to provide a minimum of 50% as landscape area. The existing Landscape Regulations do not specify a minimum amount of landscape area and require clarification in this regard.

City Council may agree with the proposed revision; or may recommend that yard areas not adjacent to a street be required to have a minimum amount of landscape area.

City Staff recommends not regulating the amount of landscaping in rear yards not adjacent to a street, as proposed in the revised regulations. This approach allows maximum design flexibility within these yard areas, while providing minimum landscape area in yard areas most visible to the public.

5. New residential development adjacent to arterial streets and highways will be required to install a 6-foot height berm with a 6-foot height fence or wall, as measured from the top of curb. Alternative design solutions depending upon site specific grading may be considered by the City.

Several recent developments have installed/will be installing berms with fencing or walls adjacent to arterial streets, as negotiated through the Official Development Plan process. Examples of these developments are Cottonwood Village, Wexford Apartments, Huntington Trails, and Highlands at Westbury.

City Council may agree with the proposed revision; or may recommend that this requirement not be included in the revised regulations.

City Staff recommends requiring the berm with a fence or wall for new residential development adjacent to arterial streets and highways as proposed. Providing this requirement within the Landscape Regulations puts future developers on notice, prior to entering the Official Development Plan process, that this is an important development criteria for residential development adjacent to arterial streets and highways within the City.

City Staff hopes to address any modifications requested by City Council to the Landscape Regulations, and proceed with the final adoption of the Landscape Regulations at second reading of the ordinance in July.

#### Public Comments

The Revised Landscape Regulations have been sent to the Home Builders Association of Metropolitan Denver, the Metro North Chamber of Commerce, the Association of Landscape Contractors (ALCC), several developers who have built projects in Westminster, and the Westminster Business Advisory Group for review and input. City Staff received one response from the ALCC that was complimentary to

the Regulations as a whole (“For the most part I think these are very good, real world revisions for design and installation”), but suggested better enforcement of long-term maintenance related to water conservation. City Staff gave a brief presentation at a meeting of the MetroNorth Chamber of Commerce where the response was favorable. Two members had questions and several concerns. One concern was having any additional step that affected the timing of a development, a second concern was finding consultants who are knowledgeable, and other concerns/desires related to desires for additional attention and assistance in landscape design by City Staff. The Home Builders Association provided City Staff with a letter expressing their concerns on May 17<sup>th</sup>, and also spoke at the City Council Study Session that evening. City Staff has responded to each of their concerns as noted in correspondence attached to this Agenda Memorandum and made several revisions in the proposed Regulations as noted earlier. City Staff gave a short presentation at the May 19 meeting of the Westminster Business Advisory Board, where the response was favorable. Discussion of this group focused on applicability to existing, developed properties; how the City will provide public access to new information; questions over how plant lists will be used; and a question regarding if the City has considered offering rebates to individuals if they were to install xeriscape plant material. City Staff also received comments from a Planning Commissioner who was unable to attend the Planning Commission meeting. City Staff responded to each of the comments as noted in a copy of an email attached to this memorandum. No other formal responses have been received.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments:

- Ordinance Adopting 2004 Landscape Regulations
- Summary of Revisions, 2004
- Landscape Regulations, 2004
- Letter to Home Builders Association
- Email to Planning Commissioner

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **42**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE ADOPTING THE CITY OF WESTMINSTER LANDSCAPE REGULATIONS, 2004; AND AMENDING TITLE XI, CHAPTER 5, SECTION 12, APPLICATION FORMAT AND CONTENT FOR LANDSCAPE AND IRRIGATION DRAWINGS AND PRIVATE IMPROVEMENTS AGREEMENT; AND AMENDING TITLE XI, CHAPTER 6, SECTION 5 (E), CONSTRUCTION OF IMPROVEMENTS; AND AMENDING TITLE XI, CHAPTER 7, SECTION 5, PROVISIONS FOR THE REQUIREMENT OF LANDSCAPING; AND AMENDING TITLE XI, CHAPTER 12, SECTION 7 (C), LANDSCAPING.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The City of Westminster Landscape Regulations, 2004, are hereby adopted and enforced as if fully set forth in the Westminster Municipal Code. Undeveloped properties with an Official Development Plan approved prior to September 1, 2004 will be allowed to proceed with the landscape and irrigation design requirements in effect prior to September 1, 2004.

Section 2. Title XI, Chapter 5, Section 12, W.M.C. is hereby AMENDED to read as follows:

**11-5-12: APPLICATION FORMAT AND CONTENT FOR LANDSCAPE AND IRRIGATION DRAWINGS AND PRIVATE IMPROVEMENTS AGREEMENT: (2534)**

(A) ~~As required in section 11-5-8 BY THE CITY OF WESTMINSTER PLAN SUBMITTAL DOCUMENT AND THE CITY OF WESTMINSTER LANDSCAPE REGULATIONS, a landscape AND IRRIGATION planS shall be reviewed and approved in conjunction with the Official Development Plan BY THE CITY. The landscape plan shall be prepared by a qualified landscape architect or other person experienced in landscape design.~~

(B) ~~As determined by the City, redevelopment or change in use projects may be required to submit a landscape plan and irrigation construction drawings.~~ THE FORMAT AND CONTENT FOR LANDSCAPE AND IRRIGATION DRAWINGS AND PRIVATE IMPROVEMENTS AGREEMENT SHALL BE AS SPECIFIED BY THE CITY OF WESTMINSTER PLAN SUBMITTAL DOCUMENT, THE CITY OF WESTMINSTER LANDSCAPE REGULATIONS, AND AS SET FORTH IN THE WESTMINSTER MUNICIPAL CODE.

(C) ~~Final landscape construction drawings in accordance with the approved Official Development Plan shall be submitted prior to beginning construction of any landscape areas.~~ NO CONSTRUCTION OF LANDSCAPE IMPROVEMENTS CAN OCCUR UNTIL THE CITY APPROVES THE LANDSCAPE AND IRRIGATION CONSTRUCTION PLANS, AND THE PRIVATE IMPROVEMENTS AGREEMENT.

(D) ~~The design of the irrigation plan shall be prepared by a qualified landscape architect or other person experienced in irrigation system design, and will be reviewed by the City for general layout only. The professionally developed irrigation drawings shall be submitted at the time of landscape construction drawing submittal and private improvements agreement. The technical details of the irrigation system design and operation shall be the responsibility of the private irrigation consultant, however the irrigation~~

~~watering time shall not exceed eight (8) hours per day. Tap size(s) required shall be determined within these constraints and shall be subject to approval by the City.~~

~~(E)~~ (D) As-built LANDSCAPE AND irrigation drawings shall be presented BY THE DEVELOPER to the owners/owner's association/HOMEOWNERS ASSOCIATION and the City prior to final acceptance of the project.

~~(F) Prior to construction, a Private Improvements Agreement for landscaping, fencing and other private improvements shall be submitted to the City by the owner, and shall include the projected costs of improvements. One of the forms of security outlined in section 11-6-4 shall also accompany the public improvements agreement.~~

Section 3. Title XI, Chapter 6, Section 5, subsection (E), W.M.C., is hereby AMENDED to read as follows:

**11-6-5: DESIGN AND CONSTRUCTION OF IMPROVEMENTS:**

**(E) CONSTRUCTION OF IMPROVEMENTS.**

1. No construction of any public improvement shall commence until the City has issued a written notice to proceed.

2. The construction of all public and private improvements in areas of common ownership shall be completed in accordance with the approved construction drawings and specifications, the City of Westminster Standards and Specifications for the Design and Construction of Public Improvements, the City of Westminster Drainage Criteria Manual, THE CITY OF WESTMINSTER LANDSCAPE REGULATIONS, and the City of Westminster Sitework Specifications.

Section 4. Title XI, Chapter 7, Section 5, W.M.C., is hereby AMENDED to read as follows:

**11-7-5: PROVISIONS FOR THE REQUIREMENT OF LANDSCAPING: (2534)**

~~(A) Landscaping shall be defined and shall primarily refer to planted, green areas but may also include decorative paving (other than sidewalks and drives), water features, streams and grass channels as approved by the City. ALL PROPERTIES WITHIN THE CITY OF WESTMINSTER ARE REQUIRED TO PROVIDE LANDSCAPING ACCORDING TO THE CITY OF WESTMINSTER LANDSCAPE REGULATIONS AND THE WESTMINSTER MUNICIPAL CODE.~~

~~(B) The City shall have the authority to require landscaping in new development and redevelopment projects according to the City's Landscape Regulations as may be approved from time to time by City Council. When a change in use occurs which involves an Official Development Plan, Amendment to the Official Development Plan, or Official Development Plan Waiver, the site should be brought up to current development standards whenever possible and within reason, as determined by the City. SPECIFIC REGULATIONS PERTAINING TO THE LANDSCAPING OF PROPERTY AS WELL AS THE LONG TERM MAINTENANCE OF LANDSCAPING IS REQUIRED ACCORDING TO THE CITY OF WESTMINSTER LANDSCAPE REGULATIONS AND THE WESTMINSTER MUNICIPAL CODE.~~

~~(C) Enforcement of the landscape required by these regulations and/or as shown on the Official Development Plan PERTAINING TO LANDSCAPING shall be as provided by section 1-8-1 of the Westminster Municipal Code.~~

~~(D) The property owner, OWNERS, OR OWNERS ASSOCIATION is responsible for the installation AND MAINTENANCE of landscaping ON THEIR PROPERTY, PROPERTY HELD IN JOINT OR MULTIPLE OWNERSHIP, AND ADJACENT PUBLIC RIGHT-OF-WAY, UNLESS DETERMINED OTHERWISE BY THE CITY in the right of way of all arterial and collector streets abutting their development, and occasionally of local streets. The property owner is also responsible for installation of the landscaping in common areas including detention pond areas.~~

~~(E) The property owner or owners association is responsible for the maintenance of landscaping in the right of way of all arterial and collector streets within or abutting their development, and occasionally of local streets. The owner or owners association is responsible for the maintenance of landscaping in common areas including detention pond areas.~~

~~(F) (E) The property owner, OWNERS, or owners association shall be responsible for the continual adequate maintenance of landscaping required by and shown on the ANY Official Development Plan(s) and site plan(s) accompanying Official Development Plan waivers.~~

~~(G) All landscaping and required buffering shall be continually maintained including irrigation, weeding, pruning and materials replacement, in a substantially similar manner as originally approved. The following survival standards shall apply to all landscaping and required buffering:~~

~~— 1. A minimum of 75 percent of the required landscape area must be covered by living plant material such as ground covers, low growing shrubs or grass within two years after installation and thereafter. Non living groundcovers such as redwood bark, wood chip mulch, boulders, cobble or river rock shall be limited to a small area, not to exceed 25 percent of the landscape area. All non-living groundcovers shall be placed over a suitable weed barrier or filter fabric.~~

~~— 2. Non living ground covers, such as rock or mulch, must be 100 percent in tact after one year and 100 percent in tact thereafter.~~

~~— 3. Trees, shrubs, groundcovers and grass must have a 100 percent ongoing survival rate.~~

~~— 4. Any dead or severely damaged (as determined by the City) plant material shall be replaced within 6 months of notification by the City.~~

~~(H) All areas to be seeded, sodded, or otherwise planted in all nonresidential developments and areas of common ownership in residential developments (including right of way areas) shall have soil preparation per City specifications and an automatic sprinkler system.~~

~~(I) The owner is required to check with the City to determine the proximity of the development to the City's reclaimed water system. Projects within 300' of the system may be required to tie into the system.~~

~~(J) Trees and shrubs shall not be placed where they will obstruct the visual line of sight on a public right-of-way. No plants or other landscape items shall block free access to a fire hydrant. All plantings and landscaping shall also be in accordance with all applicable provisions of the City's Uniform Fire and Building Codes.~~

~~(K) At the intersection of a private drive with a public street, and at the intersection of two public streets, vehicular sight triangles shall be designated in order to insure that there are no visibility obstructions for motorists. (See section 8 4 6(B).) Sight triangles shall be shown on all Official Development Plans and shall conform with the City engineering document entitled, "Intersection Sight Distance Criteria." All shrubs, boulders, etc. within the sight triangle must be maintained below a height of thirty inches (30"), and all tree branches in these areas must be pruned to a minimum height of eight feet (8') above the curb. Evergreen trees shall not be placed within the sight triangle.~~



Section 5. Title XI, Chapter 12, Section 7, subsection (C), W.M.C., is hereby AMENDED to read as follows:

**11-12-7: SITE MAINTENANCE:**

**(C) Landscaping.**

1. ALL LANDSCAPE AREA AND LANDSCAPE MATERIALS SHALL BE MAINTAINED ACCORDING TO THE CITY OF WESTMINSTER LANDSCAPE REGULATIONS AND CITY CODE. All landscape areas shall be landscaped with approved landscaping, including grass, shrubs, and trees. All landscaping areas shall be maintained and all dead or severely damaged plant materials shall be replaced with plant materials as required by the City of Westminster Landscape Regulations. All turf areas shall be maintained so that no grass or weeds exceed six (6) inches in height. ~~Landscaping areas are defined as the general landscape area, right-of-ways and detention or pond areas. Driveways, hardscape parking areas, patios or walks are not included as landscape areas.~~ LANDSCAPE AREA AND LANDSCAPE IMPROVEMENTS/MATERIALS ARE DEFINED IN THE CITY OF WESTMINSTER LANDSCAPE REGULATIONS. LANDSCAPE AREA WILL NOT INCLUDE TREE CANOPY, BARE DIRT, WEEDS, ARTIFICIAL TURF, OR HARDSCAPE IMPROVEMENTS.

2. Within five (5) years of the adoption of this Code, all single-family detached and duplex residential rental properties shall be provided with one (1) tree and three (3) shrubs in the front yard landscape area. ~~AS REQUIRED BY THE CITY OF WESTMINSTER LANDSCAPE REGULATIONS, A~~ a minimum of ~~seventy five (75)~~ FIFTY (50) percent of ~~the front lawn~~ EACH YARD area ADJACENT TO A STREET, OR PUBLIC OR PRIVATE PARK OR OPEN SPACE shall be ~~covered by living plant material such as grass, shrubs, or ground cover~~ LANDSCAPE AREA. REMAINING YARD AREA NOT LANDSCAPE AREA SHALL BE HARDSCAPE AS DEFINED IN THE LANDSCAPE REGULATIONS.

3. Within five (5) years of the adoption of this Code, all single-family attached and multi-family residential rental properties shall be provided with one (1) tree and three (3) shrubs per 1,000 square feet of landscaping area AND A MINIMUM OF THIRTY (30) PERCENT OF THE LOT SHALL BE LANDSCAPE AREA AS DEFINED BY THE LANDSCAPE REGULATIONS. REMAINING YARD AREA NOT LANDSCAPE AREA SHALL BE HARDSCAPE AS DEFINED IN THE LANDSCAPE REGULATIONS, ~~except that~~ Properties with an existing landscape plan as part of an approved Official Development Plan shall be maintained as required by such plan.

Section 6. Severability: 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 deemed unenforceable shall not affect any of the remaining provisions.

Section 7. This ordinance shall take effect upon its passage after second reading.

Section 8. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST:

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Mayor

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City Clerk

Landscape Regulations 2004

## SUMMARY OF REVISIONS TO LANDSCAPE REGULATIONS, 2004

June 28, 2004

The following list identifies primary changes to the 1997 Landscape Regulations, in the order they appear in the regulations. The most significant changes proposed in the 2004 Regulations are intended to result in landscape and irrigation design that incorporates water conservation measures. The proposed regulations also incorporate various criteria the City has historically used in the review and evaluation of landscape plans.

The 2004 Regulations have been re-formatted and re-written. Text that has been re-written or added is in all caps. New requirements that Staff believes to have the greatest impact and interest are identified below, according to their sequence within the 2004 Regulations.

1. Section I: Statement of Intent: Efficient use of water resources is now identified as a purpose of the Landscape Regulations. This intent has significant impact throughout with new requirements for landscape and irrigation design.
2. Section III: Adjustment of Requirements: Criteria and process for adjustment to the requirements has been added.
3. Section V: Considerations in Landscape Design:
  - Water conservation in design, i.e. “Xeriscaping” is explained and now required in all landscape design.
  - Included in Xeriscaping is the requirement to design and group plants by their water needs- “hydrozoning.” Three zones, high, moderate, and low are identified.
  - A maximum water budget, an average of the various water applications, for the landscape irrigation season is required not to exceed 15 gallons or 24 inches of irrigation per square foot of landscape area. (This is less than a design with all bluegrass that would need 18 gallons or 29 inches/SF.)
4. Section VI: General Landscape Provisions for Plant Materials and their Design and Installation:
  - The City will require written verification of the amount of soil amendment installed.
  - Soil amendment must be installed in all portions of the single-family lot that can be landscaped- prior to certificate of occupancy. Installation will be the responsibility of the developer of the lot and verification must be provided to the City regarding the amount of soil amendment installed.
  - Diversity in trees will be required by type of tree (evergreen, shade, ornamental) and a maximum amount of any one species.
  - Trees will be required to be surrounded by a minimum area of mulch 4 feet in diameter.
  - High hydrozones (bluegrass) will be limited to 50% of non-residential landscape areas (right of way excluded).
  - The City will consider artificial turf for facilities such as sports fields.
  - Artificial turf may be used by resident homeowners of single-family detached or duplex lots in yard areas not adjacent to a street.
  - Alternative turf to bluegrass is recommended in areas not subject to regular pedestrian or canine foot-traffic.

- Alternative turf, if commercially available as sod, must be installed as sod, except for resident homeowners of single-family detached or duplex lots who can seed. (Sod reduces weed problems) Other alternative turfs, not commercially available as sod, may be installed by seeding.
  - A previous requirement that 50% of the landscape area be turf has been eliminated.
  - A two-year warranty period is required for turf installed by seed (landscaping by SFD and Duplex resident homeowner exempt).
5. Section VII: Residential Landscape Standards:
- Redefine the required landscape area for SFD lots as a minimum of 50% of each yard area adjacent to a street or public or private park or open space. Remaining yard area not landscape area must be hardscape. Yard areas not adjacent to a street have no minimum amount of landscape area and can be any combination of landscape area, hardscape, mulch or artificial turf.
  - Clarify that automatic irrigation is required for all landscaping, including SFD by homeowner. (this is not a new requirement.)
  - Add a requirement for local street right of way: 1-shade tree/80 linear feet with turf, groundcover or shrubs.
  - A 6-foot height berm with a 6-foot height fence or wall will be required to be built by the developer of residential development that is adjacent to an arterial street or highway.
6. Section VIII: Right of Way Landscape Standards:
- Clarify that the requirement to landscape and maintain adjacent ROW includes that of US-36 and I-25.
  - Clarify that the City will refer landscape design along highway ROW to The Colorado Department of Transportation for comment.
7. Section IX: Parking Lot Landscape Standards:
- Clarify buffering requirements from adjacent streets and properties by grade, berms, or shrub beds.
  - Discourage the use of bluegrass and/or berming in landscape islands and medians.
  - Allow a design option of fewer, but wider, landscape medians.
8. Section XII: Landscape and Irrigation Plan Requirements:
- Require a checklist (City will prepare form) to be signed by the developer that landscape and irrigation improvements have been installed according to approved plans and City requirements.
  - Require a certified irrigation auditor to conduct the irrigation audit. (Resident homeowner of SFD and Duplex lots exempt.)
  - Require landscape and irrigation plans to show and label hydrozones, show plant and irrigation techniques appropriate to the hydrozone, indicate required amount of soil preparation, and water budget information. (Resident homeowner of SFD and Duplex lots exempt.)
  - Avoid irrigation overspray onto non-landscape surfaces.
  - Require irrigation technique of drip, micro-spray or sub-surface within landscape areas less than 8 feet in width.

- Require water features to be included in the water budget, to use recycled water, and to use non-potable water if possible.
- Require design to take into account a maximum irrigation time limit of 8 hours every other day.
- Require a master shut off valve. (Rain shut off devices are already required.)
- Require design to identify existing water pressure and design pressure and use of pressure reduction valves or sprinkler heads, or booster valves if necessary.
- Require irrigation clock controllers to have capabilities for seasonal adjustment, multiple programs and start times, etc. Controllers, excepting SFD, shall use evapo-transpiration or soil moisture based programming.
- Require sizing of irrigation clock controllers installed by the developer for SFD lots to have capacity for landscape/irrigation zones added by the future homeowner.
- Require minimum acceptable distribution uniformities of 55% for pop-up sprinkler heads or spray zones and 70% for rotor zones, or current irrigation association minimums. (This is an accepted performance/efficiency standard)
- Require verification of a successful irrigation audit. (This ensures the system operates effectively and establishes a watering schedule.)

6. Section XIII: Plant Materials

- Plant materials are broken down into suggested location by type of hydrozone. Plants that are salt tolerant are identified for use with non-potable water. (This section is now separate from the Regulations so it can be updated on a regular basis to reflect current data regarding water usage.)

7. Section XVI: Definitions are added to the Regulations

## LANDSCAPE REGULATIONS 2004

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# City of Westminster Landscape Regulations (June 2004) 2004 Edition

## I. STATEMENT OF INTENT

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THE PURPOSE OF THESE LANDSCAPE REGULATIONS IS TO PROVIDE MINIMUM DESIGN, INSTALLATION AND MAINTENANCE CRITERIA FOR LANDSCAPE ELEMENTS. THE CITY OF WESTMINSTER RECOGNIZES LANDSCAPING AS AN IMPORTANT COMPONENT OF QUALITY DEVELOPMENT, RESULTING IN THE ENHANCEMENT OF WESTMINSTER'S CHARACTER AND IMAGE AS WELL AS PROVIDING BENEFITS TO THE PUBLIC SUCH AS, BUT NOT LIMITED TO:

**Deleted:** The City recognizes that landscaping is an important component of quality development and that the desirability of living and working in the City is increased by enhancing the appearance of residential, commercial and industrial areas of the City. Additionally, the City recognizes that landscaping can be used to improve air quality, reduce dust, act as a noise buffer, visually facilitate traffic flow and access, and mitigate the impact of otherwise incompatible uses which abut each other. The purpose of these standards is to assist in the development of quality plans and proposals, encourage quality development in the City, and generally promote the health, safety and welfare of the City's inhabitants.

- ENHANCEMENT OF PROPERTY VALUES
- IMPROVEMENT OF AIR AND WATER QUALITY
- REDUCTION OF HEAT, GLARE, DUST AND NOISE
- BUFFERING OR FRAMING VIEWS
- PROVISION OF WILDLIFE HABITAT AND LIVING ENVIRONMENT
- SEASONAL INTEREST AND VISUAL ENHANCEMENT
- EFFICIENT USE OF WATER RESOURCES

The City recognizes that landscaping is an important component of quality development and that the desirability of living and working in the City is increased by enhancing the appearance of residential, commercial and industrial areas of the City. Additionally, the City recognizes that landscaping can be used to improve air quality, reduce dust, act as a noise buffer, visually facilitate traffic flow and access and mitigate the impact of otherwise incompatible uses which abut each other. The purpose of these standards is to assist in the development of quality plans and proposals, encourage quality development in the City, and generally promote the health, safety and welfare of the City's inhabitants.

## II. APPLICABILITY

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These Landscape Regulations have been adopted by Councillors' Bill #. THE WESTMINSTER CITY COUNCIL. ALL AREAS TO BE LANDSCAPED SHALL INCORPORATE THE REQUIREMENTS HEREIN. As adopted by the Councillor's Bill, Enforcement of the regulations shall be as provided in Section 1-8-1 of the Westminster Municipal Code.

**Deleted:** As adopted by the Councillor's Bill, e

City Staff is authorized to require landscaping in new development and re-development projects. Landscaping and irrigation are also required if there is any change in use as determined under the principal permitted uses listed for the individual zone district or on the Preliminary Development Plan. When a change in use occurs which involves an Official Development Plan Amendment to an Official Development Plan, or Official Development Plan Waiver, the site should be brought up to current development standards, whenever possible and within reason. Final landscape and irrigation drawings in accordance with an approved Official Development Plan shall be submitted to the City prior to beginning construction of any landscape areas.

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**Deleted:** Landscaping and irrigation are also required if there is any change in use as determined under the principal permitted uses listed for the individual zone district or on the Preliminary Development Plan.

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**Deleted:** whenever possible and within reason

**Deleted:** beginning construction of any landscape areas

LANDSCAPING WILL BE REQUIRED ACCORDING TO THE LANDSCAPE REGULATIONS IN INSTANCES AS FOLLOWS:

- IN NEW DEVELOPMENT



- IN REDEVELOPMENT, EXCEPT IN CASES WHERE THERE IS NO MODIFICATION THAT INCREASES ANY ASPECT OF NON-CONFORMANCE WITH THESE REGULATIONS NOR INCREASE IN HARDSCAPE AREA OF GREATER THAN 500 SQUARE FEET.
- IN EXISTING DEVELOPMENT WHERE THERE IS AN OFFICIAL DEVELOPMENT PLAN OR AMENDED OFFICIAL DEVELOPMENT PLAN OR OFFICIAL DEVELOPMENT PLAN WAIVER THAT ADDRESSES LANDSCAPING, AND LANDSCAPING IS PROPOSED TO BE MODIFIED FROM WHAT WAS APPROVED.
- IN EXISTING NON-SINGLE FAMILY DETACHED DEVELOPMENT WHERE THERE IS NO OFFICIAL DEVELOPMENT PLAN OR AMENDED OFFICIAL DEVELOPMENT PLAN OR OFFICIAL DEVELOPMENT PLAN WAIVER THAT ADDRESSES LANDSCAPING, AND LANDSCAPE AREA OR MATERIALS ARE PROPOSED TO BE MODIFIED. IMPROVEMENTS WITHIN EXISTING LANDSCAPE AREA OR MATERIALS MUST OCCUR IN A MANNER THAT COMPLIES WITH THE STANDARDS HEREIN OR DECREASES ASPECTS OF NON-CONFORMANCE. LANDSCAPE AREA OR MATERIALS CANNOT BE REDUCED WITHOUT CITY APPROVAL. EXISTING TREES ON THESE PROPERTIES CANNOT BE REMOVED WITHOUT CITY APPROVAL.
- IN EXISTING SINGLE FAMILY DETACHED RESIDENTIAL DEVELOPMENT WHERE THERE IS NO APPROVED OFFICIAL DEVELOPMENT PLAN OR AMENDED OFFICIAL DEVELOPMENT PLAN OR OFFICIAL DEVELOPMENT PLAN THAT ADDRESSES LANDSCAPING, AND LANDSCAPE AREA OR RELATED REQUIREMENTS IS PROPOSED TO BE MODIFIED TO LESS THAN THE STANDARDS HEREIN FOR A NEW SINGLE FAMILY DETACHED LOT.

LANDSCAPE AND IRRIGATION DRAWINGS AND DOCUMENTS RELATED THERETO ARE REQUIRED AS DESCRIBED IN THESE REGULATIONS.

RENTAL HOUSING HAS ADDITIONAL MUNICIPAL CODE REGULATIONS REGARDING LANDSCAPING. REFER TO THE MUNICIPAL CODE AT 11-12-7.

### **III. ADJUSTMENT OF REQUIREMENTS**

THE PLANNING MANAGER IS AUTHORIZED TO ALLOW AN ADJUSTMENT FROM THE STRICT APPLICATION OF THE LANDSCAPE AND IRRIGATION REQUIREMENTS IN CASES THAT INVOLVE PRACTICAL DIFFICULTIES OR UNNECESSARY HARDSHIP, PROVIDED HOWEVER, THAT:

- THE ADJUSTMENT GRANTED IS THE MINIMUM NECESSARY TO ALLEVIATE SUCH PRACTICAL DIFFICULTIES OR UNDUE HARDSHIP UPON THE OWNER OR THE PROPERTY;
- SUCH RELIEF MAY BE GRANTED WITHOUT SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD AND WITHOUT SUBSTANTIALLY IMPAIRING THE INTENT AND PURPOSE OF THESE REGULATIONS.

IN GRANTING AN ADJUSTMENT, THE PLANNING MANAGER MAY ATTACH REASONABLE CONDITIONS THERETO. THE GRANTING OF ANY ADJUSTMENT

SHALL NOT CONSTITUTE OR BE CONSTRUED AS A PRECEDENT, GROUND OR CAUSE FOR ANY OTHER ADJUSTMENT.

APPEALS FROM THIS SECTION SHALL BE CONSIDERED BY THE PLANNING COMMISSION AND SHALL FOLLOW PROCEDURE AND FEES AS ESTABLISHED BY THE APPROVAL PROCESS FOR OFFICIAL DEVELOPMENT PLANS.

IN THE CASE OF CONFLICT OR LACK OF SPECIFICATION, THE PLANNING MANAGER WILL DETERMINE THE APPROPRIATE REGULATION.

It is recognized that City projects such as parks, street medians or public utility facilities may have unique requirements for landscaping and will be reviewed on an individual basis. To the extent that City projects are similar in nature to private development projects, the Landscape Regulations will apply.

**IV. OTHER REFERENCES**

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Other documents which should be referenced that ~~may~~ ARE ~~be~~ relevant to landscaping include (but are not limited to): the Sitework Specifications; STANDARDS AND SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF PUBLIC IMPROVEMENTS (IN THIS CASE, REQUIREMENTS LISTED FOR PUBLIC IMPROVEMENTS WILL APPLY TO LANDSCAPE RELATED IMPROVEMENTS FOR PRIVATE IMPROVEMENTS); ~~the Single Family Detached Residential Design Guidelines, the Baseline Standards for Single Family Attached Residential Projects and the Baseline Standards for Multiple Family Residential Projects.~~ THE SINGLE-FAMILY DETACHED, SINGLE-FAMILY ATTACHED, MULTI-FAMILY, AND SENIOR RESIDENTIAL DESIGN GUIDELINES; THE TRADITIONAL MIXED USE NEIGHBORHOOD DEVELOPMENTS DESIGN GUIDELINES; THE RETAIL COMMERCIAL DESIGN GUIDELINES; AND ANY OTHER DESIGN GUIDELINES. Other documents, which apply to specific developments, include the OFFICIAL DEVELOPMENT PLAN AND ANY REFERENCED GUIDELINES.

Questions concerning the landscaping for City owned and maintained trails, greenbelts and parks, ~~should be directed to the Department of Parks, Recreation and Libraries.~~ Questions concerning AND publicly owned and maintained open space should be directed to the ~~Open Space Division of the Department of Community Development~~ DEPARTMENT OF PARKS, RECREATION AND LIBRARIES.

**V. GENERAL LANDSCAPING PROVISIONS  
CONSIDERATIONS IN LANDSCAPE DESIGN**

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PRIOR TO DESIGN OF A NEW LANDSCAPE OR MODIFICATIONS TO AN EXISTING LANDSCAPE, THE FOLLOWING LANDSCAPE DESIGN ELEMENTS MUST BE CONSIDERED AND INCORPORATED INTO THE LANDSCAPE AND IRRIGATION DESIGN.

**A. WATER CONSERVATION/WATER-WISE LANDSCAPING/XERISCAPING**

~~Native or drought tolerant approaches to landscaping will be considered under certain appropriate circumstances. Large landscape areas adjacent to existing, native, open space tracts may be appropriate for xeriscape treatment, as may parts of the primary landscape area when the principles of xeriscaping are well understood and applies. (See~~

~~Xeriscaping section of these Landscape Regulations). All planted areas, including xeriscape areas, require an automatic irrigation system. Regardless of how drought tolerant a plant may be, relatively frequent watering is needed until plants are established. For most woody plants, establishment takes at least two growing seasons. Once established, gradual reduction of watering frequency can be accomplished.~~

THE DENVER METROPOLITAN AREA HAS A SEMI-ARID CLIMATE WITH AN AVERAGE OF ONLY FOURTEEN INCHES OF NATURAL PRECIPITATION A YEAR. BECAUSE LANDSCAPE DESIGN IN COLORADO OFTEN INCORPORATES THE USE OF PLANTS THAT ARE NATIVE TO REGIONS THAT HAVE HIGHER LEVELS OF ANNUAL PRECIPITATION, SUPPLEMENTAL WATER IS NECESSARY TO ENSURE THESE LANDSCAPES SURVIVE IN COLORADO.

#### 1. XERISCAPE

THE CONCEPT OF XERISCAPE WAS DEVELOPED IN DENVER IN RESPONSE TO WATER SHORTAGES AND REFERS TO AN ATTRACTIVE LANDSCAPE THAT USES LITTLE SUPPLEMENTAL WATER. IT DOES NOT REFER TO A DRY, BARREN, NO- MAINTENANCE LANDSCAPE, WITHOUT IRRIGATION. THE XERISCAPE CONCEPT PROMOTES WATER-WISE/WATER CONSERVATION IN LANDSCAPE DESIGN, TO RESULT IN LANDSCAPES WITHIN A SEMI-ARID CLIMATE THAT CAN HAVE SEASONAL INTEREST, FLOWERS, AND GREENERY.

XERICAPING INCORPORATES SEVEN WATER CONSERVING PRINCIPLES. THESE ARE AS FOLLOWS:

- DESIGN - THE WATER CONSERVING LANDSCAPE REQUIRES CAREFUL ATTENTION TO DESIGN. THE DESIGN IS ONE WHICH IDENTIFIES AND DEVELOPS ZONES OF DIFFERENT WATER REQUIREMENTS. DESIGNING WITH DIFFERENT AREA OF WATER DEMANDS IS CALLED "HYDROZONING."
- IRRIGATION - IRRIGATION IS NECESSARY TO EFFECTIVELY ESTABLISH THE LANDSCAPE AND TO MAINTAIN PLANT LIFE THAT REQUIRES SUPPLEMENTAL WATER ON A REGULAR OR PERIODIC BASIS, OR IN PERIODS OF DROUGHT. WATERING DEEPLY AND LESS FREQUENTLY WILL TYPICALLY RESULT IN PLANTS THAT ARE DEEPER ROOTED AND MORE DROUGHT TOLERANT.
- SOIL PREPARATION - SOIL PREPARATION IS VERY IMPORTANT TO THE SUCCESS OF THE LANDSCAPE. ADDING ORGANIC MATERIAL (COMPOST) RESULTS IN SOILS THAT WILL HOLD MOISTURE LONGER. LOOSENING THE SOIL (ROTOTILLING) PROVIDES WATER AND AIR INFILTRATION FOR IMPROVED ROOT DEVELOPMENT.
- MULCH - MULCH COVERS BARE SOIL, REDUCING EVAPORATION, SOIL TEMPERATURE AND EROSION. THIS IMPROVES PLANT GROWTH AND ASSISTS IN REDUCING WEEDS AND THEIR

COMPETITION FOR WATER AND NUTRIENTS. MULCH ALSO MAKES WEEDING EASIER TO PERFORM.

- APPROPRIATE USE OF TURF - CAREFUL CONSIDERATION OF WHERE TURF IS DESIRED AND TYPE OF GRASS USED IS A MAJOR COMPONENT OF XERISCAPING. DETERMINE THE FUNCTION OF TURF IN THE PROPOSED LANDSCAPE, AND THEN CONSIDER THE VARIOUS GRASSES, SUITABILITY FOR ACTIVE USE, THEIR GROWTH HABITS, AND MAINTENANCE REQUIREMENTS.
- USE OF LOW WATER PLANTS - CAREFUL PLANT SELECTION AND GROUPING BASED UPON WATER REQUIREMENTS, WITH THE GOAL OF CONSERVING WATER, CAN RESULT IN A LANDSCAPE DESIGN OF GREAT BEAUTY AND INTEREST. XERISCAPING HAS INCREASED THE POPULARITY OF MANY PLANTS THAT DO NOT REQUIRE SIGNIFICANT LEVELS OF WATER.
- MAINTENANCE - ALL LANDSCAPES REQUIRE REGULAR AND PERIODIC MAINTENANCE. REPLACEMENT OF MULCHES, WEEDING, PRUNING, MOWING, AND IRRIGATION ADJUSTMENT ARE ROUTINE REQUIREMENTS OF BOTH THE XERISCAPE AND TRADITIONAL LANDSCAPE.

## 2. SPECIFIC WATER - WISE LANDSCAPE ELEMENTS

IN ORDER TO REDUCE THE IMPACT OF DROUGHT ON LANDSCAPES, AND PROVIDE EFFICIENCY IN THE USE OF WATER, LANDSCAPE DESIGN WILL BE REQUIRED TO INCORPORATE VARIOUS WATER-WISE ELEMENTS. THESE ARE AS FOLLOWS:

- DESIGN BASED UPON ZONES OF DIFFERENT WATER REQUIREMENTS- REFERRED TO AS "HYDROZONING." LOW, MODERATE, AND HIGH HYDROZONES WILL BE REQUIRED TO BE IDENTIFIED ON LANDSCAPE AND IRRIGATION PLANS. PLANT CHOICE AND IRRIGATION DESIGN MUST REFLECT THE RELEVANT HYDROZONE REQUIREMENTS.
- TOTAL ANNUAL WATER APPLICATION BY IRRIGATION (WATER BUDGET) SHALL NOT EXCEED 15 GALLONS/SQUARE FOOT/YEAR (24 INCHES).
- LOW HYDROZONES ARE CLASSIFIED BY PLANTINGS THAT GENERALLY DO NOT REQUIRE MORE THAN 3 GALLONS/SQUARE FOOT OF SUPPLEMENTAL WATER PER YEAR, AND PLANTS IN THIS ZONE GENERALLY NEED LOWER LEVELS OF WATER TO THRIVE. ALTHOUGH PLANTS IN THIS ZONE MAY GROW WITH MINIMAL USE OF SUPPLEMENTAL WATER, IN TIMES OF PLANT ESTABLISHMENT OR DROUGHT, THESE LOW WATER USE PLANTS BENEFIT FROM CONTROLLED, SUPPLEMENTAL WATERING. IRRIGATION METHODS

IN THIS ZONE WILL TYPICALLY BE MICRO-SPRAY OR DRIP. BUFFALO GRASS IS A TYPICAL GRASS IN THIS HYDROZONE.

- MODERATE HYDROZONES ARE CLASSIFIED BY PLANTINGS THAT GENERALLY REQUIRE 10 GALLONS/SQUARE FOOT OF SUPPLEMENTAL WATER PER YEAR, AND PLANTS IN THIS ZONE GENERALLY NEED THIS LEVEL OF WATER TO THRIVE. IRRIGATION METHODS IN THIS ZONE WILL TYPICALLY BE SPRAY HEADS. TURF-TYPE TALL FESCUE IS A TYPICAL GRASS IN THIS ZONE.
- HIGH HYDROZONES ARE CLASSIFIED BY PLANTINGS THAT WILL GENERALLY REQUIRE 18 INCHES/SQUARE FOOT OF SUPPLEMENTAL WATER PER YEAR. PLANTS IN THIS ZONE GENERALLY NEED THIS HIGH LEVEL OF WATER TO THRIVE. IRRIGATION METHODS IN THIS ZONE WILL TYPICALLY BE SPRAY OR ROTOR HEADS. BLUEGRASS TURF IS A TYPICAL GRASS IN THIS ZONE.
- HIGH HYDROZONES SHOULD NOT BE WITHIN FIVE-FEET OF A BUILDING FOUNDATION TO REDUCE POTENTIAL PROBLEMS FROM EXPANSIVE SOILS. IN GENERAL, FOR PURPOSES OF WATER CONSERVATION, IT IS DESIRABLE TO TRANSITION TO A LOW WATER ZONE ADJACENT TO PAVED AREAS.
- AUTOMATIC IRRIGATION SYSTEMS WILL BE REQUIRED IN ALL LANDSCAPED AREAS, AND MUST BE INSTALLED PRIOR TO PLANT MATERIALS. AUTOMATIC IRRIGATION SYSTEMS INCREASE THE ESTABLISHMENT OF PLANTS, ALLOW FOR REGULAR MONITORING OF WATER USE AND NEEDS, AND ALLOW THE WATERING OF LANDSCAPES WITH MINIMAL MANUAL INVOLVEMENT. THE DESIGN OF THE IRRIGATION SYSTEM MUST REFLECT HYDROZONES AND VARIOUS REQUIREMENTS WITHIN THESE REGULATIONS.
- SOIL PREPARATION, INCLUDING LOOSENING THE SOIL BY ROTOTILLING AND INCORPORATING COMPOST AS A SOIL AMENDMENT, IS A MINIMUM REQUIREMENT IN ALL AREAS OF POTENTIAL LANDSCAPING. A SOIL ANALYSIS INDICATING EXISTING SOIL TEXTURE, PERCENT OF ORGANIC MATERIAL AND A MEASURE OF PH AND SOLUBLE SALTS IS RECOMMENDED TO DETERMINE WHAT OTHER OPTIONAL SOIL IMPROVEMENTS MAY BE NECESSARY. (REFER TO SECTION V. FOR SPECIFIC REQUIREMENTS)
- MULCHING IN ALL NON-TURF AREAS OF THE LANDSCAPE AREA IS REQUIRED. BECAUSE ORGANIC MULCHES (SUCH AS BARK) ASSIST IN RETAINING SOIL MOISTURE, AND REDUCE HEAT ABSORPTION AND REFLECTION, ORGANIC MULCHES WILL BE REQUIRED IN MODERATE AND HIGH HYDROZONES. INORGANIC MULCH (SUCH AS STONE) WILL BE ALLOWED ONLY IN LOW WATER ZONES.
- PLANT SELECTION AND LOCATION WILL BE REQUIRED TO MATCH THE PLANTS' WATER NEEDS TO THE APPROPRIATE WATER ZONE.

THIS DESIGN PRACTICE ENHANCES THE EFFICIENT USE OF WATER AND INCREASES THE SURVIVAL RATE AND HEALTH OF PLANTS BY REDUCING OVER-WATERING OR UNDER-WATERING OF PLANTS.

**B. Existing Vegetation**

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All existing healthy trees of desirable species ~~four 4 inch (4") to six 6 inch (6")~~ caliper or more ~~should~~ MUST be shown on the landscape plan, and ~~should~~ MUST be preserved or transplanted on the site ~~whenever possible~~, UNLESS APPROVED OTHERWISE BY THE CITY. ~~Trees six inch (6") caliper or larger should be preserved on site.~~ Grading shall not be permitted within the drip line of trees TO BE PRESERVED OR UNTIL AFTER RELOCATION IS COMPLETE. Tree wells or retaining walls ~~shall~~ MAY be used BEYOND THE LIMITS OF THE DRIPLINE OF THE TREES IN ORDER to protect the trees if grading does not otherwise accommodate preserving the existing grade. THE NUMBER OF TREES TO BE PRESERVED CAN BE CREDITED TOWARD THE TOTAL NUMBER OF TREES REQUIRED FOR THE DEVELOPMENT. THE SIZE OF TREES THAT ARE PRESERVED CANNOT BE APPLIED TOWARD ADDITIONAL REQUIRED LANDSCAPING. ANY REPLACEMENT TREES ARE REQUIRED TO BE IN EXCESS OF THE OTHERWISE MINIMUM TOTAL NUMBER OF TREES.

Any tree removed shall be replaced on a 2:1 caliper-inch ratio. For example, FIVE 2 1/2" INCH CALIPER TREES AND ONE 3 1/2" INCH CALIPER TREE ~~four four inch (4") caliper trees~~ (16 CALIPER INCHES IN TOTAL) would replace one 8 ~~eight-inch (8")~~ caliper tree (8 CALIPER INCHES). Special circumstances may be considered in the total number of trees required for replacement, and off-site planting may be considered in some instances. ~~Any tree greater than 24" caliper shall be treated as a 24" caliper tree in terms of replacement caliper ratio.~~

**C. Canals and Watercourses**

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Setbacks from canals, irrigation ditches or other watercourses are required to protect existing vegetation and channel banks from development encroachment and to minimize slope failures. These setbacks also maintain access to watercourses for maintenance purposes, preserve trees, and provide land for open space and trails.

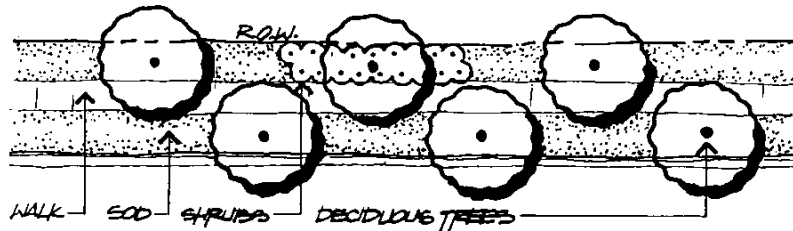
City Council Resolution No. 2 of 1986, requires that the edge of any improvement (grading, paving or trenching) be set back a minimum of ~~thirty 30 feet (30)~~ from the top of bank or right-of-way line, whichever is the furthest from the watercourse. Any structure shall be set back a minimum of ~~forty 40 feet (40)~~. Where trees exist within ~~twenty 20 feet (20)~~ of the top of the watercourse bank, the edge of any improvement shall be set back a minimum of ~~twenty 20 feet (20)~~ from the tree trunk or from a line connecting tree trunks less than ~~fifty 50 feet (50)~~ apart. Any structure shall be set back a minimum of ~~thirty 30 feet (30)~~ from the tree trunks or a line connecting them.

IN ADDITION TO RESOLUTION NO. 2 OF 1986, NO GRADING OR STORAGE OF MATERIALS MAY OCCUR WITHIN THE DRIPLINE OF ANY EXISTING TREES TO BE PRESERVED ON A SITE. THE DRIPLINE MUST BE FENCED PRIOR TO AND DURING CONSTRUCTION ACTIVITIES. SUPPLEMENTAL WATERING MAY BE NECESSARY DURING CONSTRUCTION, PRIOR TO INSTALLATION OF IRRIGATION SYSTEMS.

**D. ~~Plant Locations and Layout~~ PLANT SELECTION AND DESIGN**

A formal approach to street tree planting and median landscaping is recommended along ~~major~~ ARTERIAL AND COLLECTOR streets, AS THIS APPEARANCE IS DESIRED BY THE CITY. FORMAL DESIGN INCORPORATES REGULAR SPACING OF SHADE TREES IN A REPETITIVE OR PREDICABLE PATTERN. ~~trees should be regularly spaced and located to avoid~~ POTENTIAL conflicts with pedestrian or vehicular traffic and traffic signage MUST BE TAKEN INTO ACCOUNT. ~~Developers are encouraged and may be required to p-~~PlantING trees on both sides of the sidewalk IS REQUIRED in order to create a canopy effect AND TO PROVIDE AREAS OF SHADE FOR THE PEDESTRIAN.

A project's interior landscaping will generally have a stronger impression if trees and shrubs are planted in clusters. Shrubs should be planted in groups and massed together to provide a strong landscape statement. Planting large masses of a limited variety of shrub beds is generally more effective than combining many different types of shrubs together.



**TYPICAL STREET LANDSCAPE**

PROVISION OF A VARIETY OF SPECIES IS REQUIRED, AS DETERMINED BY THE CITY. THIS IS NECESSARY NOT ONLY TO PROVIDE VISUAL APPEAL AND DIVERSITY, BUT ALSO TO LIMIT THE IMPACT OF DISEASES AND ENVIRONMENTAL PROBLEMS THAT AFFECT DIFFERENT SPECIES TO VARYING DEGREES.

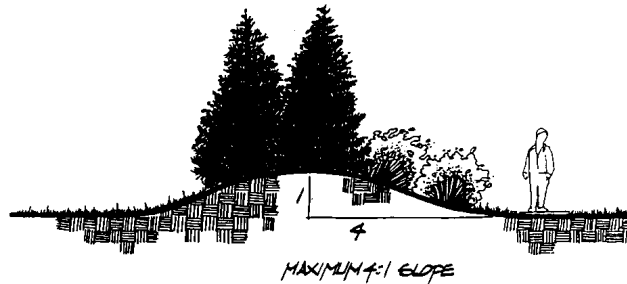
A mix of evergreen and deciduous trees AND SHRUBS ~~is encouraged~~ IS REQUIRED FOR A SEASONAL APPEARANCE OF GREENERY THROUGHOUT THE YEAR. Long living, deciduous shade trees (Ash, Honeylocust, Linden, Oak, etc.) are preferred and fast-growing trees THAT ARE OFTEN SUBJECT TO SNOW AND WIND DAMAGE (Cottonwoods, Silver Maples) ~~are prohibited~~ MAY BE USED ONLY ON A VERY LIMITED BASIS, AS APPROVED BY THE CITY. (REFER TO PLANT LIST) ~~in vehicular and pedestrian traffic areas.~~

USE OF NON-POTABLE WATER WILL REQUIRE PLANT SELECTION TOLERANT OF HIGHER SALT AND POTASSIUM LEVELS. ADDITIONAL INFORMATION PERTAINING TO THE USE OF NON-POTABLE WATER MAY BE

OBTAINED BY CONTACTING THE CITY OF WESTMINSTER DEPARTMENT OF PUBLIC WORKS AND UTILITIES.

**E. Buffering Between Uses**

Buffering is encouraged between two or more properties of varying use intensities in order to inhibit visibility and/or to mitigate the transmission of noise from one property to another. Buffering can be accomplished by means of plant materials, WALLS, fencing, landforms, or a combination of these measures. BECAUSE EARTH BERMS ARE SO EFFECTIVE IN REDUCING SOUND AND LIMITING UNDESIRABLE VIEWS, ~~It is suggested that berms be installed-~~ THE INSTALLATION OF BERMS, in combination with evergreen AND deciduous trees and shrubs, IS REQUIRED TO OCCUR ~~in areas~~ between differing land uses. The maximum slope of berms shall not exceed 4:1 (25%).



**LANDSCAPE BUFFER**

Intensity: For purposes of this section of the regulations, intensity is a ~~measure~~ GENERAL EXPECTATION of the magnitude and negative impact of a land use on a neighboring land use. ~~It is recommended~~ THE INTENT IS that a lesser intensity use be buffered from THE NEGATIVE IMPACTS OF a higher intensity use. ~~Buffering is recommended on the higher intensity development when that development occurs.~~

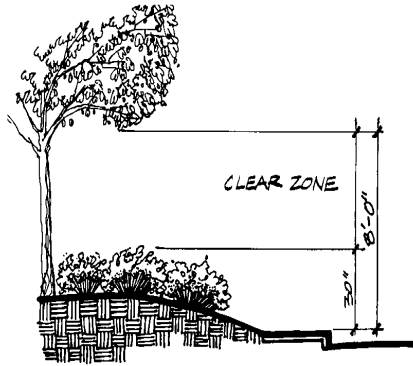
**F. Sight Triangles**

SAFE INGRESS AND EGRESS FROM ONE STREET OR DRIVEWAY TO ANOTHER, BASED IN PART UPON THE ABILITY OF A DRIVER TO SEE ONCOMING VEHICLES OR PEDESTRIANS IS A NECESSARY CONSIDERATION IN SITE PLANNING AND LANDSCAPE DESIGN.

~~At the intersection of a private drive with a public street, and at the intersection of two public streets, vehicular~~ "Sight triangles" shall be designated in order to insure that there are no visibility obstructions for motorists. Sight triangles shall be shown on all RELEVANT Official Development Plans. (Refer to the ~~City engineering document Intersection Sight Distance Criteria~~ CITY'S STANDARDS AND SPECIFICATIONS FOR THE DESIGN AND CONSTRUCTION OF PUBLIC IMPROVEMENTS for more detailed information regarding how to calculate a sight triangle.)



All plant material, WALLS, FENCES, BERMS and/or structures in the sight triangle CANNOT EXCEED ~~must maintain a clear zone between thirty inches (30")~~ 24 INCHES above the TOP OF THE ADJACENT curb HEIGHT and ~~eight feet (8')~~ in height above the curb. All shrubs, boulders, etc. must be maintained below a height of thirty inches (30"), and all tree branches in these areas must be pruned to a minimum height of eight feet (8') above the curb. Evergreen trees may not be placed within the sight triangle. THE PLACEMENT OF DECIDUOUS TREES WITHIN SIGHT DISTANCE TRIANGLES IS DISCOURAGED BECAUSE AS TREES MATURE AND TREE TRUNKS INCREASE IN SIZE, VISIBILITY MAY BE IMPACTED TO SUCH A DEGREE THAT REMOVAL OF THE TREE (S) MAY BECOME NECESSARY.



SIGHT TRIANGLE LANDSCAPE

**G. Medians, and Landscape Islands, AND LANDSCAPE ADJACENT TO HARDSCAPE**

Landscape street medians at development entryways and landscape islands in the center of cul-de-sacs ~~are encouraged and~~ may be required. If landscaped medians are provided, they should be a minimum of ~~fifty~~ 50 feet (50') long and ~~ten~~ 10 feet (10') wide. Medians and landscape islands ~~within a subdivision~~ shall be maintained by the ~~developer~~ PROPERTY owner or homeowner's association- AND INDICATED AS SUCH ON THE RELEVANT OFFICIAL DEVELOPMENT PLAN. WHEN THE CITY IS INTENDED TO MAINTAIN A MEDIAN OR SIMILAR AREA, THE IRRIGATION DESIGN MUST BE SEPARATE FROM LANDSCAPE AREAS MAINTAINED BY OTHERS. THIS INCLUDES A SEPARATE IRRIGATION TAP AND METER. ~~and shall include easements for public utilities. In certain instances, medians shall be maintained by the City, as determined at the time of Official Development Plan.~~

CAREFUL ATTENTION TO THE DESIGN OF BERMS AND SLOPES IS NECESSARY TO MINIMIZE WATER RUNOFF AND DRAINAGE ON ADJACENT AREAS.

PLANTING AREA HEIGHT (INCLUDING MULCH) IMMEDIATELY ADJACENT TO HARDSCAPE, SUCH AS PAVEMENT OR CURBING, SHALL BE LEVEL TO

OR BELOW THE SURROUNDING HARDSCAPE OR CURBING TO MINIMIZE WATER RUNOFF AND ENABLE PROPER MAINTENANCE.

**H. DRAINAGE AND Detention Areas**

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~~The developer is responsible for landscaping of detention ponds and other common areas at a rate of one (1) tree and three (3) shrubs for every 550 square feet of landscaped area. The property owner, business association or homeowner's association shall be responsible for the maintenance of the detention pond areas and common area.~~

~~In general plan material shall be located primarily around the perimeter of detention areas. Although some plant material may be allowed in the detention pond area, it shall not interfere with its function by taking up too much room or causing a muddy condition. The use of water tolerant grass is encouraged for the bottom portion of detention ponds. The landscape design shall work in conjunction with the requirements of the Urban Drainage and Flood Control District.~~

THE DEVELOPER/OWNER IS RESPONSIBLE FOR THE INSTALLATION OF LANDSCAPING AND IRRIGATION FOR DRAINAGE AREAS AND DETENTION PONDS. THE DESIGN OF THESE AREAS MUST CONSIDER MAINTENANCE ISSUES SUCH AS: WEED CONTROL MEASURES, MAXIMUM HEIGHTS OF GRASSES/TURF, MOWING, AND WATER RETENTION AND RELEASE RATES THAT CAN RESULT IN SOGGY GROUND AT THE BOTTOMS OF THESE POND AREAS. WHEN CHANNELIZATION OCCURS, DESIGN INCORPORATING PHYSICAL ELEMENTS OR PLANTS FOR A NATURAL APPEARANCE MAY BE REQUIRED. THE DESIGN MUST BE CONSISTENT WITH THE REQUIREMENTS OF THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT.

DETENTION POND AREAS MUST BE PLANTED AT A RATE OF 1 TREE AND 3 SHRUBS PER 550 SQUARE FEET OF AREA ABOVE THE 5-YEAR STORM WATER SURFACE ELEVATION. TREES AND SHRUBS MUST BE LOCATED ABOVE THE 5-YEAR STORM WATER SURFACE ELEVATION. BELOW THE 5-YEAR SURFACE ELEVATION, PLANT MATERIAL IS LIMITED TO TURF OR OTHER GROUNDCOVERS. THE BOTTOMS OF DETENTION PONDS MAY BE PLANTED WITH A MIXTURE OF GRASSES AND FORBS THAT ARE SUITED TO PERIODIC FLOODING AND/OR MAINTAINED FOR NATURAL HABITAT EVOLUTION IF FUNCTION IS NOT IMPAIRED. TIMBER OR CONCRETE WALLS ARE NOT ACCEPTABLE DESIGN SOLUTIONS FOR DETENTION PONDS.

THE DESIGN OF DRAINAGE AREAS SHALL ADDRESS THE SAME ISSUES AND INCORPORATE THE SAME CRITERIA, NOTED HEREIN, AS THAT OF DETENTION PONDS.

THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE ONGOING MAINTENANCE OF DETENTION PONDS AND DRAINAGE AREAS. MAINTENANCE RESPONSIBILITY SHALL BE CLEARLY DEFINED ON THE OFFICIAL DEVELOPMENT PLAN.

DETENTION PONDS AND DRAINAGE AREAS IN NON-RESIDENTIAL DEVELOPMENTS SHALL BE LOCATED WITHIN A BUILDING LOT.

DETENTION PONDS AND DRAINAGE AREAS ARE NOT PERMITTED WITHIN MINIMUM LANDSCAPE SETBACKS. THE LOCATION AND DESIGN MUST BE INTEGRATED WITH THE OVERALL SITE.

All turf and plant material shall be irrigated with an automatic sprinkler system. TO PREVENT A SOGGY BOTTOM AREA, IT IS SUGGESTED THAT THE BOTTOM AREA WITHIN THE DETENTION POND BE A SEPARATE IRRIGATION ZONE FROM THE SLOPED SIDES. ~~All detention areas shall be designed to blend with adjacent areas.~~ Slopes shall not exceed 4:1 ~~unless specifically allowed by the Official Development Plan.~~

~~Landscape criteria for regional detention ponds shall be determined on a site specific basis.~~

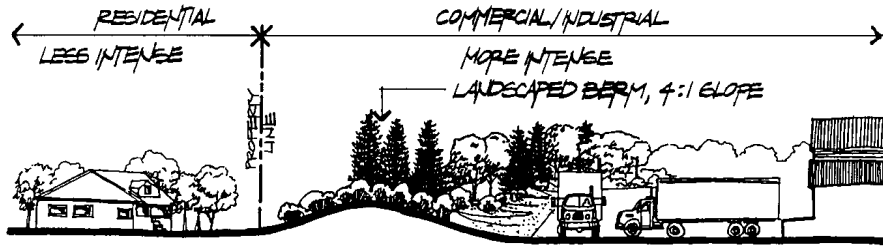
**I. Trash and Loading Area Screening**

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~~Trash dumpsters and truck loading docks shall be screened and buffered from adjacent properties. Trash dumpsters shall be screened by a wall a minimum of six (6') feet in height and may be required to be covered if visible from surrounding area streets. The minimum height requirements may vary depending on use. Walls shall have solid gates. No open, three sided dumpster storage will be permitted. It is suggested that plant material also be used in conjunction with the wall. Walls shall match the materials and colors of the main building.~~

TRASH DUMPSTERS MUST BE SCREENED WITH OPAQUE GATES, FENCES OR WALLS- ACCORDING TO EXISTING ZONING REQUIREMENTS OR DESIGN GUIDELINES. BRICK SCREEN WALLS ARE GENERALLY REQUIRED. DUMPSTERS AND TRASH CANNOT EXCEED THE HEIGHT OF THE SURROUNDING ENCLOSURE. ROOFED ENCLOSURES AND OTHER DESIGN ELEMENTS MAY BE REQUIRED.

TRASH, SERVICE AREAS AND ~~Loading dock areas~~ DOCKING FACILITIES shall be buffered from adjacent properties by means of EVERGREEN plant material, walls, landforms, or a combination of these measures. Berms with a maximum 4:1 slope in combination with evergreen AND deciduous trees and shrubs are recommended. The height of berms will be determined at the time of Official Development Plan.



LOADING DOCK BUFFER

~~a. Other Site Elements~~

**J. Fencing AND WALLS**

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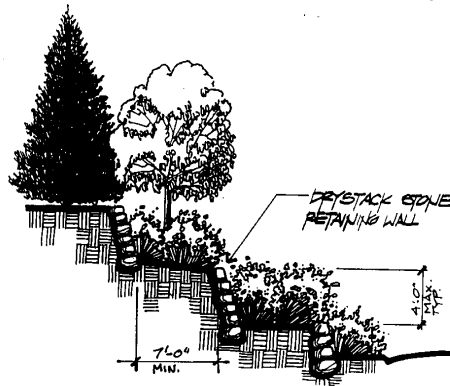
Fencing shall be as per the City Municipal Code, Section ~~11-9-5(D)~~ 11-4-6-(O), REQUIREMENTS AS NOTED IN SPECIFIC LAND USE CATEGORIES HEREIN, AND ANY APPLICABLE DESIGN GUIDELINES. THE OWNERSHIP AND RESPONSIBILITY FOR THE ON-GOING MAINTENANCE OF FENCING AND WALLS MUST BE IDENTIFIED ON THE OFFICIAL DEVELOPMENT PLAN.

**K. Retaining Walls**

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Retaining walls are commonly used to reduce steep slopes and create level areas. Wall heights shall not exceed ~~four~~ 4 feet (4'). Terracing steep slopes with a series of low retaining walls is A DESIGN SOLUTION FOR CHANGES IN GRADE THAT EXCEED 4 FEET IN ELEVATION. ~~preferred to retaining slopes with one large (tall) retaining wall.~~ Terraces RETAINING WALLS shall be spaced a MINIMUM distance apart OF ~~at least seven~~ 7 feet (7') ~~minimum~~. The slope between terraces WALLS shall be per geotechnical recommendations AND SHALL NOT EXCEED 4:1 (25%).

Dry-stacked native stone, ~~or~~ pre-cast masonry block, ~~materials are preferred for wall materials.~~ Cast in place concrete or masonry block walls with stone, brick or stucco facing are ~~also recommended~~ REQUIRED MATERIALS FOR RETAINING WALLS. Treated timber walls are PROHIBITED- EXCEPT FOR USE BY THE RESIDENT HOMEOWNER IN SINGLE FAMILY DETACHED OR DUPLEX LOTS. ~~generally not recommended unless exemplary design is demonstrated, and are prohibited for walls over three feet (3') in height.~~ Railroad tie walls are prohibited. Landscaping, INCLUDING IRRIGATION, is ~~encouraged in conjunction with~~ REQUIRED TO OCCUR WITHIN ANY terraced areas. LARGE SPECIES OF TREES ARE DISCOURAGED WITHIN OR ADJACENT TO TERRACES OR WALLS DUE TO POTENTIAL NEGATIVE IMPACT ON THE STRUCTURAL INTEGRITY OF TERRACES AND WALLS. LOW WATER PLANTINGS AND/OR LOW VOLUME IRRIGATION IS REQUIRED IN THESE AREAS.



RETAINING WALLS & TERRACING

**L. UTILITIES, FIRE HYDRANTS & EASEMENTS ~~Trees and Shrubs as Obstructions~~**

LANDSCAPING WITHIN THESE AREAS MUST BE SHOWN ON THE OFFICIAL DEVELOPMENT PLAN. LANDSCAPING, IRRIGATION, PAVING AND FENCING WITHIN A PUBLIC EASEMENT MUST BE REMOVED AND REPLACED BY THE OWNER OF THE LAND, WHEN REQUESTED BY THE CITY, SO THAT MAINTENANCE WITHIN EASEMENTS CAN BE PERFORMED.

LANDSCAPING ADJACENT TO OVERHEAD UTILITY LINES MUST TAKE INTO ACCOUNT MATURE SIZE AND SHAPE OF PLANTINGS, AND MINIMIZE POTENTIAL CONFLICTS, AS DETERMINED BY THE CITY.

~~Trees and shrubs shall not be placed where they will obstruct the visual line of sight of a public right of way or within a vehicular sight triangle (See "Sight Triangles" under Section 5 of these regulations).~~

No plants or other landscape items shall block free access to a fire hydrant. A ~~five-~~ 5-foot (5') minimum setback shall be maintained to each side of all fire hydrants. Access from the front is to be completely unobstructed. (Requirements should be checked against current Uniform Fire Code).

**3. ~~Hard Surface Areas~~**

~~For commercial projects, pedestrian scale elements should be included in addition to the landscape areas, such as: seating areas, the use of patterned concrete, optional public art, fountains, etc. Public art is encouraged and may be installed in lieu of some of the required landscaping, as approved on a case by case basis.~~

**f. ~~Street Right of Way Standards~~**

~~Developers and property owners are responsible for landscaping and maintaining the right of way of all arterials, collectors and local streets within or abutting their development. Right of way landscaping should extend to include entry areas to the development. Automatic sprinkler systems are required within the right of way landscape areas. The homeowner's association and/or the individual homeowners are responsible for landscaping and maintaining the right of way areas in front of single-family detached residences.~~

**i. ~~Minimum Area~~**

~~The following are minimum standards for street right of way widths. Right of way widths may need to increase to accommodate median nose widths or sound mitigation berms and fencing. Right of way widths may also increase in instances where expanded or meandering landscape and/or fencing areas are provided such as at the Northpark Subdivision or for significant collector streets such as Legacy Ridge Parkway. Additional right of way will also be required at intersections to accommodate additional turn lanes and to maintain the typical landscape and sidewalk setbacks.~~

**VI. GENERAL LANDSCAPE PROVISIONS FOR Plant Materials, AND THEIR DESIGN AND INSTALLATION**

The standards in these regulations are to be considered the AS minimum requirements. Developers/owners are encouraged to increase the size and/or quantity of plant materials whenever possible. Dependent upon site characteristics, and THE TYPE OF USE, AND DESIRED EFFECT OR APPEARANCE, the City ~~may~~ HAS THE OPTION TO require landscaping beyond the minimum standards for a particular project.

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THE OWNER OF A PROJECT IS REQUIRED TO CHECK WITH THE CITY'S DEPARTMENT OF PUBLIC WORKS AND UTILITIES TO DETERMINE THE PROXIMITY OF THE PROJECT TO THE CITY'S NON-POTABLE WATER SYSTEM AND THE FEASIBILITY OF TYING INTO THIS SYSTEM.

The health, SIZE and general appearance of plant material at the time of planting shall be in accordance with the recognized standards of the American Standards for Nursery Stock, published by the American Association of Nurserymen, and the standard specifications of the Associated Landscape Contractors of Colorado. THE CITY RETAINS THE RIGHT TO REJECT ANY AND ALL PLANTS NOT DETERMINED BY THE CITY TO BE OF HIGH QUALITY, AT TIME OF LANDSCAPE INSTALLATION OR ACCEPTANCE.

ALL AREAS TO BE LANDSCAPED REQUIRE SOIL AMENDMENT IN ACCORDANCE WITH THE CITY'S "STANDARDS AND SPECIFICATIONS FOR THE DESIGN OF CONSTRUCTION OF PUBLIC IMPROVEMENT." THIS REQUIRES A MINIMUM OF 5 CUBIC YARDS OF AN ORGANIC AMENDMENT PER 1,000 SQUARE FEET OF LANDSCAPE AREA, TILLED 8 INCHES IN DEPTH INTO THE SOIL. (THIS ALSO EQUALS A MINIMUM OF 1 5/8 INCH DEPTH SPREAD OVER THE LANDSCAPE AREA SURFACE- PRIOR TO TILLING.) THE TOTAL REQUIRED AMOUNT OF SOIL AMENDMENT MUST BE INDICATED ON THE OFFICIAL DEVELOPMENT PLAN, INCLUDING CALCULATIONS INDICATING HOW THE TOTAL AMOUNT WAS DERIVED. AGED GROUND MANURE OR COMPOST CONTAINING A MINIMUM OF 50 PERCENT ORGANIC MATTER IS A GENERAL RECOMMENDATION, HOWEVER SOIL TEXTURE, PH, AND AMOUNT OF SOLUABLE SALTS IN THE SOIL AND THE AMENDMENT SHOULD BE CONSIDERED. IF NON-POTABLE WATER IS TO BE USED, THE ORGANIC SOIL AMENDMENT WILL NEED TO BE LOW IN SODIUM.

FOR ALL PROPERTIES THAT WILL HAVE LANDSCAPE AREA MAINTAINED BY A HOMEOWNERS' ASSOCIATION, RENTAL PROPERTIES, AND ALL NON-RESIDENTIAL PROPERTIES, AN INSPECTION WILL BE REQUIRED TO OCCUR AFTER SPREADING OF THE SOIL AMENDMENT, AND PRIOR TO TILLING. AT TIME OF INSPECTION, THE CITY MUST BE PROVIDED WITH VERIFICATION, INCLUDING A RECEIPT, FROM THE SUPPLIER OF THE AMOUNT AND TYPE OF SOIL AMENDMENT DELIVERED.

ALL SINGLE FAMILY LOTS WILL BE REQUIRED TO HAVE SOIL AMENDMENT, ACCORDING TO CITY REQUIREMENTS NOTED HEREIN, INSTALLED IN ALL AREAS OF THE YARD NOT COVERED WITH HARDSCAPE. INSTALLATION MUST OCCUR BY THE DEVELOPER PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR EACH LOT; OR IF SURETY IS PROVIDED TO THE CITY, IN AN ALTERNATE TIMEFRAME DETERMINED BY THE CITY. THE CITY MUST BE PROVIDED WITH VERIFICATION, INCLUDING A RECEIPT, FROM THE SUPPLIER OR INSTALLER OF THE AMOUNT AND TYPE OF SOIL AMENDMENT DELIVERED AND INSTALLED. THE

CITY WILL REQUIRE INSPECTION PRIOR TO CERTIFICATE OF OCCUPANCY AND RELEASE OF SURETY.

PLANTS LOCATED WITHIN A PARTICULAR HYDROZONE MUST BE SIMILAR IN WATER REQUIREMENTS TO THE DESIGNATED ZONE.

**A. Trees and Shrubs**

~~The standard in these regulations are to be considered the minimum requirements. Developers/owners are encouraged to increase the size and/or quantity of the plant materials whenever possible. Dependant upon the site characteristics and the type of use, the City may require landscaping beyond the minimum standards for a particular project.~~

**Deleted:** Dependent upon the site characteristics and the type of use, the City may require landscaping beyond the minimum standards for a particular project.

~~A mix of evergreen and deciduous trees is encouraged. Proposed deciduous trees shall be "slow growing, long lived" species of trees such as Ash, Norway Maple, Honeylocust, Linden, Oak, Hawthorn, etc. Adequate variety in the planting shall be provided to avoid epidemic disease problems. The use of "fast growing" trees such as Cottonwoods, Poplars, Silver Maple, etc. is generally prohibited with several exceptions. Fast growing trees may be acceptable for use in areas where an informal, more heavily wooded appearance is desired such as when a property abuts open space, trails, parks, or abuts another open and informal area. The use of Siberian or Chinese Elm (Ulmus pumila), is prohibited within the City of Westminster. The use of Russian Olive (Elaeagnus angustifolia); is prohibited along creeks and drainage ways.~~

**Deleted:** Proposed deciduous trees shall be "slow growing, long lived, drought tolerant" species of trees such as Ash, Norway Maple, Honeylocust, Linden, Oak, Hawthorn, etc.

SPECIFIC DESIGN CONSIDERATIONS RELEVANT TO TREES ARE AS FOLLOWS:

- REFER TO THE PREVIOUS SECTION "CONSIDERATIONS IN LANDSCAPE DESIGN" FOR PRIMARY DESIGN REQUIREMENTS.
- LONG-LIVING SHADE TREES SUCH AS ASH, HONEYLOCUST, LINDEN, OAK, ETC. ARE PREFERRED OVER FAST GROWING, SHORTER LIVING TREES. THE MINIMUM SIZE FOR DECIDUOUS SHADE TREES IS 2 INCHES IN CALIPER.
- ORNAMENTAL TREES SHALL NOT COMPRISE MORE THAN 1/3 OF THE TOTAL TREES IN THE LANDSCAPE DESIGN, UNLESS APPROVED OTHERWISE BY THE CITY. THE MINIMUM SIZE OF AN ORNAMENTAL TREE SHALL BE 2 INCHES IN CALIPER. THE MINIMUM SIZE FOR CLUMP ORNAMENTAL TREES SHALL BE 3 TREE TRUNKS AND 6 FEET IN HEIGHT.
- EVERGREEN TREES MUST COMPRISE AT LEAST 1/3 OF THE TOTAL TREES REQUIRED, UNLESS APPROVED OTHERWISE BY THE CITY. THE MINIMUM SIZE OF EVERGREEN TREES SHALL BE 6 FEET IN HEIGHT.
- 20 PERCENT OF THE TOTAL NUMBER OF REQUIRED DECIDUOUS TREES MUST BE INCREASED IN SIZE TO A MINIMUM OF 3 INCHES IN CALIPER. 20 PERCENT OF THE TOTAL NUMBER OF REQUIRED EVERGREEN TREES MUST BE INCREASED IN SIZE TO 8 FEET IN HEIGHT.

- DIVERISTY OF TREES SHALL BE AS FOLLOWS:

<u># OF TREES ON SITE</u>	<u>MAXIMUM % OF ANY ONE SPECIES</u>
10-19	50%
20-39	33%
40-59	25%
60 OR MORE	20%

- EVERGREEN TREES SUCH AS AUSTRIAN PINE, PONDEROSA PINE, AND SPRUCE MUST NOT BE PLANTED CLOSER THAN 10 FEET TO A STREET, SIDEWALK OR PARKING AREA. (MEASURED FROM TRUNK OF TREE TO EDGE OF PAVEMENT)
- TREES SHOULD BE LOCATED TO PROVIDE SUMMER SHADE AND LIMIT WINTER SHADE ON WALKS AND STREETS.
- TREES THAT DROP FRUITS OR HAVE THORNS SHOULD NOT BE PLANTED IN CLOSE PROXIMITY TO SIDEWALKS, WITHIN PARKING LOT ISLANDS OR MEDIANS. (VERY SMALL OR PERSISTENT FRUITS OK)
- THE USE OF SIBERIAN OR CHINESE ELM (ULMUS PUMILA), RUSSIAN OLIVE (ELAEAGNUS ANGUSTIFOLIA) AND SALT CEDAR SHRUBS (TAMARIX) IS PROHIBITED DUE TO EXCESSIVE INSECT INFESTATION OR INVASIVE GROWTH HABITS.
- PERIODIC WINTER WATERING IS TYPICALLY NECESSARY IN COLORADO DUE TO PERIODS OF DRYNESS.
- ALL TREES MUST BE SURROUNDED BY AN AREA OF MULCH, OF NO LESS THAN 2 FEET FROM THE TRUNK AND 4 FEET IN DIAMETER, AND NO LESS THAN 3 INCHES IN DEPTH. KEEP MULCH 3 INCHES AWAY FROM TREE TRUNKS TO REDUCE INSECT AND TRUNK DAMAGE. IT IS RECOMMENDED TO PERIODICALLY INCREASE THE MULCH RING TO THE SIZE OF THE DRIP LINE OF THE TREE. THIS ENCOURAGES ROOT DEVELOPMENT AND CONSERVES WATER FOR THIS PURPOSE. TYPE OF MULCH MUST BE SPECIFIED AND APPROVED BY THE CITY.
- THE PREFERABLE SIZE OF TREE GRATES IS 7 FEET IN CIRCUMFERENCE FOR THE HEALTH OF THE TREE. THE MINIMUM SIZE SHALL BE NO LESS THAN 5 FEET IN CIRCUMFERENCE.
- 1 TREE MAY BE SUBSTITUTED FOR 10 SHRUBS, OR VICE VERSA, IF DETERMINED TO BE DESIRABLE BY THE CITY.

**B. Shrub AND PERENNIAL Beds**

- REFER TO THE PREVIOUS SECTION “CONSIDERATIONS IN LANDSCAPE DESIGN” FOR PRIMARY DESIGN REQUIREMENTS.



- All shrub AND PERENNIAL bed areas shall be separated from ~~soil~~ TURF areas by an edging material. Edging materials placed near building foundations shall not be so high as to interfere with positive drainage away from the structures. METAL OR PLASTIC EDGING SHALL NOT BE INSTALLED OR MAINTAINED AT A HEIGHT GREATER THAN THE ADJACENT LANDSCAPE SURFACES. EDGING WITH SHARP EDGES IS PROHIBITED.
- NO MORE THAN 25 % OF A SHRUB BED SHALL BE DESIGNED IN SUCH A MANNER AS TO BE FREE OF PLANT MATERIAL WITHIN 5 YEARS OF PLANTING.
- ALL SHRUB BEDS MUST BE MULCHED AND MAINTAINED AT A MINIMUM MULCH DEPTH OF 3 INCHES. AREAS CONTAINING PERENNIAL FLOWER OR GROUNDCOVER SPECIES THAT HAVE A SPREADING GROWTH HABIT, MAY BE MULCHED AT A MINIMUM 1-INCH DEPTH, AS APPROVED BY THE CITY.
- MULCHES CAN BE DIFFICULT TO MAINTAIN ON SLOPED AREAS. PLANT CHOICE AND REDUCED SPACING BETWEEN PLANTS SHOULD BE CONSIDERED FOR SLOPED AREAS.
- THE HEIGHT/GRADE OF THE SOIL WITHIN SHRUB AND PERENNIAL BEDS MUST BE LOWER THAN THE SURROUNDING HARDSCAPE OR TURF AREAS IN ORDER TO ACCOMMODATE THE MULCH DEPTH REQUIREMENTS, AS WELL AS TO MINIMIZE WATER RUNOFF, REDUCE MULCH LOSS TO OTHER AREAS, AND ENABLE PROPER MAINTENANCE.
- THE USE OF WEED BARRIER FABRICS UNDERNEATH MULCH IN SHRUB BEDS IS REQUIRED, EXCEPT FOR LANDSCAPING WITHIN A SINGLE FAMILY LOT. WEED BARRIER FABRICS MUST BE WATER PERMEABLE.
- FOR PURPOSES OF DIVERSITY, LONGEVITY, AND HEALTH, NO MORE THAN 25% OF THE SHRUB TOTAL SHALL BE COMPRISED OF ONE SPECIES.
- ALL SHRUBS MUST BE MINIMUM 5-GALLON CONTAINER IN SIZE.
- ONE 5 GALLON; OR THREE 1 GALLON LONG-LIVED, LARGE PERENNIAL GRASS SPECIES, OR CLIMBING VINE SPECIES, MAY BE SUBSTITUTED FOR ONE FIVE-GALLON SHRUB, AS APPROVED BY THE CITY.
- THE USE OF PERENNIAL AND ANNUAL FLOWER AND HERBACIOUS PLANTS IS ENCOURAGED BUT NOT REQUIRED BY THE CITY. EXCEPT AS NOTED OTHERWISE, PERENNIAL, ANNUAL AND HERBACIOUS PLANTS ARE NOT ACCEPTED IN LIEU OF MINIMUM SHRUB REQUIREMENTS. ALL GROUNDCOVERS AND PERENNIAL FLOWERS, VINES OR GRASSES MUST BE MINIMUM 1-GALLON CONTAINER IN SIZE.

C. TURF AREAS ~~Grass and Other Ground Covers~~

~~Grass or other living plant material shall be the primary ground cover used in landscape. When a turf area is desired, sodding shall be the only means of installation. Turf areas shall be planted to present a finished appearance and complete coverage after two growing seasons.~~

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~~Non living ground covers such as redwood bark, wood chip mulch, boulders, cobble or river rock shall be limited to an area, not to exceed 50% of the landscape area. The other 50% shall be turf area. All non living groundcovers shall be placed over a suitable weed barrier or filter fabric. Rock/mulch areas shall be 75% covered with shrubs within a three year period.~~

- REFER TO THE PREVIOUS SECTION “CONSIDERATIONS IN LANDSCAPE DESIGN” FOR PRIMARY DESIGN REQUIREMENTS. ALSO, REFER TO THE CITY’S “STANDARDS AND SPECIFICIATIONS FOR THE DESIGN AND CONSTRUCTION OF PUBLIC IMPROVEMENTS” FOR ADDITIONAL, DETAILED CONSTRUCTION REQUIREMENTS RELATED TO LANDSCAPING.
- FOR REASONS OF WATER CONSERVATION AND WATER-WISE LANDSCAPING, THE HIGH HYDROZONE SHALL NOT EXCEED 50 PERCENT OF THE LANDSCAPE AREA OF NON-RESIDENTIAL PROPERTIES, EXCLUSIVE OF RIGHT-OF-WAY, UNLESS APPROVED OTHERWISE BY THE CITY. AN ANNUAL WATER BUDGET NOT TO EXCEED 15 GALLONS/SQUARE FOOT/YEAR IS REQUIRED FOR ALL LANDSCAPES.
- A BLUEGRASS BLEND TURF IS BEST SUITED FOR TURF AREAS THAT WILL RECEIVE REGULAR PEDESTRIAN OR CANINE FOOT TRAFFIC. AREAS THAT DO NOT RECEIVE REGULAR PEDESTRIAN OR CANINE FOOT TRAFFIC WILL BE CONSIDERED FOR ALTERNATIVE TURF GRASSES.
- THE USE OF ARTIFICIAL TURF IS GENERALLY PROHIBITED, EXCEPT FOR USE IN SINGLE FAMILY DETACHED OR DUPLEX LOT YARD AREAS NOT ADJACENT TO A STREET, OR PUBLIC OR PRIVATE PARK OR OPEN SPACE. THE CITY MAY CONSIDER OTHER EXCEPTIONS TO THIS LIMITATION ON A CASE-BY- CASE BASIS FOR SPORTS FIELDS AND OTHER LIMITED APPLICATIONS.
- ALTERNATIVE TURFS SUCH AS BUFFALO GRASS, FESCUE, AND OTHER GRASSES THAT CAN BE MAINTAINED AT A HEIGHT NOT TO EXCEED 6 INCHES ARE RECOMMENDED TO OCCUR ONLY WHERE LESS INTENSIVE USE OF TURF IS ANTICIPATED- AREAS THAT DO NOT RECEIVE REGULAR PEDESTRIAN OR CANINE FOOT TRAFFIC. THE USE OF ALTERNATIVE TURFS IN LIEU OF BLUEGRASS TURF ARE SUBJECT TO CITY APPROVAL, EXCEPTING THE USE OF ALTERNATIVE TURF BY THE RESIDENT SINGLE FAMILY OR DUPLEX HOMEOWNER COMPLETING THEIR LANDSCAPE.

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- ACCEPTABLE METHODS OF INSTALLATION FOR ALTERNATIVE TURFS INCLUDE SODDING, PLUGGING, OR SEEDING. BLUEGRASS, FESCUE, BUFFALO GRASS, AND OTHER GRASSES COMMERCIALY GROWN AS SOD MUST BE INSTALLED BY SODDING, EXCEPTING THAT OF THE RESIDENT SINGLE FAMILY DETACHED OR DUPLEX HOMEOWNER COMPLETING THEIR LANDSCAPE. AUTOMATIC IRRIGATION IS REQUIRED.
- A DESCRIPTION OF PROPOSED TURFS AND METHOD OF INSTALLATION SHALL BE INDICATED ON APPROVED OFFICIAL DEVELOPMENT PLANS AND RELATED LANDSCAPE DOCUMENTS.
- SEED MIXES SHALL SPECIFY THE SPECIES OF GRASSES USED IN THE MIX, THE ANTICIPATED APPEARANCE AND HEIGHT, AND NAME OF SUPPLIER. GRASSES SHALL BE A SPECIES THAT CAN BE MAINTAINED AND IRRIGATED AT A MAXIMUM OF 6 INCHES IN HEIGHT, UNLESS OTHERWISE APPROVED ON THE OFFICIAL DEVELOPMENT PLAN. ALL VARIANCES FROM THE MAXIMUM 6-INCH HEIGHT SHALL BE EXPLICITLY OUTLINED ON THE OFFICIAL DEVELOPMENT PLAN.
- SEED INSTALLATION SHALL BE BY DRILLING OR HYDROSEEDING INCLUDING A MULCH AND TACKIFIER.
- ALL NATIVE SEED AREAS SHALL BE ESTABLISHED AT A MINIMUM OF 4 TO 5 PLANTS PER SQUARE FOOT WITHIN 4 WEEKS AFTER GERMINATION, AND MAINTAINED AT THIS LEVEL, OR SHALL BE RE-SEEDING UNTIL ESTABLISHED AT THAT RATE.
- ALTERNATIVE TURFS INSTALLED BY SEED MAY RESULT IN A HIGHER INCIDENCE OF WEEDS, THEREFORE, AN ESTABLISHMENT AND MAINTENANCE PLAN IS REQUIRED TO BE INDICATED ON ALL LANDSCAPE DOCUMENTS INCLUDING THE OFFICIAL DEVELOPMENT PLAN. THIS PLAN MUST INCLUDE A WEED CONTROL AND REMOVAL PROGRAM, MOWING SCHEDULE, AND TRASH CLEAN UP.
- ALL TURF INSTALLATIONS, OTHER THAN SODDING, WILL REQUIRE AN ADDITIONAL WARRANTY PERIOD OF NO LESS THAN 2 YEARS.
- THE HEIGHT OF GRASSES IMPACTS THE EFFECTIVENESS/COVERAGE OF AUTOMATIC IRRIGATION SYSTEMS. THIS NEEDS TO BE TAKEN INTO ACCOUNT IN THE LANDSCAPE AND IRRIGATION DESIGN, AS WELL AS MAINTENANCE PLAN.
- ARTIFICIAL TURF SHALL COMPLY WITH MINIMUM STANDARDS AND SPECIFICATIONS AS NOTED IN THE CITY'S PLANT LIST.

Native or Drought Tolerant Landscaping

~~Native or drought tolerant approaches to landscaping will be considered for planting where appropriate. Large landscape areas adjacent to existing, native, open space tracts may be appropriate for xeriscape treatment, as may parts of the primary landscape area, including detention ponds, when the principles of xeriscaping are well understood and applied. (See Xeriscaping section of these Landscape Regulations). All planted areas, including xeriscape areas, require an automatic irrigation system. Regardless of how drought tolerant a plant may be, relatively frequent watering is needed until plants are established. For most woody plants, establishment takes at least two growing seasons. Once established, gradual reduction of watering frequency can be accomplished.~~

Deleted: under certain  
Deleted: circumstances

~~K. Basic Planting Requirements~~

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~~For specific instructions on how to physically install plant material in the ground (i.e. depth of hole, soil amendments, etc.) see City Sitework Specifications.~~

~~Due to the heavy clay soils in the area, it is required that organic matter (compost or aged ground manure) be added to turf and planting beds at a minimum rate of five cubic yards per one thousand square feet and tilled into the soil.~~

Deleted: topsoil and/or

~~The health and general appearance of plant material at the time of planting shall be in accordance with the recognized standards of the American Standards for Nursery Stock, published by the American Association of Nurserymen and the standard specifications of the Associated Landscape Contractors of Colorado.~~

~~K. Trees and Shrubs as Obstructions~~

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~~Trees and shrubs shall not be placed where they will obstruct the visual line of sight on a public right of way or within a vehicular sight triangle (see "Site Triangles" under Section 5 of these regulations).~~

~~No plants or other landscape items shall block free access to fire hydrant. A five foot (5') minimum setback shall be maintained to each side of all fire hydrants. Access from the front is to be completely unobstructed. (Requirements should be checked against current Uniform Fire Code.~~

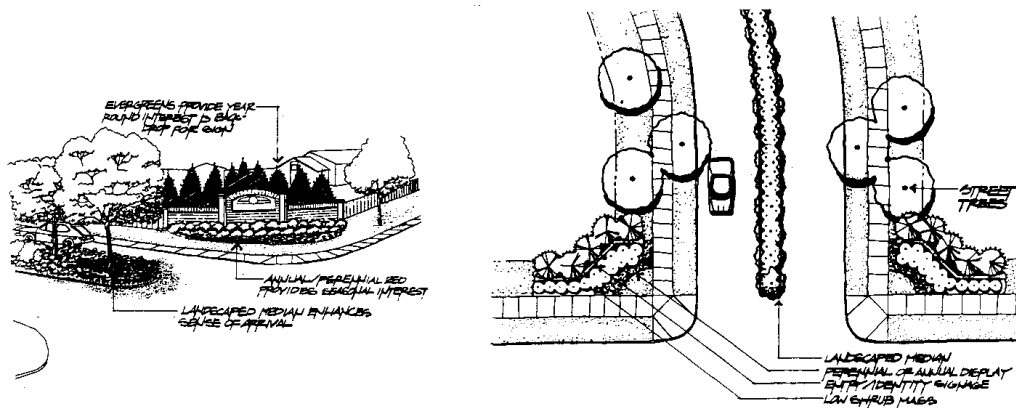
**§VII. RESIDENTIAL LANDSCAPE STANDARDS**

REQUIREMENTS NOTED IN THE LAND USE CATEGORIES AND SECTIONS HEREIN GENERALLY PERTAIN TO ALL THE RESIDENTIAL LAND USE CATEGORIES AND SECTIONS HEREIN, UNLESS NOTED OTHERWISE.

LAND USE DESIGNATIONS SHALL BE AS DEFINED IN THE CITY'S COMPREHENSIVE LAND USE PLAN.

The following SPECIFIC standards for THE residential landscape design should be considered ARE the minimum requirements. Developers are encouraged to exceed the standards whenever possible.

The entrance to residential developments should be designed to provide an attractive, year round landscape statement AND TO PROVIDE MAXIMUM SAFETY FOR VISIBILITY AND TURNING MOVEMENTS. Street medians/landscape islands are encouraged and may be required at MAJOR ENTRANCES TO THE DEVELOPMENT entranceways. If installed, maintenance of the medians/landscape islands within the subdivision, shall be the responsibility of the developer/homeowner's group. Enhanced FORMAL landscaping and signage mounted on masonry walls are encouraged at THE ENTRANCE TO residential DEVELOPMENTS entranceways. EVERGREEN TREES PLANTED BEHIND THE ENTRY SIGNAGE ARE ENCOURAGED TO ENHANCE THE COMMUNITY CHARACTER ESTABLISHED WITH THE CITY'S MONUMENT SIGNAGE. All landscaping within the "sight triangle" must be lower than 30 inches (30") or higher than eight feet (8') as measured from the top of the curb. The addition of large trees, especially evergreens, can provide an all season backdrop and direct attention to the entrance. The inclusion of perennials and annuals can provide color for the spring and summer. In some instances, a gated type of entrance may be desirable in order to create a sense of community and provide additional security. Gated communities may include manned or mechanically secured entranceways, as well as secure fencing.



**RESIDENTIAL PROJECT ENTRANCE PLAN & PERSPECTIVE**

**A. Single-Family Detached Residential**

FOR THE PURPOSES OF LANDSCAPE REQUIREMENTS, DUPLEX DEVELOPMENT WILL BE DETERMINED BY THE PLANNING MANAGER AS EITHER SINGLE-FAMILY DETACHED OR ATTACHED RESIDENTIAL.

~~Landscaping plays a significant role in the overall quality, appearance, and value of residential neighborhoods. Landscape standards have been established for single family detached subdivisions in order to encourage a quality appearance for individual residences, assist in the transition between uses of varying density and intensity, provide shade, provide variety of design, and enhance the overall appearance of the community.~~

## 1. Minimum Requirements

## a. LANDSCAPE AREA:

- THE MINIMUM LANDSCAPE AREA FOR A SINGLE FAMILY DETACHED OR DUPEX LOT MUST BE A MINIMUM OF 50 PERCENT OF EACH YARD AREA ADJACENT TO A STREET, UNLESS APPROVED OTHERWISE BY THE CITY. REMAINING YARD AREA NOT LANDSCAPE AREA, SHALL BE HARDSCAPE.
- FOR YARD AREAS NOT ADJACENT TO A PUBLIC STREET, THERE IS NO MINIMUM AMOUNT OF LANDSCAPE AREA. THESE YARD AREAS SHALL BE ANY COMBINATION OF LANDSCAPE AREA, HARDSCAPE, MULCH OR ARTIFICIAL TURF. ANY LANDSCAPE AREA WITHIN THESE YARD AREAS SHALL FOLLOW THE REQUIREMENTS HEREIN.
- MAINTENANCE OF LANDSCAPE IMPROVEMENTS WITHIN THE INDIVIDUAL LOT IS THE RESPONSIBILITY OF THE PROPERTY OWNER.

## b. PLANT MATERIALS:

## 1. TREES:

- REFER TO THE PREVIOUS SECTION "CONSIDERATIONS IN LANDSCAPE DESIGN" FOR REQUIREMENTS REGARDING EXISTING TREES.
- For residential lots up to 10,000 square feet in size, a minimum of ~~one~~ (1) 1 shade tree shall be required in the front yard of every residence. ~~Whenever possible the shade tree shall be installed approximately seven feet (7') from the front property line in order to create a streetscape appearance.~~ For lots larger than 10,000 square feet in size, a minimum of ~~two~~ (2) 2 trees shall be required in the front yard of every residence, WITH AT LEAST ONE TREE BEING A SHADE TREE. The use of evergreen trees in conjunction with shade trees is encouraged. ~~Whenever~~

~~possible the shade tree shall be installed approximately seven (7) feet (7') from the front property line in order to create a streetscape appearance.~~

- The required trees shall be installed by the developer prior to certificate of occupancy, OR IF SURETY IS PROVIDED TO THE CITY, IN AN ALTERNATE TIMEFRAME DETERMINED BY THE CITY. ~~if~~ homeowner installation is preferred; a credit in the amount of the required trees (including installation) shall be posted by the developer with a local nursery for use by the homeowner.

2. SHRUBS, GROUNDCOVERS AND TURF:

- MINIMUM LANDSCAPE IMPROVEMENTS WITHIN THE LANDSCAPE AREA OF EACH LOT SHALL CONSIST OF A grass lawn and/or shrubs and/OR groundcovers, AND shall be established by the developer or homeowner. ~~with the yard area adjacent to a public street;~~ REQUIRED LANDSCAPE IMPROVEMENTS BY THE DEVELOPER MUST OCCUR PRIOR TO CERTIFICATE OF OCCUPANCY, OR IF SURETY IS PROVIDED TO THE CITY, IN AN ALTERNATIVE TIMEFRAME DETERMINED BY THE CITY. REQUIRED LANDSCAPE IMPROVEMENTS BY THE HOMEOWNER SHALL OCCUR within one year of the certificate of occupancy.

- ~~• A minimum of seventy five (75%) percent (75%) of the required landscape area shall be covered by living plant material such as grass, shrubs or ground covers within one year following installation and thereafter.~~ ALL REQUIRED LANDSCAPE AREA SHALL CONSIST OF 100% LIVING GROUNDCOVER, TURF, OR SHRUB BED AREA.

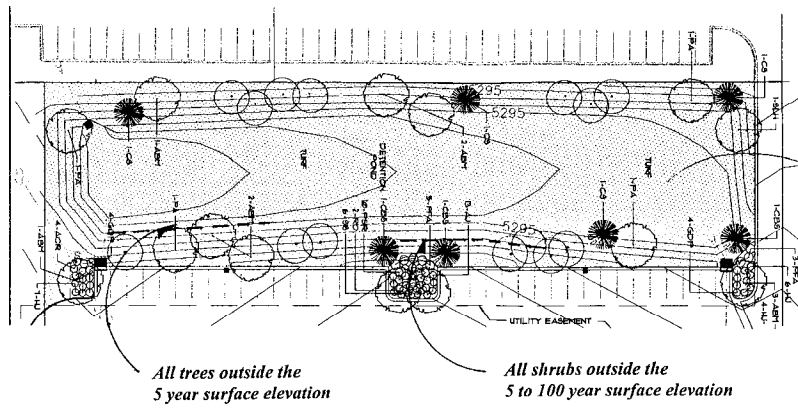
c. ADJACENT RIGHT-OF-WAY (ROW) AND COMMON AREAS:

- THE OFFICIAL DEVELOPMENT PLAN MUST SPECIFY THE DESIGN AND LANDSCAPE REQUIREMENTS OF ALL RIGHT-OF-WAYS AND COMMON AREAS INCLUDING THAT OF RIGHT-OF-WAY ADJACENT TO SINGLE FAMILY OR DUPLEX LOTS. ~~In general, formal, stand-alone trees are encouraged along major streets and in medians; with less formal, clustered tree type design at the intersections and entrances. Whenever possible, designs should include clustering of shrubs.~~
- 1 TREE AND 3 SHRUBS PER EVERY 550 SQUARE FEET OF LANDSCAPE AREA SHALL BE PROVIDED IN ALL RIGHT-OF-WAY AND COMMON AREAS. 100 PERCENT OF THE LANDSCAPE AREA SHALL CONTAIN TURF, GROUNDCOVER, OR SHRUB BEDS. THE FOLLOWING EXCEPTIONS TO THIS REQUIREMENT IS AS FOLLOWS:
  1. THE ROW LANDSCAPE AREA OF LOCAL STREETS WITH DETACHED WALKS SHALL BE PLANTED WITH 1

SHADE TREE EVERY 80 LINEAR FEET AND TURF, GROUNDCOVER, OR SHRUBS.

2. THE ROW LANDSCAPE AREA OF LOCAL STREETS WITH ATTACHED WALKS SHALL BE PLANTED WITH TURF, GROUNDCOVER, OR SHRUBS.
  3. DETENTION POND AREA BELOW THE 5-YEAR STORM SURFACE ELEVATION IS LIMITED TO THE PLANTING OF TURF OR GROUNDCOVER PLANTS.
  4. THE OFFICIAL DEVELOPMENT PLAN SHALL SPECIFY ANY DEVIATION FROM THE ABOVE LANDSCAPE REQUIREMENT FOR PRIVATE PARKS OR OTHER COMMON AREAS OR ROW AREA IF A LARGER AREA OF TURF IS DETERMINED TO BE DESIRABLE BY THE CITY.
- INSTALLATION OF LANDSCAPE IMPROVEMENTS WITHIN THE ADJACENT RIGHT-OF-WAY OF LOCAL OR COLLECTOR STREETS MUST OCCUR BY THE DEVELOPER OR HOMEOWNER NO LATER THAN THE TIME OF THE ADJACENT YARD IMPROVEMENTS (SEE ABOVE). INSTALLATION OF LANDSCAPE IMPROVEMENTS WITHIN ADJACENT RIGHT-OF-WAY OF ALL OTHER ADJACENT STREETS- INCLUDING HIGHWAYS, AND OF ALL OTHER COMMON AREAS MUST OCCUR BY THE DEVELOPER ACCORDING TO PHASING PLANS INDICATED ON THE OFFICIAL DEVELOPMENT PLAN.
  - THE MAINTENANCE OF ALL LANDSCAPE IMPROVEMENTS IN THE ROW IS THE RESPONSIBILITY OF THE ADJACENT LOT OWNER UNLESS SPECIFIED OTHERWISE ON THE OFFICIAL DEVELOPMENT PLAN.
  - THE INSTALLATION AND MAINTENANCE OF ALL LANDSCAPE IMPROVEMENTS WITHIN OTHER COMMON AREAS IS THE RESPONSIBILITY OF THE PROPERTY OWNER.





d. OTHER REQUIREMENTS

- A 6-FOOT HEIGHT BERM (WITH 6 FOOT HEIGHT FENCE OR WALL LOCATION ON TOP OF THE BERM) WILL BE REQUIRED ADJACENT TO ARTERIAL STREETS AND HIGHWAYS.
- REFER TO THE LANDSCAPE REGULATIONS CHART.
- REFER TO OTHER SECTIONS WITHIN THESE LANDSCAPE REGULATIONS FOR OTHER REQUIREMENTS INCLUDING, BUT NOT LIMITED TO, SOIL PREPARATION AND IRRIGATION.
- REFER TO THE MUNICIPAL CODE FOR ADDITIONAL REGULATIONS REGARDING LANDSCAPING FOR RENTAL HOUSING.

2. Minimum Plant Sizes

Deciduous Shade Trees: 2 ½ inch caliper  
 Ornamental Trees: 2 ½ inch caliper  
 Evergreen Trees: 6 ft. minimum height  
 Shrubs: 5 gallon container  
 Twenty percent (20%) of deciduous trees to be three inch (3") caliper or eight feet (8') in height if evergreen (applies to ROW & detention ponds).  
 Under certain circumstances one (1) tree may be substituted for ten (10) shrubs and vice versa.

3. Right of Way Landscaping for Streets

Developers are responsible for the installation of landscaping in the right of way of all arterials and collector streets within or abutting their development,

~~and occasionally of local streets. (See Section 6 F of these Landscape Regulations for required street right of way widths including landscaping and sidewalks).~~

~~The homeowner's association is responsible for maintenance of the right of way landscaping along arterial and collector streets and occasionally along local streets. The adjacent homeowner is generally responsible for maintenance of the right of way adjacent to their residence on a local street.~~

~~A minimum of one (1) tree and three (3) shrubs per 550 square feet of landscaped area is required for landscaping within the right of way. In general, formal stand alone trees are encouraged along major streets and in medians, with less formal, clustered tree type design at the intersections and entrances. Whenever possible, designs should include clustering of shrubs.~~

~~Automatic sprinkler systems are required within the right of way of arterial and collector streets of new subdivisions. Sprinkler systems are required on local streets where maintained by the homeowner's association. The developer is advised to check with the City's Public Works Department to determine the proximity of the project to the City's reclaimed water system and the feasibility of tying into the system.~~

~~4. Buffering Within the Right of Way~~

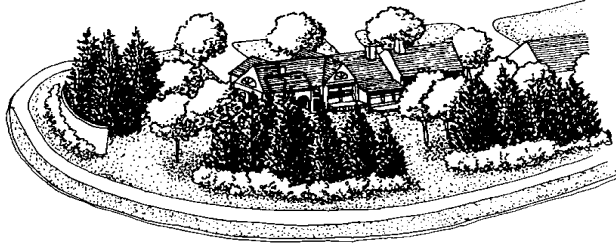
~~Although fencing between the right of way of arterial or collector streets and residential developments is often proposed as a means of providing privacy and buffering, the use of landscape materials and earth berming either in lieu of fencing, or in conjunction with fencing, is highly preferred and shall be required in most instances. The maximum slope of berms shall not exceed 4:1.~~

~~6. Detention Pond~~

~~The developer is responsible for landscaping of the detention pond and other common areas. The homeowner's association shall be responsible for the maintenance of the detention pond areas and common areas.~~

**B. Single-Family Attached and Multi-Family Residential**

Landscaped areas should be provided in single family attached developments to counteract the potential dominance of the hardscape elements such as driveways, buildings, and parking areas. Landscaping adds to the overall visual appearance and function of the development by providing shade, complimenting both passive and active recreation areas, providing visual interest both apart from and next to the buildings, and presenting an aesthetically pleasing streetscape.



**SINGLE - FAMILY ATTACHED PERSPECTIVE**

**1. Minimum Requirements**

a. LANDSCAPE AREA:

- ALL NON-HARDSCAPE SHALL BE DEVELOPED AS LANDSCAPE AREA, AND NO LESS THAN A minimum of ~~forty~~ 40 percent (40%) of the overall site area shall be landscaped, ~~including the general landscape area, right-of-ways and~~ RIGHT OF WAY LANDSCAPE AREA IS NOT INCLUDED IN THE 40 PERCENT AREA CALCULATION. ALL NON-HARDSCAPE AREA SHALL BE DEVELOPED AS LANDSCAPE AREA. A minimum ~~twenty five~~ 25-foot (25') landscape setback is required from the ULTIMATE/FUTURE right-of-way line. A MINIMUM 35-FOOT LANDSCAPE AREA IS REQUIRED ALONG ALL OTHER PROPERTY LINES. ALSO REFER TO THE SINGLE-FAMILY ATTACHED RESIDENTIAL DESIGN GUIDELINES AND OTHER APPLICABLE GUIDELINES.

b. PLANT MATERIALS:

- Within the ~~required~~ landscape area, A MINIMUM OF 1 ~~one~~ (1) tree and 3 ~~three~~ (3) shrubs are required per 550 square feet (EXCEPTING BELOW THE 5 YEAR STORM WATER SURFACE ELEVATION WITHIN DETENTION PONDS). ~~of the landscape area. For developments greater than ten acres, reduction of plant quantities will be considered in cases of exemplary design. A mixture of evergreen and deciduous trees shall be provided.~~
- REFER TO THE SINGLE FAMILY DETACHED REGULATIONS REGARDING REQUIREMENTS FOR TREES, SHRUBS, GROUNDCOVERS AND TURF.
- REFER TO THE FOLLOWING SECTION "ADJACENT RIGHT OF WAY AND COMMON AREAS" FOR INSTALLATION AND MAINTENANCE REQUIREMENTS OF PLANT MATERIALS. LANDSCAPE IMPROVEMENTS WITHIN ANY PRIVATE COURTYARD OR LOT

AREA FOR EACH RESIDENTIAL UNIT SHALL BE THE RESPONSIBILITY OF THE RESIDENT/OWNER UNLESS SPECIFIED OTHERWISE ON THE OFFICIAL DEVELOPMENT PLAN.

c. ADJACENT RIGHT-OF-WAY AND COMMON AREAS:

- THE OFFICIAL DEVELOPMENT PLAN MUST SPECIFY THE DESIGN OF LANDSCAPING WITHIN ALL COMMON AREAS AND RIGHT-OF-WAY. ~~In general, formal, stand-alone trees are encouraged along major streets and in medians, with less formal, clustered tree type design at the intersections and entrances. Whenever possible, designs should include clustering of shrubs.~~
- LANDSCAPE IMPROVEMENTS WITHIN THE ADJACENT RIGHT OF WAY AREAS, AND COMMON AREAS WITHIN THE DEVELOPMENT MUST OCCUR BY THE DEVELOPER ACCORDING TO PHASING PLANS INDICATED ON THE OFFICIAL DEVELOPMENT PLAN.
- MAINTENANCE OF ALL LANDSCAPE IMPROVEMENTS IN THE ROW AND OTHER COMMON AREAS IS THE RESPONSIBILITY OF THE DEVELOPER UNTIL TURNED OVER TO THE HOMEOWNERS ASSOCIATION/OWNER.

d. OTHER REQUIREMENTS

- REFER TO THE SECTION IN SINGLE-FAMILY DETACHED RESIDENTIAL FOR REQUIREMENTS.

~~No more than fifty (50%) percent of the completed landscape within a shrub bed area should be covered exclusively with stone or wood chip mulch. A minimum of seventy five percent (75%) of the landscaping should be covered by living plant material such as ground cover, shrubs or grass, within three (3) years following installation and thereafter.~~

~~Landscaping and automatic sprinkler systems shall be installed by the developer and ultimately irrigated and maintained by the developer/homeowner's group, unless specifically indicated on the Official Development Plan for certain small areas which will be planted and maintained by the residents. The developer is advised to check with the City's Public Works Department to determine the proximity of the project to the City's reclaimed water system and the feasibility of tying into the system.~~

~~2. **Minimum Plant Sizes**~~

- ~~Deciduous Shade Trees: 2 1/2 inch caliper~~
- ~~Ornamental Trees: 2 1/2 inch caliper~~
- ~~Evergreen Trees: 6 ft. minimum height~~
- ~~Shrubs: 5 gallon container~~

~~Twenty percent (20%) of deciduous trees to be three inch (3") caliper or eight feet (8') in height if evergreen.~~

~~Under certain circumstances one (1) tree may be substituted for ten (10) shrubs and vice-versa.~~

~~3. Right-of-Way Landscaping for Streets~~

~~Developers are responsible for the installation of landscaping, irrigation and maintenance in the right of way of all freeways, highways, arterials, collectors and local streets within or abutting their development and occasionally of local streets.~~

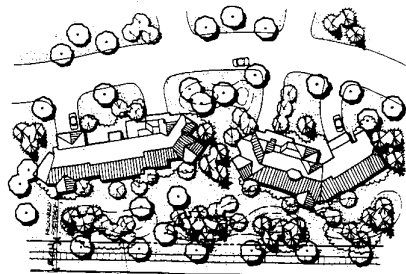
~~A minimum of one (1) tree and three (3) shrubs per 550 square feet of landscaped area is required for landscaping within the right of way. In general, formal stand alone trees are encouraged along major streets and in medians, with less formal, clustered tree type design at the intersections and entrances. Whenever possible, designs should include clustering of shrubs. Automatic sprinkler systems are required within the right of way of arterial, collector and local streets of new subdivisions and in some cases, local streets.~~

~~4. Buffering Within the Right of Way~~

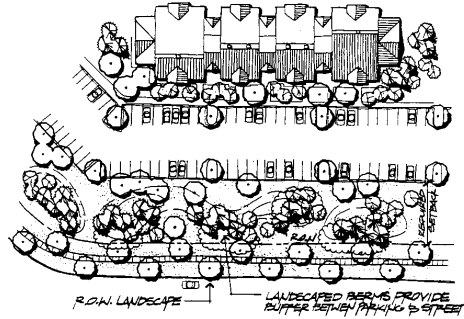
~~Although fencing between the right of way of arterial or collector streets and residential developments is often proposed as a means of providing privacy and buffering, the use of landscape materials and earth berming either in lieu of fencing, or in conjunction with fencing, is highly preferred and shall be required in most instances. The maximum slope of berms shall not exceed 4:1.~~

~~5. Unique Requirements~~

~~It is recognized that certain projects will have unique landscape requirements due to the nature of the site and project characteristics. Such projects will follow the Landscape Regulations to the greatest extent possible, with exceptions to be reviewed by Staff at the time of Official Development Plan.~~



LANDSCAPED BERMS PROVIDE BARRIER  
TO CREATE PRIVACY FOR UNITS  
SINGLE - FAMILY ATTACHED PLAN



MULTI - FAMILY RESIDENTIAL PLAN

### C. Multi Family Residential

Multi Family residential sites can be overwhelmed by large buildings and parking lots. Landscape areas should be provided help to counteract the potential dominance of the hardscape elements of the multi family development such as driveways, buildings, and parking areas. Landscaping adds to the overall visual appearance and function of the development by providing shade, complimenting both passive and active recreation areas, providing visual interest both apart from and next to the buildings, and presenting an aesthetically pleasing streetscape.

#### 1. Minimum Requirements

A minimum of forty percent (40%) of the overall site shall be landscaped, including the general landscape area, right of ways and detention pond areas. Driveways, hardscape parking areas or walks are not included. Parking lot island landscaping is included. A minimum twenty five foot (25') landscape setback is required from the right-of-way line.

Within the required landscape area, one (1) tree and three (3) shrubs are required per 550 square feet of the landscape area. For developments greater than ten acres, reduction of plant quantities will be considered in cases of exemplary design. A mixture of evergreen and deciduous trees shall be provided.

No more than fifty (50%) percent of the completed landscape within a shrub bed area should be covered exclusively with stone or wood chip mulch. A minimum of seventy five percent (75%) of the landscaping should be covered by living plant material such as ground cover, shrubs or grass, within three (3) years following installation and thereafter.

Landscaping and automatic irrigation systems shall be installed by the developer and ultimately irrigated and maintained by the business association group. The developer is advised to check with the City's Public Works Department to determine the proximity of the project to the City's reclaimed water system and the feasibility of tying into the system.

2. Minimum Plan Sizes

~~Deciduous Shade Trees: 2 1/2 inch caliper~~

~~Ornamental Trees: 2 1/2 inch caliper~~

~~Evergreen Trees: 6 ft. minimum height~~

~~Shrubs: 5 gallon container~~

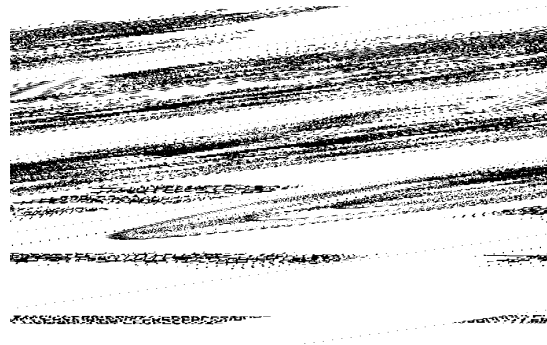
~~Twenty percent (20%) of deciduous trees to be three inch (3") caliper or eight feet (8') in height if evergreen.~~

~~Under certain circumstances one (1) tree may be substituted for ten (10) shrubs and vice versa.~~

3. ~~Right of Way Landscaping for Streets~~

~~Developers are responsible for the installation of landscaping in the right of way of all arterial and collector streets with or abutting their development, and occasionally of local streets. (See Section 6 F of these Landscape Regulations for required street right of way widths including landscaping and sidewalks). The homeowner's association is responsible for maintenance of the right of way landscaping along arterial and collector streets and occasionally along local streets.~~

~~A minimum of one (1) tree and three (3) shrubs per 550 square feet of landscaped area is required for landscaping within the right of way. In general, formal stand alone trees are encouraged along major streets and in medians, with less formal, clustered tree type design at the intersections and entrances. Whenever possible, designs should include clustering of shrubs. Automatic sprinkler systems are required within the right of way of arterial, collector and local streets, and the homeowner's association is responsible for the maintenance in the right of way landscaping along arterial and collector streets and occasionally along local streets.~~



4. ~~Buffering Within the Right of Way~~

~~Although fencing between the right of way of arterial or collector streets and residential developments is often proposed as a means of providing privacy and buffering, the use of landscape materials and earth berming either in lieu of, or in~~

~~conjunction with fencing, is highly preferred and shall be required in most instances. The maximum slope of berms shall not exceed 4:1.~~

5. ~~——~~ Parking Lot Landscaping

~~Parking lots of fifty (50) spaces or more are required to be landscaped. Landscaping is to include the interior area of the parking lot as well as the typical peripheral area landscaping around the outside of the parking lot.~~

~~Landscape islands and/or peripheral landscaping are also encouraged along drive entries.~~

~~Parking lot landscaping may be applied towards the total landscape area required per development.~~

~~Landscape islands shall be no smaller than two standard parking spaces and shall alternate periodically with larger islands for variety and interest. The landscaped islands shall occur approximately every thirty (30) spaces. Continuous landscape strips separating rows of parking are highly encouraged and may be required.~~

~~A minimum of two (2) shade trees and twelve (12) shrubs shall be required per island. If the island is larger than four hundred (400) square feet, the landscape should include one (1) additional shade tree and six (6) additional shrubs for every additional two hundred (200) square feet or a fraction thereof.~~

~~Parking lots shall not be located within the required landscape setback. (25 feet (25') from right of way line).~~

~~Landscape berms to screen parking from adjacent developments are required, unless this requirement is waived.~~

6. ~~——~~ Unique Requirements

~~It is recognized that certain projects will have unique landscape requirements due to the nature of the site and project characteristics. Such projects will follow the Landscape Regulations to the greatest extent possible, with exceptions to be reviewed by Staff at the time of Official Development Plan.~~



**~~8. COMMERCIAL AND INDUSTRIAL STANDARDS~~****VIII. RIGHT OF WAY AREA LANDSCAPE STANDARDS**

RIGHT OF WAY REQUIREMENTS APPLY TO DEVELOPMENTS OF ALL TYPES OF LAND USE. LANDSCAPE IMPROVEMENTS AND THEIR MAINTENANCE, WITHIN ALL RIGHT OF WAY AREAS, ARE THE RESPONSIBILITY OF THE DEVELOPER/OWNER OF ADJACENT PRIVATE PROPERTY.

LANDSCAPE DESIGN OF ALL RIGHT OF WAY AREAS, INCLUDING THAT OF US-36 AND I-25, SHALL BE SHOWN ON THE OFFICIAL DEVELOPMENT PLAN.

LANDSCAPE REQUIREMENTS, INCLUDING BERMS, FENCING OR WALLS BETWEEN STREETS AND RESIDENTIAL DEVELOPMENT, SHALL BE AS DETERMINED BY AN OFFICIAL DEVELOPMENT PLAN OR OTHER RELATED DOCUMENTS, AND AS REQUIRED BY THE REGULATIONS HEREIN. REFER TO THE APPROPRIATE DESIGN GUIDELINES FOR ADDITIONAL REQUIREMENTS.

Although fencing between the right of way of arterial or collector streets and residential developments is often proposed OR REQUIRED as a means of providing privacy and buffering, the use of landscape materials and earth berming either in lieu of fencing, or in conjunction with fencing, is highly preferred and shall be required in most instances. The maximum slope of berms shall not exceed 4:1.

A. MINIMUM AREA

- ALL AREA WITHIN THE ROW NOT COMPRISED OF HARDSCAPE, AS REQUIRED BY THE CITY, SHALL BE LANDSCAPE AREA.

B. PLANT MATERIALS

- REFER TO THE LANDSCAPE REGULATIONS CHART, SINGLE FAMILY DETACHED, AND SECTION VII.A.1.c FOR RELEVANT LANDSCAPE REQUIREMENTS, PLANT MATERIALS AND SIZES, AND AMOUNT OF LANDSCAPING. AUTOMATIC IRRIGATION IS REQUIRED.
- THE CITY HAS THE OPTION TO REDUCE (OR INCREASE) THE AMOUNT OF REQUIRED PLANT MATERIALS.

C. OTHER REQUIREMENTS

- THE CITY WILL REFER PRELIMINARY DESIGN OF LANDSCAPE IMPROVEMENTS WITHIN THE RIGHT OF WAY OF I-25, US 36, FEDERAL BOULEVARD, WADSWORTH BOULEVARD, 120<sup>TH</sup> AVENUE AND SHERIDAN BOULEVARD SOUTH OF US 36 TO THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) FOR COMMENT AT THE TIME OF OFFICIAL DEVELOPMENT PLAN REVIEW AND APPROVAL. SUBSEQUENT DESIGN REVIEW AND CONSTRUCTION APPROVAL FROM CDOT IS THE RESPONSIBILITY OF THE DEVELOPER.

- THE OWNERSHIP AND MAINTENANCE OF LANDSCAPE IMPROVEMENTS IN THE ROW IS THAT OF THE DEVELOPER UNTIL TURNED OVER TO THE ADJACENT PROPERTY OWNER OR HOMEOWNERS/BUSINESS ASSOCIATION.
- IF AN EXCEPTION IS MADE REGARDING LONG TERM MAINTENANCE OF ANY LANDSCAPE IMPROVEMENTS WITHIN A MEDIAN OR OTHER ROW AREA TO BE THAT OF THE CITY, THE IRRIGATION SYSTEM MUST BE DESIGNED AND CONSTRUCTED WITH ITS OWN SEPARATE WATER TAP (NOT PART OF A LARGER, PRIVATE IRRIGATION SYSTEM).
- REFER TO LANDSCAPE REGULATIONS CHART.
- REFER TO OTHER SECTIONS WITHIN THESE REGULATIONS.

**IX. PARKING LOT LANDSCAPE STANDARDS**

PARKING LOTS WITHIN ANY LAND USE CATEGORY ARE REQUIRED TO BE LANDSCAPED.

**A. MINIMUM AREA**

- LANDSCAPE AREA INCLUDES THE PERIPHERAL AREA AROUND THE OUTSIDE OF THE PARKING LOT AS WELL AS INTERNAL TO THE PARKING LOT. ALL NON-HARDSCAPE AREA SHALL CONSIST OF LANDSCAPE AREA.
- Parking lots AND ANY AUTOMOBILE OVERHANG AREA shall not be located within the required landscape setback AREAS (MINIMUM ~~twenty five (25')~~ 25 FEET from right of way line). REFER TO OTHER APPLICABLE GUIDELINES FOR ADDITIONAL SETBACK INFORMATION.
- Landscape islands/MEDIANS are encouraged along drive ~~entries~~ ENTRANCES; AND REQUIRED AT PERIODIC INTERVALS WITHIN PARKING ROWS, AT THE END OF EACH PARKING ROW AND PERIODICALLY BETWEEN ROWS OF PARKING. (SEE LANDSCAPE REGULATIONS CHART FOR SPECIFIC REQUIREMENTS)
- PARKING LOTS MUST BE BUFFERED, APPROXIMATELY 3 FEET IN GRADE, FROM ADJACENT STREETS AND PROPERTIES WITH THE USE OF BERMS OR SLOPE IN GRADE; SHRUB BEDS MAY REPLACE OR BE USED IN CONJUNCTION WITH BERMS OR SLOPES WHERE IT IS NOT FEASIBLE FOR AN ELEVATION DIFFERENCE OF 3 FEET; AND TREES AS DETERMINED BY THE CITY. AN EXCEPTION TO THIS REGULATION IS THE REQUIRED 6-FOOT BERM ADJACENT TO ARTERIAL STREETS AND HIGHWAYS FOR RESIDENTIAL DEVELOPMENTS AS SPECIFIED ELSEWHERE IN THESE REGULATIONS.
- THE LANDSCAPE DESIGN MUST TAKE INTO ACCOUNT ANY AUTOMOBILE OVERHANG INTO THE LANDSCAPE AREA AND THE MATURE SIZE OF THE PLANT MATERIAL IN ORDER TO MINIMIZE DAMAGE AND CONFLICT.
- BERMING WITHIN LANDSCAPE ISLANDS AND MEDIANS IS DISCOURAGED DUE TO WATER RUNOFF AND HIGHER MAINTENANCE REQUIREMENTS. BLUEGRASS IS DISCOURAGED WITHIN LANDSCAPE ISLANDS AND MEDIANS.
- PEDESTRIAN FOOT TRAFFIC MUST BE CONSIDERED AND REFLECTED IN THE DESIGN OF PARKING LOTS TO IN ORDER TO ACCOMMODATE THE NEEDS OF THE PEDESTRIAN AND MINIMIZE FOOT TRAFFIC WITHIN LANDSCAPE AREAS.
- Curbs shall be provided in all parking lots TO SEPARATE LANDSCAPE AREA FROM PAVEMENT IN ORDER to maintain parking lot surface, protect public

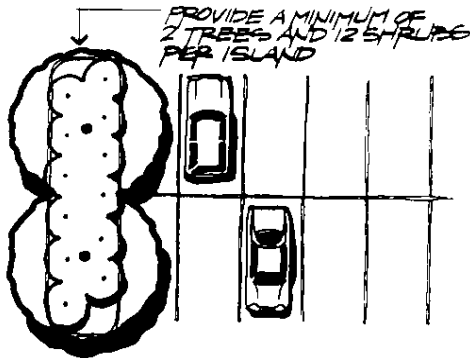
sidewalks from vehicular intrusion and prevent parking in areas where parking is not permitted.

B. PLANT MATERIALS

- REFER TO THE LANDSCAPE REGULATIONS CHART, SINGLE FAMILY DETACHED, FOR MINIMUM LANDSCAPE REQUIREMENTS, MINIMUM PLANT SIZES, AND AMOUNT OF LANDSCAPING IN COMMON AREAS.
- PARKING LOT DESIGN, PLANT SELECTION AND LOCATION SHOULD CONSIDER IMPACT ON VISIBILITY OF PROPOSED SIGNAGE.
- SHADE TREES ARE ENCOURAGED WITHIN AND ADJACENT TO PARKING LOTS FOR PROVISION OF SHADE AND RELIEF FROM HEAT DURING SUMMER MONTHS.
- PLANT SELECTION MUST DISCOURAGE FOOT TRAFFIC THROUGH LANDSCAPE ISLANDS/MEDIANS. PLANTS THAT GROW TO A VERY LOW HEIGHT AND/OR WIDE PLANT SPACING IS THEREFORE DISCOURAGED.

C. OTHER REQUIREMENTS

- REFER TO THE LANDSCAPE REGULATIONS CHART
- REFER TO OTHER SECTIONS WITHIN THESE REGULATIONS



**PARKING LOT LANDSCAPE**

**X. NON- RESIDENTIAL LANDSCAPE STANDARDS**

~~The~~ THIS section of the regulations shall apply to ALL NON-RESIDENTIAL LAND USES SUCH AS commercial, OFFICE, and industrial properties, as well as religious, institutional, non-profit, governmental and public ~~utilities types of projects OF A NON-RESIDENTIAL NATURE.~~

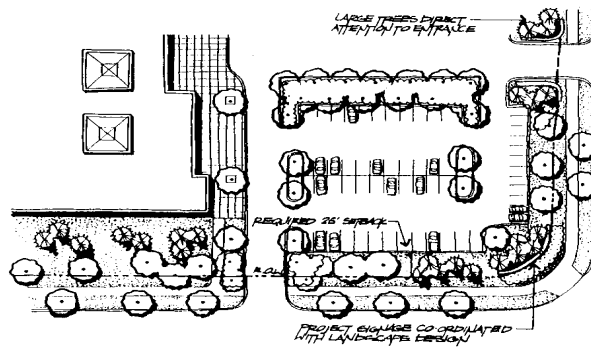
It is required that a minimum distance of ~~twenty-five~~ 25 feet (25') along each property frontage abutting a public right-of-way be landscaped area. The ~~twenty-five~~ 25 feet (25') is measured from the ULTIMATE/FUTURE RIGHT OF WAY ~~property-line~~ towards the interior of the site. A minimum of a ten foot (10') landscape setback area is also required from all interior property lines. ~~When parking lots from adjacent businesses abut, the setback area may, in some instances, be reduced to a three to five feet (3' -5') setback and will be reviewed on a case by case basis at the time of O.D.P.~~ The majority of the landscaping for commercial and/or industrial sites should be situated in the front and/or the sides of the site, and should be visible from abutting right-of-ways. Landscaped areas should not be enclosed by a fence ~~which~~ THAT limits its visibility.

Landscaping, INCLUDING TREES, is encouraged ~~in close proximity~~ ADJACENT to buildings, as well as throughout the general landscape area, and may include landscape ~~cut-outs~~ PLANTERS in the walks and other hard surface areas.

Positive drainage shall be maintained away from buildings. ~~Cut-out areas~~ PLANTER AREAS shall include adequate area for root growth.

TURF OR OTHER PLANTINGS ADJACENT TO PAVEMENT OR FOUNDATIONS ARE ENCOURAGED TO BE OF LOW WATER REQUIREMENTS OR TO BE IRRIGATED WITH LOW VOLUME METHODS.

~~Landscaping and automatic sprinkler system shall be installed by the developer. All landscaping installed shall be irrigated and maintained by the business association/owner. The developer is advised to check with the City's Public Works Department to determine the proximity of the project to the City's reclaimed water system and the feasibility of tying into the system.~~



COMMERCIAL LANDSCAPE PLAN

- a. **Entrances and Sign Features**

The entrances to commercial or industrial centers should be designed to provide an attractive, year round landscape statement. ~~Street m~~Medians/landscape islands are encouraged ~~and may be required~~ at entranceways. ~~When installed, street medians shall be a minimum of ten feet (10') wide and twenty five feet (25') long. If installed, maintenance of the medians/landscape islands within the center shall be the responsibility of the developer/business association.~~

Enhanced landscaping is encouraged for MONUMENT sign feature areas. The addition of large trees, especially evergreens, can provide an all-season backdrop and direct attention to the sign feature area. The inclusion of perennials and annuals can provide color for the spring and summer, and is generally required.

A. ~~Minimum Requirements~~ AREA

- ~~For properties up to ten (10) acres in size, a~~ A minimum of twenty (20%) of the site shall be landscaped including the general landscape area and detention pond areas, AND EXCLUDING RIGHT OF WAY. Driveways, hardscape, parking areas or walks are not included. Parking lot island landscaping is included. RIGHT OF WAY LANDSCAPING IS REQUIRED FOR ADJACENT STREETS AND HIGHWAYS, BUT IS NOT INCLUDED IN THE REQUIRED 20% CALCULATION. ~~Properties over ten (10) acres in size shall be reviewed on an individual basis. Proposals for reduction in overall landscape area required in exchange for an increase in quantities or sizes of plant material may be reviewed on a case-by-case basis.~~

B. PLANT MATERIALS:

- Within the required landscape area, one (1) tree and three (3) shrubs are required per 550 square feet of the landscape area, (EXCEPTING BELOW THE 5 YEAR STORM WATER SURFACE ELEVATION WITHIN DETENTION PONDS). A mixture of evergreen and deciduous trees shall be provided. IF THE LANDSCAPE AREA EXCEEDS 20%, A REDUCTION IN THE OTHERWISE, RESULTING NUMBER OF TREES AND SHRUBS, MAY BE APPROVED BY THE CITY, IN ORDER TO ENCOURAGE LANDSCAPE AREA IN EXCESS OF MINIMUM REQUIREMENTS.
- REFER TO SINGLE FAMILY DETACHED REGULATIONS REGARDING THE REQUIREMENTS OF LANDSCAPE AREA AND THE GROUND SURFACE COVERAGE.
- HIGH WATER ZONES CANNOT EXCEED 50% OF THE LANDSCAPE AREA, EXCEPTING RIGHT OF WAY AREAS, PARKS, OR OTHER AREAS AS APPROVED BY THE CITY.
- ALL LANDSCAPE IMPROVEMENTS SHALL BE INSTALLED BY THE DEVELOPER PRIOR TO CERTIFICATE OF OCCUPANCY OF THE BUILDING OR BUILDINGS, IN PHASES INDICATED BY THE OFFICIAL DEVELOPMENT PLAN, OR IF SURETY IF PROVIDED TO THE CITY, IN AN ALTERNATE TIMEFRAME DETERMINED BY THE CITY.

- MAINTENANCE OF ALL LANDSCAPE IMPROVEMENTS SHALL BE THE RESPONSIBILITY OF THE DEVELOPER/OWNER/OR BUSINESS ASSOCIATION.

C. OTHER REQUIREMENTS

- REFER TO LANDSCAPE REGULATIONS CHART
- REFER TO OTHER SECTIONS WITHIN THESE REGULATIONS
- REFER TO THE APPROPRIATE DESIGN GUIDELINES (EXAMPLE: COMMERCIAL DESIGN GUIDELINES) FOR ADDITIONAL REQUIREMENTS.

~~No more than fifty (50%) of the completed landscape within a shrub bed area should be covered exclusively with stone or wood chip mulch. A minimum of seventy five percent (75%) of the landscaping should be covered by living plant material such as ground cover, shrubs or grass, within three (3) years following installation and thereafter.~~

~~b. Minimum Plant Size~~

~~Deciduous Shade Trees: 2 ½ inch caliper~~

~~Ornamental Trees: 2 ½ inch caliper~~

~~Evergreen Trees: 6 ft. minimum height~~

~~Shrubs: 5 gallon container~~

~~Twenty percent (20%) of deciduous trees to be three inch (3") caliper or eight feet (8') in height if evergreen.~~

~~Under certain circumstances one (1) tree may be substituted for ten (10) shrubs and vice versa.~~

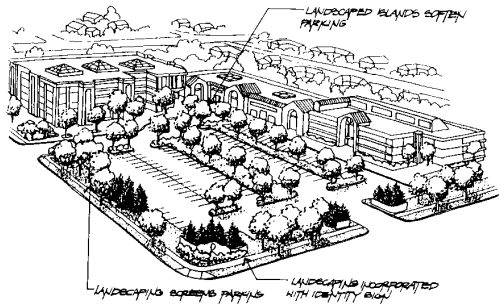
~~d. Right of Way Landscaping for Streets~~

~~Developers are responsible for the installation of landscaping, irrigation and maintenance in the right of way of all arterials, collectors and occasionally of local streets abutting their development.~~

~~Arterials, Collectors and Local Streets: A minimum of one (1) tree and three (3) shrubs per 550 square feet of landscaped area is required for landscaping within the right of way. In general formal stand alone trees are encouraged along major streets and in medians, with less formal, clustered tree type design at the intersections and entrances. Whenever possible, designs should include clustering of shrubs.~~

~~e. Buffering Within the Right of Way~~

~~For larger commercial/industrial developments, the use of landscape materials and earth berming is encouraged in the right of way areas for buffering. Berm slopes shall not exceed 4:1.~~



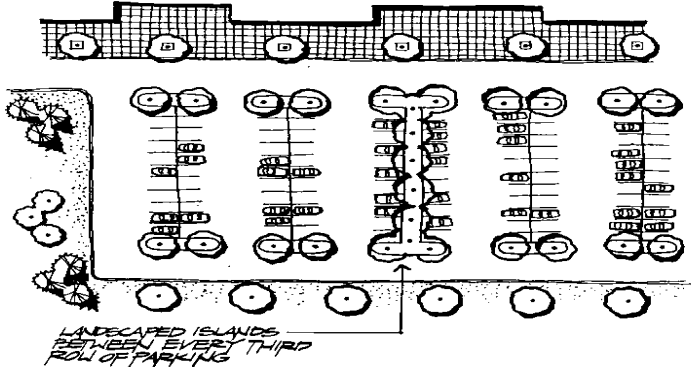
COMMERCIAL LANDSCAPE PERSPECTIVE

**f.—Unique Requirements**

It is recognized that certain projects will have unique landscape requirements due to the nature of the site and project characteristics. Such projects will follow the Landscape Regulations to the greatest extent possible, with exceptions to be reviewed by Staff at the time of Official Development Plan.

**g.—Parking Lot Landscaping**

The interiors of Parking lots of fifty (50) spaces or more are required to be landscaped with parking lot landscaped islands. Landscaping is to include the interior area of the parking lot as well as the typical peripheral area landscaping around the outside of the parking lot. Landscape islands and/or peripheral landscaping are also encouraged along drive entries. Parking lots shall not be located within the required landscape setback (25' from right of way line).



PARKING LOT LANDSCAPE

Parking lot landscaping may be applied towards the total landscape area required per development.



~~Landscape islands shall be no smaller than two standard parking spaces long, and shall be alternated periodically with larger islands for variety and interest. The landscaped islands shall occur approximately every thirty (30) spaces. Larger parking lots of three hundred (300) spaces or more shall also include a minimum nine foot (9') wide landscape strip in between every three (3) rows of parking spaces at a minimum.~~

~~A minimum of two (2) shade trees and twelve (12) shrubs shall be required per island. If the island is larger than four hundred (400) square feet, the landscape should include one (1) additional shade tree and six (6) additional shrubs for every additional two hundred (200) square feet or a fraction thereof.~~

~~Landscape berms to screen parking from adjacent developments or streets are often required. Berms shall not exceed 4:1 slopes.~~

## XI. LANDSCAPE REGULATIONS CHART

THIS CHART SUPPLEMENTS BOTH THE GENERAL LANDSCAPE REQUIREMENTS AND THE SPECIFIC LAND USE REQUIREMENTS

REFER TO TEXT PORTION OF REGULATIONS FOR ADDITIONAL INFORMATION	MINIMUM LANDSCAPE REQUIREMENTS	MINIMUM PLANT SIZES*	AMOUNT OF LANDSCAPING REQUIRED IN COMMON AREAS	MINIMUM LANDSCAPE SETBACK AREA	INSTALLATION AND MAINTENANCE OF LANDSCAPE IMPROVEMENTS
<b>SINGLE FAMILY DETACHED (SFD)</b>	<p>LANDSCAPE AREA: MIN. 50% OF EACH YARD AREA ADJACENT TO A STREET. (REMAINING YARD AREA IS HARDSCAPE)</p> <p>TREES IN THE FRONT YARD: 1 SHADE TREE PER LOT UP TO 10,000 SF IN SIZE; 2 TREES (1 SHADE) PER LOT IF LARGER THAN 10,000 SF</p> <p>REQUIRED LANDSCAPE IMPROVEMENTS MUST BE INSTALLED PRIOR TO C.O. BY DEVELOPER OR WITHIN 1 YEAR OF C.O. BY HOMEOWNER</p> <p>ROW ADJACENT TO LOT OR SUBDIVISION: LANDSCAPE BY HOMEOWNER OR DEVELOPER</p> <p>SOIL PREP. VERIFICATION PRIOR TO CERTIFICATE OF OCCUPANCY.</p> <p>AUTOMATIC IRRIGATION IS REQUIRED</p> <p>EXISTING TREES: REFER TO TEXT IN REGULATIONS</p>	<p>DECIDUOUS SHADE TREE: 2 INCH CALIPER</p> <p>ORNAMENTAL TREE: 2- INCH CALIPER</p> <p>EVERGREEN TREE: 6 FOOT HEIGHT</p> <p>SHRUBS: 5 GALLON CONTAINER</p> <p>PERENNIALS, VINES, GROUNDCOVERS: 1 GALLON CONTAINER</p> <p>TURF/LAWN: GRASS SPECIES TO BE MAINTAINED AT 6 INCH HEIGHT; SEED OR SOD FOR TURF WHEN INSTALLED BY RESIDENT HOMEOWNER; TYPICALLY SOD FOR ALL TURF BY DEVELOPER OR BUILDER WITHIN RESIDENTIAL BUILDING LOT, ROW, OR WITHIN COMMON AREA LANDSCAPING</p> <p>COMMON AREAS: 20% OF DECIDUOUS TREES TO BE 3 INCH CALIPER AND 8 FOOT HEIGHT FOR EVERGREEN TREES</p>	<p>LANDSCAPE AREA: ALL GROUNDPLANE AREA EXCLUSIVE OF HARDSCAPE IMPROVEMENTS. THE LANDSCAPE AREA SHALL BE PLANTED WITH TREES, SHRUBS, TURF OR GROUNDCOVER.</p> <p>ONE TREE AND THREE SHRUBS PER 550 SF OF LANDSCAPE AREA- EXCLUDING THE AREA BELOW THE FIVE YEAR STORM WATER SURFACE ELEVATION IN DETENTION PONDS</p> <p>REFER TO SECTION VII.A.1c FOR LOCAL STREET ROW</p> <p>DETENTION NOT ALLOWED IN ROW</p> <p>THE CITY HAS THE OPTION TO REDUCE THE QUANTITY OF TREES AND/OR SHRUBS FOR LANDSCAPE AREAS SUCH AS PRIVATE PARKS OR OPEN SPACE, WHERE LARGER TURF AREAS ARE DETERMINED BY THE CITY TO BE DESIRABLE.</p>	<p>A 6-FOOT HEIGHT BERM, WITH A 6-FOOT HEIGHT FENCE OR WALL ON TOP OF THE BERM, IS REQUIRED ADJACENT TO ARTERIAL STREETS AND HIGHWAYS, MEASURED FROM TOP OF CURB. THIS WILL REQUIRE ADDITIONAL LANDSCAPE SETBACK ALONG ARTERIAL STREETS AND HIGHWAYS. ALTERNATIVE DESIGN SOLUTIONS DEPENDING UPON SITE SPECIFIC GRADING CONSIDERATIONS MAY BE CONSIDERED BY THE CITY.</p> <p>REFER TO SFD RESIDENTIAL DESIGN GUIDELINES.</p>	<p>INSTALLATION BY THE DEVELOPER OR LOT OWNER FOR EACH LOT AND ADJACENT RIGHT OF WAY</p> <p>MAINTENANCE BY THE DEVELOPER THEN HOME OWNERS ASSOCIATION/OWNER FOR ALL RESIDENTIAL LOTS AND COMMON AREAS</p> <p>*MINIMUM PLANT SIZES DO NOT APPLY TOWARD LANDSCAPING BY RESIDENT LOT OWNER IN PRIVATE YARD AREAS, EXCEPTING ANY REQUIRED FRONT YARD TREES OR SHRUBS AS REQUIRED BY THE OFFICIAL DEVELOPMENT PLAN</p> <p>ADDRESS THE DESIGN, OWNERSHIP AND MAINTENANCE OF FENCING AND WALLS ON THE OFFICIAL DEVELOPMENT PLAN</p> <p>*AS APPROVED BY THE CITY: 1 TREE MAY BE SUBSTITUTED FOR 10 SHRUBS, 1 SHRUB FOR ONE 5-GALLON OR THREE 1 GALLON LARGE PERENNIAL GRASSES OR VINES.</p>

REFER TO TEXT PORTION OF REGULATIONS FOR ADDITIONAL INFORMATION	MINIMUM LANDSCAPE REQUIREMENTS	MINIMUM PLANT SIZES	AMOUNT OF LANDSCAPING REQUIRED IN COMMON AREAS	MINIMUM LANDSCAPE SETBACK AREA	INSTALLATION AND MAINTENANCE OF LANDSCAPE IMPROVEMENTS
<b>SINGLE FAMILY ATTACHED (SFA) AND MULTI-FAMILY (MFA)</b>	<p>40 % OF THE OVERALL SITE, EXCLUDING ROW, TO BE LANDSCAPE AREA</p> <p>ROW ADJACENT TO OR WITHIN THE PROPERTY MUST BE LANDSCAPED BY THE DEVELOPER</p> <p>SOIL PREP. VERIFICATION AND INSPECTION PRIOR TO CERTIFICATE OF OCCUPANCY</p> <p>AUTOMATIC IRRIGATION REQUIRED (EXCLUDING ANY PRIVATE COURTYARD AREAS)</p> <p>EXISTING TREES: REFER TO TEXT IN REGULATIONS</p>	REFER TO SFD	REFER TO SFD	<p>25 FEET MINIMUM FROM ULTIMATE RIGHT OF WAY; 35 FEET MINIMUM FROM ADJACENT PROPERTY LINES WITH NO DRIVES, DETENTION POND, OR PARKING IN THIS SETBACK</p> <p>A 6 FOOT HEIGHT BERM IS REQUIRED ADJACENT TO ARTERIAL STREETS AND HIGHWAYS (REFER TO SFD IN FOR SPECIFICS)</p> <p>INCLUDE TALL BERMS NOT TO EXCEED 4:1 SLOPE</p> <p>AUTO OVERHANG INTO THE MINIMUM LANDSCAPE SETBACK REQUIRES THE SETBACK TO BE INCREASED AN EQUAL DIMENSION</p> <p>REFER TO SFA &amp; MF RESIDENTIAL DESIGN GUIDELINES</p>	<p>INSTALLATION BY THE DEVELOPER, MAINTENANCE BY OWNER/ HOME OWNERS ASSOCIATION FOR ALL COMMON AREAS, INCLUDING ROW</p> <p>LOT OWNER IF ANY SEPARATE YARD AREAS, WITH INSTALLATION TO OCCUR WITHIN ONE YEAR OF CERTIFICATE OF OCCUPANCY</p> <p>ADDRESS THE DESIGN, OWNERSHIP AND MAINTENANCE OF FENCING AND WALLS ON THE OFFICIAL DEVELOPMENT PLAN</p>
<b>RIGHT-OF-WAYS (ROW)</b>	REFER TO RELEVANT LAND USE CATEGORY FOR REGULATIONS	REFER TO SFD	REFER TO SFD	<p>NOT APPLICABLE</p> <p>LANDSCAPE DESIGN, INCLUDING GRADING, MUST TAKE INTO ACCOUNT FUTURE ROW IMPROVEMENTS AND WIDENING, AND MINIMIZE FUTURE CONFLICTS</p>	<p>REFER TO RELEVANT LAND USE CATEGORY</p> <p>ADDRESS THE DESIGN, OWNERSHIP AND MAINTENANCE OF ANY FENCING AND WALLS ON THE OFFICIAL DEVELOPMENT PLAN</p>

REFER TO TEXT PORTION OF REGULATIONS FOR ADDITIONAL INFORMATION	MINIMUM LANDSCAPE REQUIREMENTS	MINIMUM PLANT SIZES	AMOUNT OF LANDSCAPING REQUIRED IN COMMON AREAS	MINIMUM LANDSCAPE SETBACK AREA	INSTALLATION AND MAINTENANCE OF LANDSCAPE IMPROVEMENTS
<p><b>PARKING LOTS</b></p>	<p>LANDSCAPE ISLANDS AND MEDIANS ARE WITHIN PARKING LOTS ARE REQUIRED.</p> <p>LANDSCAPE ISLANDS ARE REQUIRED AT THE END OF EACH PARKING ROW AND AT A MINIMUM INTERVAL WITHIN THE ROW OF 30 PARKING SPACES</p> <p>IN PARKING LOTS IN EXCESS OF 300 SPACES, LANDSCAPE MEDIANS ARE REQUIRED TO OCCUR AT EVERY 3RD ROW OF PARKING, MINIMUM 9 FT IN WIDTH; OR EVERY 6<sup>TH</sup> ROW OF PARKING, MINIMUM 25 FT TOTAL WIDTH-INCLUDING 6 FT SIDEWALK.</p> <p>MINIMUM SIZE OF ISLAND MUST EQUAL OR EXCEED DIMENSIONS OF ADJACENT PARKING STALL IN BOTH WIDTH AND LENGTH</p> <p>REFER TO THE RELEVANT LAND USE CATEGORY FOR OTHER REGULATIONS</p>	<p>REFER TO SFA</p> <p>TURF IS GENERALLY NOT ACCEPTABLE WITHIN LANDSCAPE ISLANDS UNLESS AN UNDERGROUND IRRIGATION SYSTEM IS INSTALLED</p>	<p>REFER TO SFD</p> <p>LANDSCAPE ISLAND: ONE TREE AND 6 SHRUBS PER 171 SF, PLUS ONE SHRUB PER EVERY ADDITIONAL 25 SF AND ONE TREE FOR EVERY ADDITIONAL 150 SF.</p> <p>LANDSCAPE MEDIAN: MINIMUM OF ONE TREE EVERY 40 LINEAL FEET PLUS ONE SHRUB EVERY 25 SQUARE FEET</p>	<p>REFER TO RELEVANT LAND USE CATEGORY DESIGN GUIDELINES</p> <p>ANY AUTOMOBILE OVERHANG INTO THE REQUIRED LANDSCAPE SETBACK AREA OR MEDIAN REQUIRES AN INCREASE IN THE LANDSCAPE SETBACK OR MEDIANS BY AN EQUAL DIMENSION</p>	<p>REFER TO SFA</p>

REFER TO TEXT PORTION OF REGULATIONS FOR ADDITIONAL INFORMATION	MINIMUM LANDSCAPE REQUIREMENTS	MINIMUM PLANT SIZES	AMOUNT OF LANDSCAPING REQUIRED IN COMMON AREAS	MINIMUM LANDSCAPE SETBACK AREA	INSTALLATION AND MAINTENANCE OF LANDSCAPE IMPROVEMENTS
<p><b>NON-RESIDENTIAL</b></p>	<p>20% OF THE OVERALL SITE, EXCLUDING ROW, MUST BE LANDSCAPE AREA</p> <p>ROW ADJACENT TO OR WITHIN THE PROPERTY MUST BE LANDSCAPED BY THE DEVELOPER</p> <p>NO MORE THAN 50% OF THE LANDSCAPE AREA TO BE A HIGH HYDRO ZONE</p> <p>SOIL PREPARATION, INSPECTION AND VERIFICATION PRIOR TO CERTIFICATE OF OCCUPANCY</p> <p>AUTOMATIC IRRIGATION</p> <p>EXISTING TREES: REFER TO TEXT IN REGULATIONS</p>	<p>REFER TO SFD</p>	<p>REFER TO SFD</p>	<p>25 FT. FROM ULTIMATE ROW: REFER TO COMMERCIAL GUIDELINES FOR ADDITIONAL SETBACK REQUIREMENTS</p> <p>NO DETENTION OR PARKING IN LANDSCAPE SETBACK AREA</p> <p>DETENTION MUST BE LOCATED WITHIN A BUILDING LOT</p>	<p>DEVELOPER THEN PROPERTY OWNER/ OWNERS OR BUSINESS ASSOCIATION FOR ALL LANDSCAPE AREAS INCLUDING ROW</p>

**XII. LANDSCAPE AND IRRIGATION PLAN REQUIREMENTS**

~~The Landscape AND IRRIGATION plans shall be submitted AND APPROVED BY to the City with AS PART OF the Official Development Plan (ODP), ODP AMENDMENT OR ODP WAIVER, and shall include a land use summary chart showing square footages of all potential land uses including landscaping, building areas and hard surface paving areas. As required by City Code, final landscape plans in accordance with an approved Official Development Plan (ODP) shall be submitted for approval in conjunction with the Official Development Plan prior to beginning construction of any landscape areas. Landscape AND IRRIGATION plans are also recommended and may be required FOR REDEVELOPMENT OR CHANGE-IN-USE PROJECTS. As determined by the City, minor redevelopment or change-in-use projects may be required only to submit a landscape plan and a written statement describing the type of irrigation system proposed.~~

Landscape AND IRRIGATION plans will not be required of individuals constructing single-family OR DUPLEX residential units that they intend to own and occupy OR OF RESIDENT HOMEOWNERS COMPLETING OR ALTERING THE LANDSCAPING WITHIN THEIR SINGLE FAMILY OR DUPLEX LOT- HOWEVER, THE LANDSCAPE AND IRRIGATION REQUIREMENTS NOTED IN THESE REGULATIONS MUST BE FOLLOWED, UNLESS DETERMINED OTHERWISE BY THE CITY ~~unless specifically identified in the Official Development Plan.~~

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LANDSCAPE AND IRRIGATION PLANS SHALL CONTAIN INFORMATION AS NOTED IN THESE REGULATIONS AND THE PLAN SUBMITTAL DOCUMENT.

A SET OF Final landscape AND IRRIGATION construction documents shall be submitted FOR REVIEW AND APPROVAL BY to the ODP inspector prior to APPROVAL OF THE FINAL PLAT, OR IF A FINAL PLAT IS ALREADY IN PLACE, PRIOR TO issuance of a building permit. NO CONSTRUCTION OF LANDSCAPE IMPROVEMENTS CAN OCCUR UNTIL THE CITY APPROVES THE LANDSCAPE AND IRRIGATION CONSTRUCTION PLANS, AND PRIVATE IMPROVEMENTS AGREEMENT. THE LANDSCAPE AND IRRIGATION CONSTRUCTION PLANS MUST BE IN A SIMILAR FORMAT AS OFFICIAL DEVELOPMENT PLANS FOR FILING AND RECORDING PURPOSES BY THE CITY.

LANDSCAPE AND IRRIGATION CONSTRUCTION PLANS MUST REFLECT THE APPROVED LANDSCAPE AND IRRIGATION PLAN REVIEWED AND APPROVED AT TIME OF EARLIER OFFICIAL DEVELOPMENT PLAN OR ODP WAIVER APPROVAL. ANY REVISIONS TO THESE PLANS DURING THE CONSTRUCTION OF A PROJECT MUST BE APPROVED BY THE CITY PRIOR TO THE FIELD CHANGE, AND REFLECTED IN A REVISED SET OF CONSTRUCTION DRAWINGS. AS-BUILT DRAWINGS MUST BE SUBMITTED BY THE DEVELOPER TO THE ODP INSPECTOR AND TO THE OWNER/OWNER'S ASSOCIATION/HOMEOWNER'S ASSOCIATION PRIOR TO FINAL ACCEPTANCE OF THE PROJECT. PRIOR TO RELEASE OF ANY SURETY, THE DEVELOPER MUST ALSO PROVIDE A SIGNED CHECKLIST TO THE CITY VERIFYING THAT THE LANDSCAPE AND IRRIGATION IMPROVEMENTS HAVE BEEN INSTALLED ACCORDING TO APPROVED PLANS AND CITY REQUIREMENTS.

EITHER A LANDSCAPE ARCHITECT OR A LANDSCAPE DESIGNER SHALL PREPARE THE LANDSCAPE PLAN. A CERTIFIED IRRIGATION AUDITOR SHALL CONDUCT THE IRRIGATION AUDIT. (RESIDENT SINGLE FAMILY OR DUPLEX LOT OWNERS

THAT ARE REVISING OR COMPLETING THEIR LANDSCAPE ARE EXEMPT FROM THIS REQUIREMENT).

**A. Landscape Plans** – THE OFFICIAL DEVELOPMENT LANDSCAPE PLAN AND Landscape CONSTRUCTION Plans shall contain the following items: Formatted: Bullets and Numbering

1. SHEET SIZES ACCORDING TO OFFICIAL DEVELOPMENT PLAN REQUIREMENTS AND NO CASE LARGER THAN 24" X 36" FOR FINAL LANDSCAPE CONSTRUCTION PLANS.
2. Title block CENTERED AT THE TOP OF EACH SHEET – REFER TO THE OFFICIAL DEVELOPMENT PLAN SUBMITTAL DOCUMENT FOR FORMAT, sheet name, COMPANY IDENTIFICATION INCLUDING ADDRESS, PHONE NUMBER, name of person preparing THE plan, and date.
3. Scale – written and graphic. KEEP IN MIND THE IRRIGATION PLAN MUST BE DRAWN TO THE SAME SCALE. 1"= 40 FEET OR LARGER (1"=20 FEET PREFERRED)
4. North arrow. Formatted: Bullets and Numbering
5. Property lines, EXISTING AND FUTURE RIGHT OF WAY LINES.
6. Key.
7. Existing and proposed structures, sidewalks, overhangs and paving.
8. Natural features relevant to the site and/or retention/detention areas.
9. PROPOSED GRADING, INDICATING topographic features and spot elevations of the final grading plan, adequate to identify and properly specify landscaping for area needing slope protection as well as adequate to depict any screening of parking areas.
10. SHOW AND LABEL WATER FEATURES, BERMS, RETAINING WALLS, WALLS, FENCES, TRASH ENCLOSURES, OUTDOOR LIGHTING-INCLUDING STREET LIGHTS, AND SIGNAGE.
11. EXISTING AND PROPOSED UTILITY EASEMENTS
12. SIGHT TRIANGLES
13. SHOW AND LABEL LOCATIONS OF PROPOSED (LOW, MODERATE, HIGH) HYDROZONES AND IDENTIFY THE TOTAL SQUARE FOOTAGE OF EACH.
14. SHOW AND LABEL LOCATIONS TO BE IRRIGATED WITH POTABLE AND NON-POTABLE WATER AND IDENTIFY THE TOTAL SQUARE FOOTAGE OF EACH.
15. TOTAL WATER BUDGET AND CALCULATIONS BY HYDROZONE.
16. Existing plant material, including plants to be removed or relocated. (LABEL TYPE, SIZE, CURRENT AND PROPOSED LOCATIONS). Formatted: Bullets and Numbering
17. Proposed plant material LOCATED ACCORDING TO LOW, MODERATE, OR HIGH HYDROZONES (label NUMBER, SPECIES, AND SIZE IF NOT MINIMUM SIZE). PLANTS WITHIN ANY ONE HYDROZONE SHALL HAVE SIMILAR WATER REQUIREMENTS. DRAW PLANT MATERIAL AT A LOW ESTIMATE OF MATURE SIZE.
18. LANGUAGE AND CALCULATIONS THAT INDICATE OVERALL MINIMUM REQUIREMENTS. THIS INFORMATION MUST REFLECT BOTH THE REQUIRED MINIMUM PERCENT OF LANDSCAPE AREA (AS DETERMINED BY TYPE OF LAND USE), AS WELL AS THE REQUIRED MINIMUM NUMBER OF PLANTS (TREES, SHRUBS, TURF AREA) BROKEN DOWN INTO SPECIFIC LANDSCAPE AREAS (SUCH AS PRIVATE LANDSCAPE AREAS AND RIGHT-OF-WAY LANDSCAPE AREAS). THE PLANT SCHEDULE MUST MEET OR EXCEED THESE REQUIREMENTS.

19. NOTE THE AMOUNT OF REQUIRED SOIL AMENDMENT REQUIRED AND INCLUDE CALCULATIONS INDICATING HOW THE TOTAL AMOUNT WAS DERIVED. THE AMOUNT OF SOIL PREPARATION, AND CALCULATIONS THEREOF, MAY BE BROKEN DOWN BY SPECIFIC AREAS- SUCH AS RIGHT OF WAY, PRIVATE PARK, ETC.

20. LABEL LOCATIONS OF PROPOSED TURF (SPECIES). INCLUDE INFORMATION REGARDING METHOD OF INSTALLATION (SOD, PLUGS, SEEDING RATES), MAXIMUM AND/OR MAINTAINED HEIGHT, MOWING SCHEDULE AND WEED CONTROL MEASURES.

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21. LABEL OR KEY AREAS OF MULCH AND INDICATE TYPE.

22. Planting details, SPECIFICATIONS, ~~including the~~ AND installation information FOR PLANT MATERIALS, SOIL PREPARATION, MULCHES, EDGING, ETC. (THE OFFICIAL DEVELOPMENT PLAN LANDSCAPE PLAN WILL PROVIDE GENERAL INFORMATION IN THIS REGARD AND THE CONSTRUCTION LANDSCAPE PLAN WILL PROVIDE ADDITIONAL INFORMATION NECESSARY FOR INSTALLATION). ~~and specification of soil preparation, and mulch.~~

23. SHOW GENERAL ~~Details of~~ ITEMS SUCH AS berms, walls, retaining walls ~~or any other structural buffering device,~~ FENCES, TRASH ENCLOSURES, OUTDOOR LIGHTING, SIGNS, ETC. SPECIFIC DETAILS RELATED TO PLANT INSTALLATION, MULCHING, TREE STAKING WILL BE SHOWN ON THE LANDSCAPE CONSTRUCTION PLAN.

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24. SHOW A GENERIC OR MODEL LANDSCAPE DETAIL/PLAN FOR SINGLE FAMILY OR DUPLEX LOTS WHERE THE LANDSCAPING OF A PORTION OF THE LOT IS REQUIRED BY THE BUILDER.

25. Plant schedule (see below). THE SCHEDULE MUST ACCURATELY REFLECT THE LANDSCAPE PLAN.

~~The landscape plan shall indicate the exact number and location of plants of each species.~~

- ~~The schedule shall be divided according to TYPE OF PLANT MATERIAL: EXISTING AND PROPOSED trees (BROKEN INTO CATEGORIES OF DECIDUOUS SHADE TREES, EVERGREEN TREES, ACCENT/ORNAMENTAL TREES), shrubs, and groundcovers, turf types, including ANY seed mixes. PLANT SPECIES WITHIN EACH CATEGORY SHALL ALSO BE LABELED AND GROUPED BY THEIR RESPECTIVE HYDROZONE RATING.~~
- ~~PLANT NAME ABBREVIATION (IF USED), Pplant name (common name, botanical name and variety), and exact quantities OF EACH PLANT shall be included on the plant schedule.~~
- ~~The schedule shall also indicate the size and condition of plants. Size shall be expressed in terms of size of container (5 GALLON FOR SHRUBS, 1 GALLON FOR PERENNIALS AND GROUNDCOVERS), height of plant (FOR EVERGREEN TREES), or caliper of tree (FOR DECIDIOUS TREES). Condition shall be expressed in terms of size of container, balled and burlapped, and/or bare root plant.~~
- ~~PLANT SPACING FOR SHRUBS AND GROUNDCOVERS MUST BE INDICATED (FOR EXAMPLE: "4 FEET ON CENTER- TRIANGULAR SPACING"). The schedule shall be divided according to trees, shrubs and ground covers, turf types, including seed mix.~~

26. ~~Natural features relevant to the site and/or retention/detention areas.~~

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~~27. Topographic contours and spot elevations of the final grading plan, adequate to identify and properly specify landscaping for areas needing slope protection as well as adequate to depict any screening of parking areas.~~

28. Information as to who will have responsibility for maintenance of those materials, structures and areas on the plan. INCLUDE NAME, TITLE, ADDRESS AND CONTACT PHONE NUMBER.

~~29. An indication of the manner in which lawn areas are to be established.~~

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~~30. Pertinent information necessary for a contractor to perform the landscape installation, such as planting specifications.~~

31. City of Westminster Standard General Notes. (See Plan Submittal Document packet provided by the City).

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FOR ADDITIONAL INFORMATION AND SPECIFIC INSTRUCTIONS ON HOW TO PHYSICALLY INSTALL PLANT MATERIAL REFER TO THE CITY SITEWORK SPECIFICIATIONS.

**B. Irrigation Plans**

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A PRELIMINARY Irrigation plans shall be submitted in conjunction with the Official Development Plan, but IS NOT PART OF ~~need not be included in~~ the Official Development Plan document. THE PRELIMINARY IRRIGATION PLAN WILL BE REQUIRED TO COORDINATE WITH THE OFFICIAL DEVELOPMENT LANDSCAPE PLAN AND MUST INDICATE LOCATION AND SIZE (AREA) OF EACH HYDROZONE- INCLUDING ANY ZONES USING NON-POTABLE WATER, TOTAL WATER BUDGET BROKEN DOWN BY EACH HYDROZONE, LOCATION AND SIZE OF WATER TAP AND METER, EXISTING AND DESIGN WATER PRESSURE, TYPE OF IRRIGATION TECHNIQUE (SUCH AS DRIP, MICROSPRAY, SPRAY, ROTOR, UNDERGROUND, ETC.), AND OTHER GENERAL INFORMATION.

Irrigation CONSTRUCTION plans will be ~~reviewed for general layout prior to construction~~ REQUIRED TO INDICATE DESIGN, LAYOUT, AND CONSTRUCTION INFORMATION AS NOTED LATER IN THIS SECTION. ~~The design of the irrigation plan shall be prepared by a qualified landscape architect or other person experienced in irrigation system design and~~ IRRIGATION CONSTRUCTION PLANS shall be submitted FOR REVIEW AND APPROVAL at the time of landscape construction drawings and private improvements agreement.

ALL LANDSCAPE AREA REQUIRES BOTH SOIL PREPARATION AND AN AUTOMATIC IRRIGATION SYSTEM.

THE IRRIGATION SYSTEM IS TO BE INSTALLED AFTER SOIL PREPARATION AND PRIOR TO PLANT MATERIALS.

COORDINATE AND REFLECT DESIGN AND CONSTRUCTION INFORMATION AS TO TYING INTO THE CITY’S NON-POTABLE WATER SYSTEM, IF APPLICABLE. ADDITIONAL INFORMATION IN THIS REGARD MAY BE OBTAINED BY CONTACTING THE CITY OF WESTMINSTER DEPARTMENT OF PUBLIC WORKS AND UTILITIES.

THE IRRIGATION SYSTEM AND IRRIGATION CONSTRUCTION PLAN SHALL BE DESIGNED AND INSTALLED TO ADDRESS ALL OF THE FOLLOWING:

- COORDINATION WITH THE PRELIMINARY LANDSCAPE AND IRRIGATION PLANS.
- IRRIGATION DESIGN AND TECHNIQUES MUST CORRESPOND TO THE HYDROZONE AND TYPE OF PLANT MATERIAL.
- DESIGN FOR BERMS AND SLOPES SHOULD MINIMIZE RUNOFF. (BERMS AND SLOPES MAY NEED REPETITIVE, SHORTER WATERING CYCLES.)
- AVOID OVERSPRAY ONTO NON-LANDSCAPE AREAS.
- IRRIGATION METHODS OF DRIP, MICRO-SPRAY OR SUB-SURFACE IRRIGATION WITHIN LANDSCAPE AREAS LESS THAN 8 FEET IN WIDTH.
- TOTAL ANNUAL WATER APPLICATION BY IRRIGATION (WATER BUDGET) SHALL NOT EXCEED AN AVERAGE OF 15 GALLONS/SQUARE FOOT/YEAR TO FACILITATE WATER CONSERVATION. FOR PURPOSES OF CALCULATING THE WATER BUDGET, THE LOW HYDROZONE IS CALCULATED AS 3 GALLONS/SQUARE FOOT/YEAR; THE MODERATE HYDROZONE CALCULATED AT 10 GALLONS/SQUARE FOOT/YEAR; AND THE HIGH HYDROZONE CALCULATED AT 18 GALLONS/SQUARE FOOT/YEAR.
- REQUIREMENTS OF WATER FEATURES MUST BE INDICATED AS PART OF THE WATER BUDGET AND WILL BE EVALUATED ON A CASE-BY-CASE BASIS. THE WATER USED IN WATER FEATURES MUST BE RECYCLED. NON-POTABLE WATER MUST BE USED IF POSSIBLE. WATER FEATURES MUST BE MAINTAINED IN WORKING ORDER AND OPERATE DURING THE TIMES SPECIFIED ON THE OFFICIAL DEVELOPMENT PLAN.
- A MAXIMUM IRRIGATION TIME LIMIT OF 8 HOURS EVERY OTHER DAY.
- ~~Regarding precipitation rate, a~~All systems shall be capable of supplying a sufficient number of inches of water per week to the total irrigated area in order to maintain the health of the plant material. ~~Soil moisture sensors shall be included in the system. Watering time shall not exceed eight (8) hours per day for seven days per week.~~
- IDENTIFICATION OF EXISTING WATER PRESSURE AND DESIGN WATER PRESSURE.
- Tap size(s) required shall be ~~determined within these constraints and~~ subject to approval by the City. THE NUMBER AND SIZE ~~Sizing~~ of the tap(s) required

shall be ~~determined within these constraints and~~ subject to approval by the City. ~~Sizing of the tap(s) shall be coordinated with the Engineering and Building Division.~~

- SEPARATE IRRIGATION WATER TAPS AND METERS ARE REQUIRED FOR ALL RESIDENTIAL DEVELOPMENTS OTHER THAN SINGLE-FAMILY DETACHED. SEPARATE IRRIGATION WATER TAPS AND METERS ARE REQUIRED FOR ALL NON-RESIDENTIAL DEVELOPMENTS IF THE IRRIGATED AREA EXCEEDS 40,000 SQUARE FEET. AN IRRIGATION WATER TAP SHALL BE USED ONLY FOR IRRIGATION PURPOSES. REFER TO THE WATER REGULATIONS, WESTMINSTER MUNICIPAL CODE, FOR INFORMATION ON WATER TAP REQUIREMENTS.
- USE OF A MASTER SHUT-OFF VALVE TO SHUT OFF WATER TO THE SYSTEM WHEN NOT OPERATING IN ORDER TO REDUCE LEAKAGE OF WATER FROM THE SYSTEM.
- USE OF BACKFLOW PREVENTERS.
- USE OF PRESSURE REDUCTION VALVES (PRV) OR PRESSURE REDUCTION SPRINKLER HEADS IF WATER PRESSURE WITHIN THE IRRIGATION SYSTEM IS ABOVE THE COMPONENT MANUFACTURERS RECOMMENDATIONS. LIKEWISE, USE OF BOOSTER VALVES WHERE WATER PRESSURE IS TOO LOW.
- IRRIGATION TIME CLOCK CONTROLLERS SHALL HAVE THE CAPABILITY TO ALLOW FOR SEASONAL ADJUSTMENTS, INCLUDING GLOBAL WATER BUDGET CONTROLS. ALL CONTROLLERS SHALL ALLOW FOR MULTIPLE PROGRAMS AND START TIMES, 2-3-4-5-7-14 DAY SCHEDULES, AND SHALL ALLOW INDIVIDUAL TIME SETTINGS DOWN TO THE MINUTE. CONTROLLERS (EXCLUDING SINGLE FAMILY DETACHED) SHALL USE EVAPOTRANSPIRATION OR SOIL MOISTURE BASED PROGRAMMING, INCLUDING EITHER LOCAL SENSORS, REMOTE OR HISTORIC EVAPOTRANSPIRATION BASED SCHEDULING, OR SOIL MOISTURE SENSORS.
- IRRIGATION CLOCK CONTROLLERS INSTALLED BY THE DEVELOPER/BUILDER SHALL BE CAPABLE OF A MINIMUM OF 10 ZONES FOR A SINGLE FAMILY OR DUPLEX LOT LESS THAN 10,000 SQUARE FEET IN AREA. LOTS 10,000 SQUARE FEET AND LARGER SHALL REQUIRE AN IRRIGATION CLOCK CONTROLLER OF A MINIMUM OF 12 ZONES.
- USE OF AUTOMATIC RAIN SHUTOFF DEVICES.
- SPRINKLER HEADS MUST PROVIDE HEAD TO HEAD WATER COVERAGE.
- NO SINGLE ZONE SHALL MIX HEAD TYPES.

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- TURF AND NON-TURF ZONES SHALL BE IRRIGATED ON SEPARATE VALVES.
- MINIMUM ACCEPTABLE DISTRIBUTION UNIFORMITIES SHALL BE 55% FOR POP UP SPRINKLER HEADS OR SPRAY ZONES AND 70% FOR ROTOR ZONES, OR CURRENT IRRIGATION ASSOCIATION ACCEPTED MINIMUMS.
- THE USE OF SPRINKER HEADS WHICH EMIT LARGE WATER DROPLETS, SUCH AS ROTOR HEADS, WHERE POSSIBLE.
- SLEEVE, PIPE, AND VALVE SIZING. SLEEVE ALL LINES UNDER PAVEMENT.
- IRRIGATION USING NON-POTABLE WATER SHOULD INVESTIGATE THE USE OF POTABLE WATER FOR TREES AND SHRUBS.

Technical details regarding overall functioning of the system shall be the responsibility of the designer, the contractor and the owner. For ADDITIONAL reference information regarding irrigation systems see the Westminster Sitework Specifications. ~~Check with the City Public Works division to determine proximity of project to reclaimed water system and the current or future possibility of tying into the system.~~

Irrigation CONSTRUCTION drawings ~~submitted should~~ SHALL contain the following INFORMATION:

1. SHEET SIZES ACCORDING TO OFFICIAL DEVELOPMENT PLAN REQUIREMENTS AND NO LARGER THAN 24" X 36" FOR FINAL IRRIGATION CONSTRUCTION PLANS.
2. TITLE BLOCK WITH NAME OF PROJECT, SHEET NAME, COMPANY IDENTIFICATION INCLUDING ADDRESS, PHONE NUMBER, NAME OF PERSON PREPARING THE PLAN AND DATE.
3. Scale-written and graphic TO MATCH LANDSCAPE PLAN. 1"=20 FEET IS PREFERRED,
4. North arrow.
5. PROPERTY LINES, EXISTING AND FUTURE RIGHT OF WAY LINES.
6. KEY.
7. Existing and proposed structures, WATER FEATURES, SIDEWALKS, over hangs and paving. ~~Title block with name of project, sheet name, name of person preparing plan and date.~~
8. PROPOSED GRADES OR SPOT ELEVATIONS IN SLOPED OR BERMED AREAS.
9. SHOW AND LABEL LOCATIONS OF PROPOSED (LOW, MODERATE, HIGH) HYDROZONES AND IDENTIFY THE TOTAL SQUARE FOOTAGE OF EACH.
10. SHOW AND LABEL LOCATIONS TO BE IRRIGATED WITH POTABLE AND NON-POTABLE WATER AND IDENTIFY THE TOTAL SQUARE FOOTAGE OF EACH.
11. TOTAL WATER BUDGET AND CALCULATIONS BY HYDROZONE.

- 12. ~~The location and type of automatic irrigation systems(s) provided, which shall be designed to provide adequate irrigation to all planted areas, including those areas that are sodded, seeded and/or contain shrubs and/or trees. ALL DESIGN INFORMATION, SYSTEM LAYOUT, AND details of the system as NOTED EARLIER UNDER IRRIGATION SYSTEM AND IRRIGATION CONSTRUCTION PLANS MUST BE SHOWN AND LABELED. such as the existing water pressure, type and sizes of backflow preventers, valves, sprinkler heads, and piping should be shown. A high quality master shut off valve is recommended for the whole system.~~
- 13. ~~The design should be prepared by a qualified professional.~~ INFORMATION AS TO WHO WILL HAVE RESPONSIBILITY FOR MAINTENANCE OF THE SYSTEM. INCLUDE NAME, TITLE, ADDRESS AND CONTACT PHONE NUMBER.
- 14. CITY OF WESTMINSTER STANDARD GENERAL NOTES. (SEE PLAN SUBMITTAL DOCUMENT PACKET PROVIDED BY THE CITY).

COMPLETION OF A SUCCESSFUL IRRIGATION AUDIT WILL BE REQUIRED AFTER INSTALLATION OF THE IRRIGATION SYSTEM, PRIOR TO CITY ACCEPTANCE. (LANDSCAPING BY SINGLE FAMILY DETACHED HOMEOWNER EXEMPT)

A COPY OF THE IRRIGATION SYSTEM AUDIT, PERFORMED BY A IRRIGATION ASSOCIATION CERTIFIED IRRIGATION AUDITOR, ALONG WITH AN IRRIGATION SCHEDULE DEVELOPED FROM THE AUDIT WHICH PROVIDES AT LEAST INDIVIDUAL SPRING, SUMMER, AND FALL SCHEDULES AND TOTAL ANNUAL WATER APPLICATION VIA IRRIGATION IN INCHES (MAXIMUM 15 INCHES/SQUARE FEET/YEAR), AND AN AS-BUILT IRRIGATION PLAN SHALL BE PROVIDED TO THE CITY AND POSTED FOR THE OWNER AND/OR MANAGER AT EACH TIME CLOCK CONTROLLER.

WITHIN 6 WEEKS OF THE INSTALLATION OF NEW LANDSCAPING, THE IRRIGATION SYSTEM INSTALLER SHALL RESET THE TIME CLOCK CONTROLLERS TO THE NORMAL SEASONAL WATERING SCHEDULE. (LANDSCAPING BY SINGLE FAMILY DETACHED HOMEOWNER EXEMPT.)

~~As built drawings shall be presented to the Owner/Homeowner's Association prior to final acceptance of the project.~~

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 <#>Minimum Requirements¶  
 ¶  
 A minimum of forty percent (40%) of the overall site area shall be landscaped, including the general landscape area, right-of-ways and detention pond areas. Driveways, hardscape parking areas or walks are not included. Parking lot island landscaping is included. A minimum twenty-five foot (25') landscape setback is required from the right-of-way line.¶  
 ¶

**XIII. PLANT MATERIAL LIST BY HYDROZONE-RECOMMENDED PLANTS**

**Deleted:** Landscape berms to screen parking from adjacent developments or streets are often required. Berms

Following is a reference list of those plant materials most highly recommended for the Westminster area. A LISTING OF PLANT MATERIAL BY SUGGESTED HYDROZONE PLACEMENT IS AVAILABLE FROM THE CITY'S PLANNING DIVISION. THIS LIST WILL BE UPDATED AND REVISED BY CITY STAFF ON A PERIODIC BASIS. FACTORS SUCH AS DRAMATIC TEMPERATURE CHANGES OVER SHORT PERIODS OF TIME, WIND, SOIL, SLOPE, EXPOSURE, MOISTURE, AND OTHER ENVIRONMENTAL AND MAINTENANCE FACTORS CAN AFFECT THE HARDINESS AND HEALTH OF PLANT MATERIAL. THIS PLANT LIST IS NOT A GUARANTEE OF SUSTAINABILITY OF ANY PARTICULAR SPECIES WITHIN ANY PARTICULAR HYDROZONE. This list is by no means inclusive and is to serve as a guide only. Proposed plant lists are to be submitted with the required landscape plan and will be reviewed on a case-by-case basis. The asterisk (\*) sign indicates plant materials which are known to be more drought tolerant and are therefore recommended for xeriscape designs.

USE OF NON-POTABLE WATER WILL REQUIRE PLANT SELECTION THAT IS TOLERANT TO HIGHER SALT AND POTASSIUM LEVELS. PLANTS THAT HAVE INCREASED SALT TOLERANCE ARE IDENTIFIED. THIS IDENTIFICATION IS NOT A GUARANTEE OF SALT TOLERANCE, HEALTH, OR SUSTAINABILITY. FOR FURTHER INFORMATION IN THIS REGARD CONSULT A LANDSCAPE ARCHITECT OR DESIGNER.

Generally, no more than one third (1/3) of the proposed trees on any project shall be "fast growing" (Cottonwood, Silver Maple, etc.). If specified, fast growing trees will be approved only in low vehicular and pedestrian traffic areas. The remainder of the proposed trees shall be "slower growing", "long lived" species (Ash, Norway Maples, Honeylocust, Linden, Oak, Hawthorn, etc.).

The use of Siberian or Chinese Elm (*Ulmus pulmila*) and Russian Olive (*Eleagnus angustifolia*) trees and Tamarix (Salt Cedar) shrubs are prohibited within the City of Westminster.

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**Deciduous Shade Trees**

<u>Common Name</u>	<u>Botanical Name</u>
Ash, Autumn Purple	Fraxinus americana 'Autumn Purple'*
Ash, Marshall Seedless	Fraxinus p. 'Marshall'*
Ash, Patmore	Fraxinus p. 'Patmore'*
Ash, Summit	Fraxinus p. 'Summit'*
Buckeye, Ohio	Aesculus glabra
Catalpa, Western	Catalpa speciosa*
Cottonwood, Cottonless	Populus sargentii
Cottonwood, Lanceleaf	Populus acuminata
Cottonwood, Narrowleaf	Populus angustifolia
Hackberry	Celtis occidentalis*
Honeylocust, Imperial	Gleditsia t. i. 'Imperial'*
Honeylocust, Shademaster	Gleditsia t. i. 'Shademaster'*

Honeylocust, Skyline	Gleditsia t. i. 'Skyline'*
Kentucky Coffee Tree	Gymnocadus dioeia
Linden, American	Tilia americana
Linden, Glenleven	Tilia cordata 'Glenleven'
Linden, Greenspire	Tilia cordata 'Greenspire'
Linden, Redmond	Tilia euchlora 'Redmond'
Maple, Autumn Blaze	Acer freemanii 'Autumn Blaze'
Maple, Norway (sp)	Acer platanoides (species)
Maple, Sugar	Acer saccharum

c. **Ornamental Trees**

**Botanical Name**

Alder, Thin Leaf	Alnus tenuifolia
Aspen, Quaking	Populus tremuloides
Cherry, Canadian Red	Prunus v. 'Shubert'
Chokecherry, Amur	Prunus mackii
<u>Crabapple, David</u>	<u>Malus 'David'</u>
Crabapple, Dolgo	Malus 'Dolgo'
<u>Crabapple, Indian Summer</u>	<u>Malus</u> Oak, Burr
macrocarpa	Quercus
Oak, English	Quercus robor
Oak, Red	Quercus rubra
<u>Oak, Swamp White</u>	<u>Quercus bicolor</u>
Walnut, Black	Juglans nigra

b. **Evergreen Trees**

**Botanical Name**

Fir, Douglas	Pseudotsuga menziesii
Fir, White	Abies concolor
Pine, Austrian	Pinus nigra
Pine, Bristlecone	Pinus aristata*
Pine, Pinon	Pinus cembroides edulis*
Pine, Ponderosa	Pinus ponderosa
Spruce, Colorado (Blue Spruce)	Picea pungens

'Indian Summer'

Crabapple, Radiant	Malus 'Radiant'
Crabapple, Spring Snow	Malus 'Spring Snow'
Golden Raintree	Koelreuteria paniculata*
Hawthorn, Downy	Crataegus mollis
Hawthorn, Russian	Crataegus ambigua
Hawthorn, Thornless	Crataegus erusgalli inermis
Hawthorn, Washington	Crataegus phaenopyrum
Hornbeam, European	Carpinus betulus fastigiata
<u>Lilac, Japanese Tree</u>	<u>Syringa japonica</u>
Maple, Amur	Acer ginnala*
Newport Plum	Prunus americana 'Newport'

d. **Deciduous Shrubs**

**Botanical Name**

Barberry, (sp)	Berberis species
Burning Bush	Euonymus alata
Butterfly Bush	Buddleia davidii
Cherry (sp)	Prunus species
Cherry, Western Sand	Prunus besseyi*

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Chokeberry, Black	Aronia melanocarpa*
Chokeberry, Red	Aronia a. 'Brilliantissima'*
Coralberry, Red	Symphoricarpos orbiculatus
Cotoneaster, (sp)	Cotoneaster species*
Currant, Alpine	Ribes alpinum*
Currant, Yellow	Ribes aureum*
Dogwood, (sp)	Cornus species
Dwarf Burning Bush	Euonymus alata 'Compacta'
Euonymous, Manhattan	Euonymous k. 'Manhattan'
Forsythia, (sp)	Forsythia species
Honeysuckle, (sp)	Lonicera species
Holly, Oregon Grape Compact	Mahonia aquifolium compacta
Leadplant	Amorpha canescens*
Lilac, (sp)	Syringa species
Mockorange, (sp)	Philadelphus species
Mahogany, Curlleaf	Cercocarpus ledifolius*
Ninebark, Dwarf	Physocarpus opulifolius 'Nanus'
Potentilla, (sp)	Potentilla species
Plum, Purple Leaf	Prunus x cistena
Privet, Cheyenne	Ligustrum vulgare 'Cheyenne'
Pyracantha, (sp)	Pyracantha species
Quince, Red	Chaenomeles japonica
Sage, Russian	Perovskia atriplicifolia*
Serviceberry	Amelanchier alnifolia*
Shrub Rose, Native	Rosa woodsii*
Shrub Rose, Purple Red	Rosa x. 'Hansa'
Snowberry	Symphoricarpos albus
Spirea, Blue Mist	Caryopteria incana*
Spirea, (sp)	Spirea species
Sumac, (sp)	Rhus species*
Viburnum, (sp)	Viburnum species*
Willow, Dwarf Artic	Salix purpurea nana
Yucca, (sp)	Yucca species*

<b>e.</b>	<b>Evergreen Shrubs</b>	<b>Botanical Name</b>
	Juniper, Arcadia	Juniperus s. 'Arcadia'*
	Juniper, Andorra	Juniperus h. 'Youngstown Compacta'
	Juniper, Bar Harbor	Juniperus h. 'Bar Harbor'*
	Juniper, Blue Chip	Juniperus h. 'Blue Chip'*
	Juniper, Buffalo	Juniperus s. 'Buffalo'*
	Juniper, Broadmoor	Juniperus s. 'Broadmoor'*
	Juniper, Hughes	Juniperus h. 'Hughes'
	Juniper, Pfitzer Compact	Juniperus c. 'Pfitzeriana Compact'
	Juniper, Scandia	Juniperus s. 'Scandia'*
	Juniper, Wilton Carpet	Juniperus h. 'Wiltonii'*
	Mugo Pine	Pinus mugo*

## 11. XERISCAPING

Developers, builders and residents in Westminster are encouraged to become familiar with the fundamental principles of xeriscaping and to integrate all or some of these principles into their



~~landscape design whenever appropriate. Landscape plans that incorporate the principles of xeriscaping can be developed to assure a successful, lower water demand landscape for all or part of a project depending on the overall desired effect.~~

~~The goal of using a xeriscape type design for all or part of a project is not to totally eliminate the need for watering, but rather to gradually reduce the need for water as the more drought tolerant plant materials become established. Xeriscape designs may require a slightly higher amount of design, planning and maintenance initially, but can provide a successful low water, low maintenance type of landscape project in the long run. The fundamental principles of xeriscaping are outlined below.~~

~~a. **Planning and Design**~~

~~In addition to aesthetics and function of plants, the soils, drainage patterns, exposure to heat and wind and the manner in which the site is irrigated, must be considered. While a xeriscape requires low amounts of water, supplemental watering is necessary to establish plants and maintain the landscape during long dry spells. An automatic irrigation system should be part of a xeriscape design.~~

~~b. **Limited Turf Areas**~~

~~Where appropriate and feasible, use less water demanding materials, such as ground covers, low water usage plants with mulches instead of turf, and locate turf only in areas where it provides functional benefits. Turf is best separated from planting of trees, shrubs, ground covers and flowering plants so that it may be irrigated separately.~~

~~Where uniform turf is desired, areas are best planted with fine bladed, sod forming turf varieties such as Buffalo grass or Bluegrass *Fescue* mix/blend for lower water usage. Outlying areas, where soil cover is needed, but foot traffic is limited, can be planted with various coarse grasses such as Tall Fescue and Smooth Brome.~~

~~Species of grass which grow with the average rainfall received by Westminster include Tall Fescue, Smooth Brome Fairway Crested Wheatgrass, Ephraim Crested Wheatgrass, Buffalo grass, Blue Gramma and others. Some varieties of Bluegrass that are relatively drought tolerant include Majestic, America and Merion. Check with local sod or Seed Company for detailed information.~~

~~Drought tolerant grasses need water to become established. They also need occasional irrigation during a prolonged dry spell. The key to drought tolerance is deep root development. Thorough soil preparation and deep, infrequent watering will help turf establish a deep root system.~~

~~c. **Soil Improvements**~~

~~Soil improvement allows for better absorption of water and improved water holding capacity of the soil. Soils that have organic matter also provide nutrients to plants. Improve the soil prior to planting and installation of any irrigation system by digging in a minimum of five (5) cubic yards of organic matter per 1,000 square feet to be planted to a depth of eight inches (8"). Aged ground manure or compost containing a minimum of fifty percent (50%) organic matter is recommended.~~

**d. Efficient Irrigation**

All planted areas, including xeriscape areas, require an automatic irrigation system. Well-planned sprinkler systems can save water. For efficient water use, irrigate turf areas separately from other plantings. Plants should also be grouped according to similar water needs. Turf areas are best watered with sprinklers. Trees, shrubs and ground covers can be watered efficiently with low volume drip or spray systems. Rates of application of water should vary with the type of plant community water requirements.

Regardless of how drought-tolerant a plant may be, relatively frequent watering is needed until a plant is established. For most woody plants, establishment takes at least two growing seasons. Once established, gradual reduction of watering frequency can be accomplished.

**e. Mulches**

Organic mulch planting beds are an ideal replacement for turf areas. Mulches cover and cool the soil, minimize evaporation, reduce weed growth and slow erosion. Mulches also provide landscape interest. Organic mulches are typically bark chips, wood grindings or pole peelings. Inorganic mulches include rock and various gravel products. A minimum of three inches (3") of mulch should be placed over geotextile fabric (filter fabric) where ground cover or shrubs are to be used in order to allow water and air to pass through the fabric and discourage weed growth. Mulched areas should not occur on slopes where mulch is difficult to maintain in place.

**f. Low Water Use Plants**

Low water use plants can serve every landscape function. See the recommended plants section for a list of xeriscape plants. Drought-resistant plants are indicated by the asterisk (\*) sign. Low water use plants will still require some irrigation.

For more extensive detail on xeriscaping contact the Denver Water Board or a landscape architect who specializes in xeriscaping.

#### XIV. LANDSCAPE MAINTENANCE REQUIREMENTS

ALL EXISTING PROPERTIES, EXCLUDING SINGLE FAMILY DETACHED, SHALL NOT MODIFY ANY LANDSCAPE AREA OR PLANT MATERIALS WITHOUT CITY APPROVAL. MAINTENANCE AND MINOR IMPROVEMENTS WITHIN EXISTING LANDSCAPE AREA OR OF PLANT MATERIALS MUST OCCUR IN A MANNER THAT COMPLIES WITH THE STANDARDS HEREIN OR DECREASES EXISTING ASPECTS OF NON-CONFORMANCE.

AN EXISTING SINGLE FAMILY LOT WITHOUT AN OFFICIAL DEVELOPMENT PLAN, OR AMENDED OFFICIAL DEVELOPMENT PLAN OR OFFICIAL DEVELOPMENT PLAN WAIVER THAT ADDRESSES LANDSCAPING, MAY MODIFY EXISTING LANDSCAPING IF MODIFICATIONS COMPLY WITH THE REQUIREMENTS HEREIN, OR DECREASE AN ASPECT OF EXISTING NON-CONFORMANCE.

The property owner, homeowner's or business association shall be responsible for the continual adequate maintenance of the landscaping AND IRRIGATION SYSTEM required by and shown on the Official Development Plans and site plans accompanying Official Development Plan waivers, AND RESULTING CONSTRUCTION DRAWINGS.

All landscaping and ~~required buffering~~ AND LANDSCAPE MATERIALS shall be continually maintained including irrigation, weeding, pruning and replacing in a substantially similar manner as originally approved. The following survival standards shall apply to all LANDSCAPE AREAS AND MATERIALS ~~landscaping and required buffering~~:

- a) ~~Grass or other living plant material shall be the primary ground cover used in landscape areas. Turf areas shall be planted to present a finished appearance and complete coverage after two growing seasons.~~ ALL LIVING PLANT MATERIAL, AS INDICATED BY THE OFFICIAL DEVELOPMENT PLAN, MUST BE MAINTAINED IN PERPETUITY. THE CITY MUST APPROVE REPLACEMENT OR ALTERATION OF PLANT MATERIAL.
- b) ~~Non-living ground covers such as wood chip mulch, boulders, cobble or river rock shall be limited to an area not to exceed 50% of the landscape area. Mulch/rock areas shall be 75% covered with shrubs within a three (3) year period.~~ Non-living ground covers, such as rock or ORGANIC mulch, must ~~be~~ HAVE ~~one hundred~~ 100 percent (100%) GROUND SURFACE COVERAGE AND BE MAINTAINED AT THE REQUIRED DEPTH. ~~intact after one year and one hundred percent (100%) intact thereafter. (i.e. not scattered and untidy)~~ ARTIFICIAL TURF SHALL BE INSTALLED ACCORDING TO INDUSTRY SPECIFICATIONS AND MAINTAINED IN A MANNER TO MIMIC A HEALTHY LIVING TURF. REPLACEMENT OF ARTIFICIAL TURF SHALL BE REQUIRED WHEN THE MATERIAL, WEAR, OR INSTALLATION IS SUCH THAT IT IS DETERMINED BY THE CITY THAT IT NO LONGER VISUALLY MIMICS A HEALTHY LIVING LAWN AREA.
- c) ~~Trees and shrubs~~ ALL PLANT MATERIAL INCLUDING TREES, SHRUBS, GROUNDCOVERS, VINES AND TURF must have a ~~one hundred~~ 100 percent (100%) ongoing survival rate.
- d) Any dead or severely damaged (as determined by the City) plant material shall be replaced BY THE OWNER OR ASSIGNS within ~~six (6)~~ 6 months of notification by the City.
- e) PRUNING OF PLANT MATERIAL SHALL NOT DRASTICALLY ALTER THE NATURAL GROWTH PATTERN AND MATURING SIZE, AS DETERMINED BY

THE CITY. IF THE CITY DETERMINES THAT PRUNING HAS OCCURRED THAT VIOLATES THIS REQUIREMENT, THE OWNER WILL BE REQUIRED TO REPLACE THE AFFECTED PLANT WITH AN EQUAL PLANT WITHIN 6 MONTHS OF NOTIFICATION BY THE CITY. THIS REQUIREMENT ALSO APPLIES TO PLANT MATERIAL AFFECTED BY STORM DAMAGE. ALL TREE PRUNING ACTIVITIES SHALL BE IN ACCORDANCE WITH THE AMERICAN NATIONAL STANDARD FOR TREE CARE OPERATIONS (ANSI A300).

- f) PLANTS INFECTED WITH INSECTS OR DISEASE MUST BE TREATED APPROPRIATELY OR REMOVED FROM THE PROPERTY, AS REQUIRED BY THE CITY. REMOVED PLANTS MUST BE REPLACED WITH NEW, EQUAL PLANT MATERIAL, AS DETERMINED BY THE CITY.
- g) WEEDS MUST BE ABATED AND REMOVED.
- h) TURF AREAS GENERALLY REQUIRE PERIODIC MOWING, AERATION, DETHATCHING, FERTILIZATION, AND WEED ABATEMENT. TURF MUST NOT EXCEED 6 INCHES IN HEIGHT UNLESS APPROVED OTHERWISE BY THE CITY. TURF AND GRASS AREAS MUST BE MAINTAINED IN A HEALTHY CONDITION WITHOUT AREAS OF DIRT OR DEAD GRASS, AS DETERMINED BY THE CITY.
- i) IRRIGATION SHOULD NOT OCCUR IN THE HEAT OF THE DAY (BETWEEN THE HOURS OF 10 AM AND 6 PM) IN ORDER TO REDUCE EVAPORATION. EXCESSIVE WATER RUN OFF, AS DETERMINED BY THE CITY, IS NOT PERMITTED.
- j) IRRIGATION SYSTEMS SHALL BE MAINTAINED AND PERIODICALLY ADJUSTED TO ASSURE WATERING EFFICIENCY AND CONSERVATION METHODS. REPLACEMENT PARTS SHALL MATCH OR BE COMPATIBLE WITH THE SYSTEM REQUIREMENTS.

**XV. PRIVATE IMPROVEMENTS AGREEMENT**

IN ACCORDANCE WITH CITY CODE, A Private Improvements Agreement AND SURETY IS REQUIRED FOR ALL PRIVATE IMPROVEMENTS WITHIN A DEVELOPMENT. PRIVATE IMPROVEMENTS ARE ALL NON-PUBLIC IMPROVEMENTS INCLUDING LANDSCAPING, IRRIGATION, LIGHTING, FENCING, ETC. ~~for landscaping, fencing and other private improvements. are required for each project including residential and commercial projects~~ (See Section 11-6-4 of Westminster Municipal Code). The Private Improvements Agreement is a written agreement between the property owner and the City, and shall INCLUDE ~~be established specifying~~ the required landscape and automatic irrigation requirements and projected costs. Construction drawings shall accompany the Private Improvements Agreement. One of the ~~following~~ forms of security AS ESTABLISHED BY CITY CODE shall also accompany the Public Improvements Agreement.

**A. Surety Bond**

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~~The owner/developer shall provide a good and sufficient surety bond executed by a corporate surety duly licensed to do business in the state, or by another appropriate institution having adequate assets to perform the terms of the surety bond as determined by the City, in an amount at least equal to one hundred fifteen 115 percent (115%) of the current costs of the landscape improvements. Cost estimates are to be reviewed and approved by the City.~~

**B. Cash Bond**

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~~The owner/developer shall deposit with the City Treasurer an amount equal to one hundred fifteen 115 percent (115%) of the current cost of the landscape improvements. Cost estimates are to be reviewed and approved by the City.~~

**C. Irrevocable Letter of Credit**

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~~The owner/developer shall provide a clear and sufficient irrevocable letter of credit on a form established by the City, executed by a commercial bank insured by FDIC or other appropriate institutions having adequate assets to perform the terms of the letter of credit as determined by the City. The form and conditions of such irrevocable letter of credit shall be approved by the City Attorney and the City Treasurer. The letter of credit should be an amount equal to one hundred fifteen 115 percent (115%) of the current cost of the landscape improvements. Cost estimates are to be reviewed and approved by the City.~~

**D. Plat Restriction**

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~~The owner/developer shall enter upon the Final Plat, language that restricts the conveyance, sale or transfer of any lot, lots, tract or tracts of land within the property until the required landscape improvements are constructed and are accepted by the City. To release the plat restriction, the owner/developer shall complete the landscape improvements and/or supply the City with one of the above forms of surety in an amount as determined by the City.~~

**E. Other Guarantees**

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~~The owner/developer shall guarantee the construction of landscape improvements by such other methods as may be specifically approved by City Council.~~

**F. Releasing Surety and Warranty Maintenance**

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The improvements will be accepted in writing by the City when all items are satisfactorily completed in accordance with the terms of the Public Improvements Agreement and the Official Development Plan. PRIOR TO RELEASE OF ANY SURETY, THE DEVELOPER MUST ALSO PROVIDE A SIGNED CHECKLIST TO THE CITY VERIFYING THAT THE LANDSCAPE AND IRRIGATION IMPROVEMENTS HAVE BEEN INSTALLED ACCORDING TO APPROVED PLANS AND CITY REQUIREMENTS. Upon such acceptance, the warranty period and performance obligations contained below shall commence and the surety amount may be reduced to ~~fifteen~~ 15 percent (15%) of the original surety amount.

Warranty Maintenance

For a period of one year following the acceptance of the Improvements (the “Warranty Period”), the Owner shall be responsible for making any repairs or replacements required due to (a) defective materials, workmanship, or design or (b) damage that may be done to the Improvements except ordinary wear and tear. Repairs or replacement will be made which, in the opinion of the City, are necessary to maintain the Improvements to the same standards applicable at the time of the City’s acceptance of the Improvements. THE ONE YEAR PERIOD WILL BE EXTENDED AN ADDITIONAL YEAR FOR TURF AREAS NOT ESTABLISHED BY USE OF SOD.

During the ninth month of the Warranty Period, a warranty inspection will be conducted by the City and a corrections list will be submitted to the Owner stating what repairs or replacements are necessary pursuant to this Agreement. A SECOND WARRANTLY INSPECTION WILL OCCUR PRIOR TO THE END OF THE SECOND YEAR FOR TURF AREA NOT ESTABLISHED BY THE USE OF SOD.

All such deficiencies set forth in the corrections list shall be completed by the Owner within ~~sixty (60)~~ 60 days of notification. Any warranty repair or replacement that is not satisfactorily completed by the Owner within ~~sixty (60)~~ 60 days following notification may be completed by the City and charged to the Owner, which costs the Owner hereby agrees to reimburse to the City, unless modified by written agreement.

The City will monitor the satisfactory completion of all correction list items and, when completed, will provide ~~with~~ the Owner a written acknowledgment of the completion of the Warranty Period and the release of the Improvements of designated portions thereof from warranty. Upon the request of the Owner, the City shall release the surety for any portion of the Improvements released from warranty by the City.

**XVI. DEFINITIONS**

FOR THE PURPOSES OF THESE LANDSCAPE REGULATIONS, THE FOLLOWING TERMS SHALL BE DEFINED AS NOTED HEREIN.

ALTERNATIVE TURF- REFERS TO GRASSES USED FOR LAWN OR FIELD/MEADOW PURPOSES OTHER THAN BLUEGRASS OR A BLUEGRASS/FESCUE BLEND.

ARTIFICIAL TURF- REFERS TO A NON-LIVING MATERIAL TYPICALLY USED IN LIEU OF A LIVING TURF/LAWN. THE APPEARANCE MIMICS A GREEN, LIVING TURF OR BLUEGRASS LAWN DURING THE GROWING SEASON.

BERM- AN EARTHEN MOUND INTENDED FOR VISUAL INTEREST OR SCREENING OF UNDESIRABLE VIEWS. A BERM IS EFFECTIVE IN REDUCING NOISE LEVELS.

CALIPER- THE MEASUREMENT IN DIAMETER OF A TREE TRUNK MEASURED 6 INCHES ABOVE THE GROUND FOR TREES UP TO 4-INCH SIZE AND 12 INCHES ABOVE THE GROUND FOR LARGER SIZES.

CITY- THE USE OF THE WORD "CITY" GENERALLY REFERS TO EITHER THE "CITY OF WESTMINSTER" OR MEANS "THE PLANNING MANAGER" FOR THE PURPOSES OF THESE GUIDELINES. IF A DETERMINATION BY THE PLANNING MANAGER THAT AN INTERPRETATION OR DECISION OF PLANNING COMMISSION AND/OR CITY COUNCIL IS WARRANTED, THE USE OF THE WORD CITY CAN INCLUDE PLANNING COMMISSION AND/OR CITY COUNCIL.

CERTIFIED IRRIGATION DESIGNER, CONTRACTOR OR AUDITOR- REQUIRES SUCCESSFUL COMPLETION OF FORMAL TRAINING, CERTIFICATION, LICENSING OR OTHER SIMILAR QUALIFICATION BY THE IRRIGATION ASSOCIATION.

COMMON AREAS- LAND AREA WITHIN A DEVELOPMENT INTENDED FOR JOINT PRIVATE OR PUBLIC OWNERSHIP AND USE. THESE AREAS ARE OFTEN MAINTAINED BY A HOMEOWNERS ASSOCIATION, BUSINESS ASSOCIATION OR IN SOME INSTANCES, THE CITY. RIGHT OF WAY IS CONSIDERED A COMMON AREA FOR THE PURPOSES OF THESE GUIDELINES.

DECIDUOUS- A PLANT WITH FOLIAGE THAT IS SHED ANNUALLY.

DEVELOPER- A PERSON, PERSONS, OR BUSINESS THAT IS RESPONSIBLE FOR THE DEVELOPMENT OF LAND, BUILDINGS AND/OR RELATED IMPROVEMENTS- OFTEN FOR THE PUPOSE OF SALE TO A SUBSEQUENT OWNER. THE DEVELOPER MAY BE THE PROPERTY OWNER.

DOUBLE ROW OF PARKING- TWO ROWS OF PARKING ADJACENT TO EACH OTHER, GENERALLY NOT SEPARATED BY A DRIVE AISLE OR LANDSCAPING.

DRIPLINE- A VERTICAL LINE EXTENDED DOWNWARD FROM THE TIPS OF THE OUTERMOST BRANCHES OF A TREE OR SHRUB TO THE GROUND.

DROUGHT- GENERALLY REFERS TO PERIODS OF A YEAR OR MORE WITH BELOW AVERAGE PERCIPITATION. CAN ALSO REFER TO SEASONS SUCH AS WINTER, SPRING, SUMMER OR FALL, WITH BELOW AVERAGE PERCIPITATION.

EVAPOTRANSPIRATION- THE QUANTITY OF WATER EVAPORATED FROM ADJACENT SOIL SURFACES AND TRANSPIRED FROM PLANTS DURING A SPECIFIC TIME.

EVERGREEN- A PLANT WITH FOLIAGE THAT PERSISTS AND REMAINS GREEN YEAR-ROUND.

EVERGREEN TREE- A TREE WITH EVERGREEN FOLIAGE. MATURE HEIGHT GENERALLY EXCEEDS TWENTY FEET.

FABRIC- REFERS TO A POROUS GEOTEXITILE FABRIC INSTALLED UNDERNEATH MULCH TO RETARD THE GROWTH OF WEEDS INTO AND FROM THE SOIL.

GROUNDCOVER- LIVING PLANT MATERIAL THAT GROWS LOW TO THE GROUND, USUALLY UNDER 24-INCHES IN HEIGHT, OFTEN OF A SPREADING NATURE AND TYPICALLY AVAILABLE IN SMALL POTS FOR PLANTING. DOES NOT INCLUDE ANNUALS, WEEDS, TURF GRASSES, HERBACIOUS PERENNIALS, MULCHES OR TREE CANOPY.

HARDSCAPE- NON-LIVING SITE IMPROVEMENTS AT THE GROUND PLANE SUCH A BUILDING, PAVEMENT, WALKWAYS AND PARKING AREAS- INCLUDING THOSE OF CRUSHED STONE, PATIOS, DECKS, MULCH AREA (EXCLUSIVE OF MULCH AREA IN SHRUB AND PERENNIAL BEDS) AND OTHER SIMILAR IMPROVEMENTS AS DETERMINED BY THE CITY. HARDSCAPE AREA DOES NOT INCLUDE ARTIFICIAL TURF UNLESS AS APPROVED OTHERWISE IN THESE REGULATIONS.

HEIGHT- FOR THE PURPOSES OF THESE REGULATIONS PLANT HEIGHT IS DETERMINED AS TYPICALLY MEASURED BY NATIONAL NURSERY ASSOCIATION STANDARDS.

HYDROZONE- REFERS TO AREAS WITHIN THE LANDSCAPE AREA DEFINED BY SIMILAR WATER NEEDS TO SUSTAIN HEALTHY PLANTS. FOR THE PURPOSES OF THESE GUIDELINES, HYDROZONES ARE BROKEN INTO THREE CATEGORIES AND WILL ULTIMATELY BE APPROVED BY THE CITY AFTER CONSIDERATION OF PLANT MATERIAL AND METHOD OF IRRIGATION:

LOW HYDROZONE: 3 GALLONS OF WATER OR LESS OF SUPPLEMENTAL WATER IS ADDED IN AN IRRIGATION SEASON. IRRIGATION METHODS IN THIS ZONE WILL USUALLY BE DRIP OR MICROSPRAY, UNLESS A LOW WATER TURF OR GROUNDCOVER IS BEING IRRIGATED IN WHICH THE METHOD MAY BE SPRAY OR ROTOR HEAD.

MODERATE HYDROZONE: 10 GALLONS OF WATER IS ADDED BY SUPPLEMENTAL IRRIGATION IN AN IRRIGATION SEASON. IRRIGATION METHODS FOR THIS ZONE WILL USUALLY BE SPRAY OR ROTOR HEAD WITH LARGE WATER DROPLETS, OR SPRAY HEADS.



HIGH HYDROZONE: 18 GALLONS OF WATER IS ADDED BY SUPPLEMENTAL IRRIGATION IN AN IRRIGATION SEASON. IRRIGATION METHODS IN THIS ZONE WILL USUALLY BE SPRAY OR ROTOR HEADS.

IRRIGATION- REFERS TO AN AUTOMATIC, PERMANENT, ARTIFICIAL WATERING SYSTEM DESIGNED TO TRANSPORT AND DISTRIBUTE WATER TO LANDSCAPE PLANTS. UNDERGROUND IRRIGATION SYSTEMS ARE REQUIRED UNLESS APPROVED OTHERWISE BY THE CITY.

IRRIGATION AUDIT- A PROCEDURE ACCORDING TO THE IRRIGATION ASSOCIATION THAT INCLUDES A VISUAL SITE INSPECTION OF THE INSTALLED IRRIGATION SYSTEM FOR PERFORMANCE ACCORDING TO DESIGN CRITERIA; A WATERING SYSTEM TEST; PHYSICAL CORRECTIONS IF NECESSARY; AND ESTABLISHMENT OF A WATERING SCHEDULE. (WWW.IRRIGATION.ORG)

IRRIGATION PLAN- A PLAN DRAWN TO SCALE THAT INDICATES THE IRRIGATION COMPONENTS AND THEIR SPECIFICATIONS AS RELATED TO A SPECIFIC LANDSCAPE PLAN.

IRRIGATION SEASON- SEE "YEAR".

LAND USE- LAND USE DESIGNATIONS IN THIS GUIDELINE SUCH AS SINGLE FAMILY, SINGLE FAMILY ATTACHED, MULTI-FAMILY, NON-RESIDENTIAL, OR OTHER TYPE OF LAND USE DESIGNATION, ARE AS DEFINED BY THE WESTMINSTER COMPREHENSIVE LAND USE PLAN, WESTMINSTER MUNICIPAL CODE, OR CITY.

LANDSCAPE ARCHITECT/DESIGNER- A PROFESSIONAL WHO HAS SUCCESSFULLY COMPLETED FORMAL STUDY OR TRAINING IN THE FIELD OF LANDSCAPE ARCHITECTURE/DESIGN, CULMINATING IN EITHER CERTIFICATION, LICENSING OR DEGREE.

LANDSCAPE AREA- THE AREA WITHIN A LOT OR PROPERTY NOT COMPRISED OF HARDSCAPE, MEASURED AT THE GROUND PLANE. LANDSCAPE AREA WILL NOT INCLUDE TREE CANOPY AREA, BARE DIRT, OR WEEDS. LANDSCAPE AREA WILL CONSIST OF 100% LIVING GROUNDCOVER, TURF, OR SHRUB BED AREA. WATER FEATURES MAY BE INCLUDED IN THE CALCULATION OF LANDSCAPE AREA. AREAS DEDICATED TO EDIBLE PLANTS SUCH AS ORCHARDS OR VEGETABLE GARDENS ARE NOT INCLUDED.

LANDSCAPE BUFFER- A LANDSCAPE AREA INTENDED TO PHYSICALLY AND VISUALLY SEPARATE ONE LAND USE FROM ANOTHER.

LANDSCAPE IMPROVEMENTS/MATERIALS- ALL ELEMENTS TYPICALLY USED AND/OR PRESENT IN THE DESIGNED LANDSCAPE SUCH AS, BUT NOT LIMITED TO, SOIL, COMPOST, ROCK, PLANT MATERIAL, EDGING, WEED FABRIC, MULCH, IRRIGATION SYSTEM, FENCING, LIGHTING, SEATING. ARTIFICIAL TURF OR PLANTS CANNOT BE SUBSTITUED FOR REQUIRED PLANT MATERIALS EXCEPT AS APPROVED OTHERWISE IN THESE REGULATIONS.

LANDSCAPE PLAN- A PLAN DRAWN TO SCALE THAT SHOWS THE LAYOUT OF ALL LANDSCAPE COMPONENTS AND THEIR SPECIFICATIONS FOR A DEVELOPMENT SITE.

LANDSCAPE SETBACK AREA- AN AREA RESERVED FOR THE PRIMARY USE OF LANDSCAPING MEASURED BY THE HORIZONTAL DISTANCE BETWEEN TWO POINTS OF REFERENCE. OFTENTIMES LANDSCAPE SETBACK REFERS TO A DISTANCE OF LANDSCAPE AREA LOCATED BETWEEN THE PROPERTY LINE AND A BUILDING OR PARKING AREA OR OTHER HARDSCAPE. SIDEWALKS LOCATED WITHIN A LANDSCAPE SETBACK AREA WILL NECESSITATE A CORRESPONDING INCREASE IN THE SETBACK.

MAINTENANCE- ANY ACTIVITY UNDERTAKEN TO PREVENT THE DETERIORATION, IMPAIRMENT, OR NEED FOR REPAIR OF AN AREA, STRUCTURE, RIGHT-OF-WAY, OR LAND USE, INCLUDING BUT NOT LIMITED TO, MANAGEMENT, REPAIR OR REPLANTING OF PLANT MATERIALS AND LANDSCAPE MATERIALS.

MULCH- A NON-LIVING ORGANIC OR INORGANIC MATERIAL SUCH AS BARK, ROCK, OR STONE MATERIALS TYPICALLY IN A LOOSE CONDITION, USED IN THE LANDSCAPE INDUSTRY TO COVER BARE GROUND. MULCH WILL PROVIDE A PROTECTIVE COVERING AROUND PLANTS, RETARD EROSION, RETAIN SOIL MOISTURE, REDUCE WEEDS AND MAINTAIN SOIL TEMPERATURES.

NON-POTABLE WATER- TREATED, RECYCLED WASTE WATER THAT MAY BE AVAILABLE FROM THE CITY FOR A SPECIFIC USE SUCH AS LANDSCAPING, NOT INTENDED FOR HUMAN CONSUMPTION.

ORNAMENTAL TREE- A TREE OF SMALLER SIZE THAN A LARGE SHADE OR EVERGREEN TREE, OFTEN PROVIDING VARIETY AND INTEREST BY FLOWER DISPLAY, ATTRACTIVE FRUIT OR FALL COLOR. EXAMPLES OF ORNAMENTAL TREES ARE CRABAPPLES, ASPEN, HAWTHORN, AND SIMILAR SPECIES.

PARKING LOT ISLAND- A PARKING LOT LANDSCAPE AREA TYPICALLY SURROUNDED ON AT LEAST TWO SIDES BY PARKING SPACES OR DRIVE AISLES.

PERENNIAL- A HERBACIOUS PLANT THAT BLOOMS AND PRODUCES SEED FOR EACH YEAR, EXCEEDING TWO YEARS. A SHORT LIVED PERENNIAL LIVES FOR APPROXIMATELY 3-5 YEARS. LONG LIVED PERENNIALS ARE LIKELY TO LIVE MUCH LONGER AND CAN REMAIN FOR OVER 20 YEARS.

PLANT MATERIALS- LIVING PLANTS SUCH AS TREES, SHRUBS, GROUNDCOVERS, VEGETABLES, AND VINES. DOES NOT INCLUDE WEEDS OR OTHER UNDESIRABLE PLANTS AS DETERMINED BY THE CITY.

RAIN SENSOR OR RAIN SHUTOFF DEVICE- A DEVICE CONNECTED TO AN IRRIGATION CONTROLLER THAT OVERRIDES SCHEDULED IRRIGATION WHEN SIGNIFICANT PRECIPITATION HAS BEEN DETECTED.

REDEVELOPMENT- ANY MAN-MADE CHANGE TO IMPROVED OR UNIMPROVED REAL ESTATE INCLUDING ANY MATERIAL CHANGE IN THE USE OR APPEARANCE

OF ANY STRUCTURE, PHYSICAL IMPROVEMENT, GRADING, LANDSCAPING, OR IN THE LAND ITSELF.

SHADE TREE- DECIDUOUS TREES OF LARGE SIZE, GENERALLY THIRTY FEET OR MORE IN HEIGHT WHEN MATURE.

SHRUB- A PLANT THAT TYPICALLY RETAINS BRANCHES ALL THE WAY TO THE GROUND LEVEL- DOES NOT INCLUDE EVERGREEN TREES WITH THE EXCEPTION OF UPRIGHT JUNIPERS.

SOIL AMENDMENT- REFERS TO ORGANIC AND INORGANIC MATERIAL ADDED TO THE SOIL TO IMPROVED TEXTURE, MOISTURE HOLDING CAPACITY AND WATER AND AIR INFILTRATION.

STREET- ANY PUBLIC OR PRIVATE STREET EXCLUDING ALLEYS.

TREE- A WOODY PLANT WITH LEAVES OR NEEDLES THAT GROWS TO ACHIEVE HEIGHT USUSALLY ABOVE THE HUMAN FORM, OFTEN PROVIDING SHADE. WITH THE EXCEPTION OF EVERGREEN TREES, TREES GENERALLY DO NOT OCCUPY A SIGNIFICANT AMOUNT OF GROUND PLANE AREA.

TURF- REFERS TO A GROUPING OF GRASSES THAT GROW IN VERY CLOSE PROXIMITY TO FORM A LIVING SURFACE AT THE GROUND PLANE. TURF IS GENERALLY AN AREA OF THE GROUNDPLANE INTENDED TO BE/OR COULD BE WALKED ON AND WHEN REGULARLY MOWED, FORMS A DENSE GROWTH OF LEAF BLADES AND ROOTS.

WATER BUDGET- AN ESTIMATE OF THE TOTAL AMOUNT OF GALLONS OF WATER FOR IRRIGATION PURPOSES FOR THE IRRIGATION SEASON. THE WATER BUDGET WILL USE SPECIFICATIONS PROVIDED WITHIN THESE REGULATIONS AND ANY ADDITIONAL INFORMATION PROVIDED BY THE CITY, TO CALCULATE WATER USAGE BY HYDROZONE TO ARRIVE AT THE TOTAL AMOUNT.

WEEDS- WEEDS ARE DEFINED BY WESTMINSTER MUNICIPAL CODE OR STATE STATUTE.

XERISCAPE- A TERM COINED IN DENVER TO DESCRIBE LANDSCAPING WHERE WATER EFFICIENCY IS ACHIEVED. IT DOES NOT MEAN THAT THE LANDSCAPE IS ONLY DRY, OR THE LANDSCAPE IS ALL ROCK, OR THERE IS NO LAWN, OR ONLY NATIVE PLANTS ARE USED. REFER TO THE TEXT WITHIN THIS DOCUMENT FOR A DETAILED DESCRIPTION OF LANDSCAPING USING XERISCAPE PRINCIPLES.

YARD AREA- ALL PORTIONS OF A LOT NOT COVERED BY BUILDING FOOTPRINT. YARD AREA IS TYPICALLY BROKEN DOWN TO FRONT, REAR, AND SIDE YARD AREAS. THE DEFINITION OF THESE AREAS SHALL BE BY INTERPRETATION OF THE CITY.

YEAR- FOR THE PURPOSES OF THESE REGULATIONS AND CALCULATION OF WATER RATES, A YEAR IS EQUIVALENT TO A TYPICAL IRRIGATION SEASON THAT IS FROM MID-APRIL TO MID-OCTOBER (26 WEEKS).



June 7, 2004

JJ Martinez  
Home Builders Association of Metropolitan Denver  
1400 South Emerson Street  
Denver, Colorado 80210-2721

Dear JJ:

Thank you for your review and comments regarding the City of Westminster's proposed revised Landscape Regulations. I appreciate the time and effort you and members of the Home Builders Association spent reviewing them.

I have addressed each of the comments in the attached copy of your letter by adding a response in italics text following each comment. The response provides further explanation or clarification regarding the issues you have noted and identifies several changes that will be proposed based upon your comments.

Sincerely,

Terri Hamilton  
Planner III

Attachment

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# HOME BUILDERS ASSOCIATION

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## OF METROPOLITAN DENVER

May 17, 2004

Teresa Hamilton  
City of Westminster  
4800 W 92<sup>nd</sup> Ave  
Westminster, CO 80030

***Re: Proposed Revisions to the Landscaping Regulations***

Dear Teri:

On behalf of the Home Builders Association of Metropolitan Denver, I would like to thank you for providing our organization with an opportunity to review and comment on the proposed revisions to the landscaping regulations. I would also like to thank both you and Stu Feinglas for taking the time to meet with me and walk through the proposed revisions. Per our discussion, please accept the following as a summary list of the outstanding questions and/or concerns with the proposed changes. I apologize that these are arriving to you at such a late date. I hope that we can work through many of these items prior to the City's final review and adoption.

**II. Applicability**

As we discussed, the transition of the new regulations will be of significant concern to the HBA. We encourage the City to allow projects that already have an approved plat or Official Development Plans to be allowed to landscape both common areas and individual lots according to the requirements in effect at the time of approval or as otherwise agreed to in the ODP. This ensures that developers and builders would not have to encumber the additional cost and time of re-designing previously approved plans. A clearly defined transition will assist the building and development community in understanding which regulations are applicable to their projects so they may plan and budget accordingly.

*City response: No alteration necessary. The Revised Landscape Regulations are anticipated to be adopted late June/early July, however, City Staff is proposing that the adopted Regulations take effect September 1, 2004. This will allow any projects with an existing approved plat or Official Development Plan to proceed under requirements in effect at the time of plat or ODP approval, and allow adequate time for any projects in the process, but without ODP approval, to incorporate the revised regulations.*

**V. A. 2- Considerations in Landscape Design.  
Water Conservation/Water-Wise Landscaping/Xeriscaping  
Specific Water – Wise Elements**

We encourage the City to allow cobble as a mulch ground cover regardless of the hydrozone. Cobble is effective in windy areas and on slopes. It helps to mitigate weeds and retain moisture.

*City response: No alteration proposed. We understand cobble does not require replacement as often as bark mulch however cobble (and other rock mulch) is not a water-wise choice for mulch, as it absorbs and holds heat to a much greater degree than bark mulch, and will subsequently increase the water needs of plants within rock mulch areas. Cobble mulch is not prohibited overall, but may be used in low hydrozones. Therefore, for any developers and landscape designers who prefer rock mulch to bark mulch, as long as the plant choice is within a low hydrozone, cobble mulch can be used. There are numerous choices of plants within low hydrozones, so City Staff does not believe this requirement to be overly restrictive.*

#### **V.E- Considerations in Landscape Design**

##### **Buffering Between Uses**

We would discourage buffering between uses in areas designated for TMUND development.

*City response: No alteration proposed. There are existing, approved by City Council, TMUND design guidelines that govern this type of development and specific buffering for these projects will be governed by these guidelines and negotiated during the planning and approval process. Buffering requirements in this section of the Landscape Regulations describe various general measures of how buffering is accomplished- with berms, landforms, landscaping, fencing and/or walls.*

Berms created with a minimum 4:1 slope would take a substantial amount of land. We would encourage the City allow exemptions from this criteria and to credit bermed areas towards open space requirements.

*City response: No alteration necessary. A maximum slope of 4:1 is required for berms to reduce water runoff and allow for maintenance. Exceeding this maximum slope may be possible on a case-by-case situation as noted in Section III, "Adjustment of Requirements." Bermed, landscaped areas are already credited toward the overall percent of private landscape area/open space requirements of a project.*

#### **IV.F- Considerations in Landscape Design**

##### **Sight Triangles**

We encourage the City to restrict plant heights in side sight triangles to a maximum of 30 inches to 36 inches. We further encourage exceptions to the restrictions on plant heights where the grade slopes down.

*City response: No alteration proposed. The height of sight triangles as noted in the Landscape Regulations (24") was revised to coordinate with existing City Engineering specifications. As noted in Section III, "Adjustment of Requirements," the City can consider exceptions based upon grade.*

### **V.H- Drainage and Detention Areas**

We request planting in detention ponds be required above the 10 year flood plain in lieu of the proposed 5 year flood plain. Additionally, we encourage the City to credit required plantings in drainage areas towards the open space requirement.

*City response: No alteration proposed. Current engineering drainage criteria requires that detention ponds indicate both the 5-year and 100-year storm surface elevation. Generally, the difference between the 5-year and what would be the 10-year storm surface elevation is not substantial. These elevations are generally located near the top of a detention pond. Therefore, in order to not add an additional requirement to existing engineering drainage criteria, the use of the 5-year storm surface elevation is the reference for where to plant shrubs and trees within detention ponds. The City already credits the complete portion of landscaped detention areas to the overall percent of private landscape/open space requirements.*

### **VI. General Landscape Provisions for Plant Materials, and their Design and Installation**

Industry standard for soil amendment is 3 cubic yards per square foot. We believe the proposed requirement for 5 cubic yards is too high.

*City response: No alteration proposed. Amount of soil amendment generally varies between jurisdictions from 3 CY/1000 SF to 6 CY/1000 SF. Three cubic yards/square feet equate to approximately 1-inch depth of soil amendment spread across the soil surface prior to tilling into the soil, 8 inches deep. Five cubic yards/square feet equates to approximately 1 5/8-inch depth prior to tilling 8 inches deep. Five CY/1000 SF has been an existing requirement in Westminster (1985 to present) and is not excessive. Soils in Westminster are generally high in clay content, and more often than not, during the construction of a project, sub-soils that are low in nutrients and organic materials are brought to the surface. Also, it is not unusual for fill dirt (again usually low in nutrients and organic materials) to be brought into a project. Soil preparation is absolutely key to water wise landscaping. Reduction of soil amendment requirements is strongly resisted.*

We are concerned about the proposed requirement that builders provide soil preparation for the entire lot. In many circumstances, the builder is only providing the customer with front-yard landscaping. Soil preparation should be required only for those areas which the builder has contracted with the buyer to landscape. Requiring the builder to provide soil preparation prior to determining the landscape plan will result in waste. Additionally, it may be a significant amount of time between the builder's soil preparation and the home owners installation of landscaping. The soil should not be amended until just prior to installation.

*City response: No alteration proposed. The revised Landscape Regulations propose that the builder of a single-family lot provide soil amendment in all portions of the lot that can be landscaped (not building area, parking, porch or patio areas). It is*



*common for a builder in Westminster to install front yard landscaping, so the builder would already be installing soil preparation in that portion of the lot. Providing soil preparation in the remaining portion of the lot has the following benefits:*

- The homeowner overall cost for soil amendment is most likely to be lowered, as the homeowner does not pay twice for delivery and the builder is likely to obtain a better upfront cost.*
- The City is assured that soil preparation is done in all portions of the lot. The City does not have the resources to verify and enforce installation of soil amendment by the homeowner on remaining portion of a lot not landscaped by the builder. This assurance has a long term benefit related to water savings for both the City and the homeowner.*
- It can be very difficult for the homeowner to install soil amendment in areas of the lot not landscaped initially by the builder. This is because the soil must oftentimes be hauled over existing landscape area and also because many lots have basement “walk-outs” that mean steep slopes occur between the front and rear yards. Homeowners may skip soil amendment because of these obstacles and subsequent increase in cost.*
- The soil amendment will still be effective for the homeowner if put in place by the builder. Most homeowners install the remaining portion of their landscaping within several weeks to months of occupancy. It is typical for Homeowner Associations to require completion of landscaping within several months, and the Landscape Regulations require it to occur within a year of occupancy. Having the soil amendment already in place is a convenience to the homeowner. If the homeowner postpones completion of the landscaping such that there is some loss in nutrient value, that loss can be off set by a simple application of fertilizer.*

#### **VI.A- General Landscape Provisions for Plant Materials, and their Design and Installation**

##### **Trees**

We would encourage the City to require a 3’ diameter of mulch under trees in lieu of the proposed 6’ requirement. There is concern that 6’ is too large and may result in drowning the trees.

*City response: Alteration proposed. Although drowning of trees is due to over-watering and/or improper installation (planted too deep), the revised Landscape Regulations will be modified in response to this request by decreasing the diameter to a minimum of 4 feet. Mulch rings around trees within lawn areas prevents damage to tree trunks by lawn mowers and edgers; reduces competition for water by grass, and reduces evaporation of moisture from bare dirt.*

#### **VI.C- General Landscape Provisions for Plant Materials, and their Design and Installation**

##### **Turf**

We request clarification as to whether or not the 50% maximum turf area in non-residential property applies to park areas?

*City response: Clarification provided. Section X.B. notes an exception to the 50% maximum turf requirement for non-residential property for right of way area, parks, or other areas as approved by the City.*

Additionally, we would encourage the City to allow for an exemption to the 2 year warranty period for turf installations other than sod, should the establishment be accepted by the City prior to the expiration of the 2 year warranty.

*City response: No alteration necessary. Section III, "Adjustment of Requirements," will allow exceptions to be considered on a case-by-case basis.*

**VII.A1.d- Residential Landscape Standards  
Single-Family Detached Residential  
Minimum Requirements  
Other Requirements**

We would encourage the City to determine the need for 6 ft. berms with a 6 ft. high fence or wall whenever property is located adjacent to an arterial or a highway on a case by case basis, rather than a blanket mandate.

*City response: No alteration proposed. There are only a handful of properties that will be subject to this requirement. Section III, "Adjustment of Requirements," will allow exceptions to be considered on a case-by-case basis. The current language will allow the City to be more consistent and equitable in application than if it is not an up-front requirement.*

**VII.B.1.a- Residential Landscape Standards  
Single-Family Attached and Multi-Family Residential  
Minimum Requirements  
Landscape Area**

We request clarification about the requirement of minimum 35' landscape area along all other property lines. Is this considered a set-back on the side and rear of the lot as well? How does this apply to alley-loaded product or smaller townhome product?

*City response: Clarification provided. The 35' landscape setback referenced is an existing requirement in the City Residential Design Guidelines, adopted by City Council. It has been repeated in the Landscape Regulations for consistency. This setback applies to rear and side setbacks for landscape area of the overall lot. It applies to all Single-Family Attached and Multi-Family projects and variances to the Residential Guidelines are considered by the Planning Commission.*

**XII. Landscape and Irrigation Plan Requirements**

We are concerned about the proposed requirement that a certified irrigation designer shall prepare the irrigation plan and a certified irrigation contractor shall be responsible for the installation of the irrigation system. In our communication with Denver Water's Conservation Department there is a very limited number of professionals who meet these certification requirements. Given the shortage of certified labor, we are concerned about

the negative impacts this requirement will have on builders in terms of scheduling work and creating a competitive disadvantage between subcontractors.

*City response: Alteration proposed. City Staff has verified that certified irrigation designers and contractors are not plentiful in the Denver metro area, and will remove this requirement from the revised Landscape Regulations. City Staff will encourage the irrigation industry to continue to promote certification to promote irrigation systems that are adequately designed and installed. For the purposes of the revised Landscape Regulations, there is still this safeguard with the irrigation audit that is performed by a certified auditor, of which there are many in the area.*

Additionally, there is concern that the requirements for irrigation controllers are too stringent. We are concerned about a mandate for evapotranspiration based programming on individually maintained lots such as SFD and SFA lots. We would support this on HOA maintained areas.

*City response: No alteration necessary. Section XII. excludes this requirement for single family detached lots, and this exclusion may be able to be extended to duplex units with individually maintained lots, as noted in Section VII.A., or by Section III, "Adjustment of Requirements."*

**XV. Private Improvements**

There is a desire to have a more fully developed definition of private improvements.

*City response: Alteration proposed. Language addressing private improvements will be modified to include a more detailed description of private improvements as requested.*

.....

Thank you again for the opportunity to comment on the proposed revisions.



**From:** Hamilton, Terri  
**Sent:** Tuesday, June 08, 2004 5:36 PM  
**To:** 'rexw@qualityelectric.com'  
**Subject:** FW: Landscape Regulations

Hi Rex. I'm sorry you can't make it tonight. You obviously put in a lot of effort to digest all of this. I've responded to your comments/questions in the attachment to this email. Feel free to call me (x2096) if you'd like. Thanks again.

Terri Hamilton  
Planner III  
City of Westminster Planning Division  
(303) 430-2400 ext. 2096  
thamilton@ci.westminster.co.us

**From:** LoSasso, Betty  
**Sent:** Monday, June 07, 2004 8:00 AM  
**To:** Hamilton, Terri  
**Subject:** FW: comments to revised landscape regulations

**Importance:** High

Terri - below are some comments re: Landscape Regs from Rex Wiederspahn who *will not* be in attendance Tuesday night.

-----Original Message-----

**From:** Rex Wiederspahn [mailto:rexw@qualityelectric.com]  
**Sent:** Saturday, June 05, 2004 9:35 PM  
**To:** Shinneman, Dave  
**Cc:** LoSasso, Betty  
**Subject:** comments to revised landscape regulations

Dave,

Some quick comments:

Summary

4. 2<sup>nd</sup> bullet - what is the estimated cost on an average residential lot?

*Assuming a 9,000 sf lot with 1/3 non-landscape area (building, drive, patio, etc.) and a landscape area of 3,000 sf in both the front and rear yard- the additional cost to the builder is approximately \$360-400 for the soil preparation. This is at least what the future homeowner would pay (frankly a builder often gets reduced costs because of repeat business), plus the homeowner would have an added delivery cost. Having the builder install all the soil prep. Is not only a perk for the homeowner, but it assures the City that this important water conserving aspect is indeed done. It can be difficult to install soil amendment in rear yards after the builder installs front yard landscaping (very common) and machinery needs to cross over finished landscaping to access rear yard areas. The City does not have the manpower to assure it gets done at a later time by the homeowner. Benefit to the homeowner is that it gets done, probably for less cost, cost can be financed with the home, and water savings and plant health occur.*

4. 3<sup>rd</sup> bullet - higher percentages of evergreens should be allowed (minimum 1/3 but possibly maximum up to 1/2)

*Done. The revised Regulations require a minimum of 1/3 evergreen.*

4. 6<sup>th</sup> bullet - should specify quality of artificial turf and suitability for appropriate use - many varieties for different uses, should be designed for the installation

*The City's Plant list will be revised to incorporate some basic specifications for quality and installation if artificial turf is proposed.*

5. 4<sup>th</sup> bullet - evergreens minimum 6' height should be allowed in place of 6' fence or in fence openings to break wall-look of continuous fencing

*Landscaping is required to occur within the adjacent right-of-way, and fencing is typically required to have offsets in order to prevent a look of a continuous line of fence or wall.*

7. 3<sup>rd</sup> bullet - I like the wider median option. Pedestrian traffic flow needs examined in all median designs (i.e. car doors opening into berms; medians at 90 degrees to storefronts that have no living vegetation left from foot traffic)

*The revised regulations make note of these concerns- discouraging berms in landscape islands and medians, taking into account automobile overhang, and designs needing to take into account pedestrian foot traffic.*

8. 2<sup>nd</sup> bullet - "certified" by who? Certification/training must be widely accepted and readily available. Estimated increased cost per lot? Availability - are an adequate number of certified designers, contractors & auditors presently in the metro area?

*The definition section clarifies that certification is by the "Irrigation Association."*

*Costs vary greatly due the size and complexity of an irrigation design, however the cost is directly related to the size and complexity of the irrigation design so the cost to the builder of a single family lot where the front yard is landscaped, will be the lowest. Again, the builder will be able to negotiate a low cost and the long-term benefit of assuring the installed irrigation system is done correctly, assures both the City and the future homeowner/owner of long-term water savings. Installation crew can be/could be certified as they should be familiar with the installation requirements anyway. Rough estimate \$100.*

*Regarding availability- there are many certified auditors, and much fewer certified designers and installers. Because of this, we will be removing the requirement for certified designers and contractors.*

8. 10<sup>th</sup> bullet - estimated average cost of new required controllers?

*Soil/Moisture based programming is already a requirement and Evapotranspiration programming is optional, so there is no added cost there. The other requirements of seasonal adjustment, multiple programs and start times is not a high cost- rough estimate \$50.*

8. 13<sup>th</sup> bullet - estimated average cost of an audit?

*See response to #8, bullet 2.*

Regulations

Page #:

15 - K - Allow for use of newer alternative materials for retaining walls. Walls higher than 4' and spacing less than 7' should be considered if appropriate engineering and extended warranties/bonds are submitted.

*This is possible via "Adjustment of Requirements," where the Planning Manager can consider alternatives to the requirements.*

18 - The soil amendment issue needs to be examined from a cost-benefit viewpoint

*We did not come across any cost-benefit data on this in preliminary research, but soil amendment is widely recognized as a critical component not only to plant health when soils are not great (as is most often the case in Westminster), but also important for water conservation (water retention). The Denver Home Builders Association also agrees that it is the "most significant factor" in landscaping for water conservation. The long-term benefit should outweigh upfront costs- given the initial high cost of plant material, long-term water savings, possible water shortages in drought years, and/or future increases in cost- but sorry, we don't have data.*

19 - I like the requirement of minimum 1/3<sup>rd</sup> evergreens

*Agreed/Done.*

29 - d. - consider allowing 6'+ evergreens on top of berms in lieu of or to supplement 6' fences

*Refer to response 5, bullet 4. Also, this is not ruled out as an option via "Adjustment of Requirements."*

39 - A. - Islands/medians at the end of parking rows need to be designed to allow for pedestrian traffic flow

*Agreed/Done. Refer to response 7, bullet 3.*

39 - the requirements for islands/medians seem to be conflicting - specifically regarding berming. Hardscape (brick pavers, similar high quality materials) should be allowed in lieu of plants/shrubs in some islands to allow pedestrian traffic through certain islands. There are certain islands, especially those closest (& at 90 degrees) to main entries, that pedestrian traffic should not be discouraged from crossing - make it convenient for pedestrians, not a battle.

*Buffering of the parking lots in general from adjacent streets and properties is required by grade or plant materials, but berming within the parking lot medians and islands is discouraged due to higher maintenance requirements and water runoff. Increased attention to the design of parking lots, not only for the cars, but also for the pedestrians, has been emphasized in the revised regulations.*

55 - 10 zone minimum on SF residential controllers seems high - what is approximate additional cost? Auto rain shutoff and soil moisture sensors - again what is the cost-benefit analysis on these requirements?

*We have had experience with controllers only accommodating the front yard landscaping so the revised Regulations are addressing this issue. The upfront cost for more stations/zones is not*

*high- estimate \$25; and allows the future homeowner capacity to absorb completion of the rear and side yard landscaping. Ten zones are not excessive for an average lot. Automatic rain sensor estimate \$15.*

56 - #5 - in addition to showing property lines, suggest we require future R.O.W. lines be shown on the plans.

*Good idea. This will be added.*

57 - Cost-benefit analysis of audits? Timing and potential delays in getting approvals & final COs? How many times does the irrigation system need to be inspected/checked/reviewed and by how many people? If I understand: the design is done by a certified designer then reviewed by the city; the equipment used must meet city requirements then installed by a certified contractor and inspected by the city; then a certified auditor again checks the operation and his report is reviewed by the city? What is the additional cost to the consumer? Additional cost to the city?

*We did not come across any cost benefit data in this regard. We believe the upfront cost compared to long-term benefit of irrigation efficiency, plant health, and water savings to be reasonable. Knowing the system will require an audit will result in better installation practices. (The installer may be certified to do the audit.) The City does not have the manpower to inspect irrigation installation and the audit will accomplish this. The audit also provides a level of consumer protection for the future owner.*

*We do not anticipate significant timing or delays- however, timing issues in this regard are more in the hands of the developer than the City. As noted in #8,bullet2, the requirement for certified designer and contractors will be eliminated. The City may hire two additional Staff- a landscape architect to review landscape and irrigation plans (instead of planners) and an Official Development Plan Inspector that provides site inspection as well as to assist in the review of landscape and irrigation plans.*

I again apologize for not being able to attend Tuesday's meeting due to business travel.

I hope my questions and comments are helpful. If you have any questions, I will be checking my voice mail regularly on Monday and Tuesday and will get back to you.

*Thank you for your time, effort, and insightful review. I hope the responses have provided you with adequate answers and/or clarification.*

Thanks,

Rex

Rex Wiederspahn

President/CEO

Quality Electric Inc.

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Denver, CO 80241-3116

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Direct Fax 303.254.5451

E-mail [rexw@qualityelectric.com](mailto:rexw@qualityelectric.com)





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** Councillor's Bill No. 43 re Appropriation of FY2003 Carryover Funds Into FY2004

**Prepared By:** Steve Smithers, Assistant City Manager  
Barbara Opie, Assistant to the City Manager

**Recommended City Council Action**

Pass Councillor's Bill No. 43 as an emergency ordinance, appropriating FY2003 carryover funds into the FY2004 budgets of the General, Fleet, General Capital Improvement, Utility, Conservation Trust and Open Space Funds, and appropriating land sale proceeds received in FY2004.

**Summary Statement**

- Certain items and services that were budgeted in FY2003, but were not received or provided until FY2004, are being requested for appropriation. The total of these items for all funds is \$17,790,446. Further detail on these items is provided in the background section of this memo.
- The City Council annually reviews and appropriates carryover funds from the previous year's budget into the current year budget for the following:
  - those items and services included in the previous year's budget but not received or provided until the current year's budget,
  - budget incentive funds into various departments' budgets based on savings from the prior year, and
  - existing or new capital projects and key operating priorities for which funds are needed and carryover funds are available.
- The funding for the items recommended in this memo comes from emancipated revenues and unexpended 2003 funds in the various dollars identified.
- Staff is again not recommending budget incentive funds into various departments' budgets based on savings from the prior year for 2004 due to the current tight economic times. No incentive funds were appropriated in 2002 or 2003; however, in 2001, these incentive funds totaled approximately \$435,000 for all funds.
- This agenda memorandum includes the proposed citywide bonuses as discussed at the June 21<sup>st</sup> Study Session and is explained in more detail under the Appropriation of New Items section of this document. The total expenditure required has been modified to include the proposed citywide bonuses. City Council requested that carryover be appropriated via an emergency ordinance so that the bonuses can be distributed to employees close to the 4<sup>th</sup> of July holiday. If City Council approves this emergency ordinance, the bonuses would be included in the July 9<sup>th</sup> check run.
- The total amount to be appropriated includes \$1,900,000 received in FY2004 as proceeds from the Catellus land sale. Staff is recommending that these funds be appropriated towards the Huron Street Improvements and Shops at Walnut Creek projects described in the General Capital Improvement Fund section.

**Expenditure Required:** \$17,790,446

**Source of Funds:** General, Fleet, General Capital Improvement, Utility, Conservation Trust and Open Space Funds

**SUBJECT:** Councillor's Bill re Appropriation of FY2003 Carryover Funds Into FY2004 Page 2

## **Policy Issue**

Should the City appropriate carryover funds as outlined below?

## **Alternatives**

1. City Council could decide not to appropriate any of these funds at this time. This is not recommended as many of the carryover requests are for items and services that have already received City Council approval during the FY2003 Budget process as priority expenditures for the City.
2. City Council could choose to approve the carryover appropriation, including existing or new capital projects for which funds are needed and carryover funds are available. Staff recommends appropriating carryover funds for the operating and capital improvement projects noted in this memorandum.

## **Background Information**

City Council is requested to appropriate FY2003 carryover funds, as described below, into the General, Fleet, General Capital Improvement, Utility, Conservation Trust and Open Space Funds. This appropriation takes place annually once the audit is substantially completed for the prior year.

For a third year, Staff is not recommending the appropriation of any budget incentive funds. In prior years, budget incentive funds were provided to departments by an approved formula previously adopted by Council Resolution whereby each department is allowed to retain a certain portion of budget savings calculated by the Finance Department after the completion of the audit. The program was established to promote and reward prudent budget management by City Departments. However, in light of the current tight economic times, Staff believes it more prudent to utilize these carryover funds to fund key capital projects and other operating priorities that would not be funded otherwise.

In prior years, part of the carryover funds is brought back for appropriation later in the summer for Capital Improvement Program (CIP) projects. Staff has reviewed possible capital projects to determine the best use of remaining carryover funds. All of the carryover, including capital projects, is recommended for appropriation at this time due to the time sensitive nature of these projects noted below.

The total amount to be appropriated includes \$1,900,000 received in FY2004 as proceeds from the Catellus land sale. Staff is recommending that these funds be appropriated with the FY 2003 Carryover towards the Huron Street Improvements and Shops at Walnut Creek projects described in the General Capital Improvement Fund section below.

The proposed citywide bonuses are included in the attached ordinance as discussed at the June 21<sup>st</sup> Study Session. The proposed bonuses are explained in more detail under the Appropriation of New Items section of this document. At the June 21<sup>st</sup> Study Session, City Council requested that carryover be appropriated via an emergency ordinance so that the bonuses may be distributed to employees close to the 4<sup>th</sup> of July holiday. If City Council approves this emergency ordinance, the bonuses would be distributed to employees on July 9<sup>th</sup>.

## **RE-APPROPRIATION OF ITEMS APPROVED IN 2003**

Certain items ordered in 2003 were not received until 2004. In addition, certain services, authorized in 2003, were not fully performed by the end of the year. Under standard accounting procedures, these remaining funds must be re-appropriated in the new year to complete the desired purchase or service. Staff recommends the funds described below be re-appropriated in 2004. In addition, Staff has identified certain key operating expenses for carryover funding that were not budgeted for in 2004.

**SUBJECT:** Councillor's Bill re Appropriation of FY2003 Carryover Funds Into FY2004 Page 3

**GENERAL FUND:**

Central Charges – Five items totaling \$256,803 as follows:

1. \$50,000 for legal services for various economic development projects, including but not limited to Barbara Banks' work on development agreements, 144<sup>th</sup> Avenue interchange and Mandalay Gardens. The original budget in 2004 is \$20,000 but funds have been borrowed from other Central Charges accounts to cover approximately \$50,000 worth of legal services approved by City Council during 2004 (such as work contracted for economic development retail projects and personnel board matters). These funds will re-supply the account and provide for legal funds for the balance of 2004.
2. \$20,000 for the US 36 Mayor and Commissioners Coalition (US 36 MCC) lobbyist costs. This coalition hired a contract lobbyist in 2003 and has authorized the continuation of this lobbyist in 2004 to assist in the pursuit of federal financial support for multi-modal transportation initiatives along the US 36 corridor. This amount is Westminster's pro-rata share of the lobbyist's costs for 2004.
3. \$150,000 for special projects and studies that may arise during the year per City Council and staff requests. These dollars represent savings in Central Charges 2003 operating budget that are proposed to help offset additional costs associated with economic development activities, special projects and studies, etc., that may arise through the balance of 2004.
4. \$36,803 for the remaining contract amount associated with the South Westminster project (for the demolition of the former Aspen Care Facility, now known as the Harris Park Townhomes). The Westminster Economic Development Authority (WEDA) has repaid this amount to the General Fund in the Council Action taken in May 2004 that finalized the intergovernmental agreement between WEDA, Westminster Housing Authority (WHA) and the City.

General Services – Two items totaling \$21,675 as follows:

1. \$5,000 for new office furniture purchased at year-end 2003 but not delivered until January 2004. This furniture is associated with the new Human Resources Analyst hired per the public safety tax ballot measure.
2. \$16,675 for the purchase of the high output projector for the Council Chambers. Work commenced with the wiring in 2003 but the actual installation has been delayed due to other priorities. This will enhance the presentation options available in the City Council Chambers at City Council and other public meetings.

Finance – One item totaling \$7,500 for the annual cost allocation update by the City's consultant. This work is completed on an annual basis but the funds were cut from Finance's budget to balance the 2004 budget. This work is utilized to evaluate cost recoveries, fee charges, etc.

Community Development – Five items totaling \$80,400 as follows:

1. \$46,000 to complete the update to the Comprehensive Land Use Plan (CLUP) initiated in the late fall of 2002 but not completed until summer of 2004.
2. \$5,000 to complete the revisions to the existing Landscape Regulations. Work on the Landscape Regulations did not initiate until November 2002 and due to workload issues, not conclude until summer of 2004. The Landscape Regulations were initially anticipated to be done by City Staff, however, with the extended drought conditions, professional assistance was necessary to incorporate additional information regarding water-wise landscaping to the Landscape Regulations.
3. \$4,200 for annexation maps requested by the Police Department in 2003 but not completed. Several locations around the City are unincorporated and cause confusion for the Police Department; work is being conducted to annex properties and funds are being requested for the preparation of annexation maps and descriptions.

**SUBJECT:** Councillor's Bill re Appropriation of FY2003 Carryover Funds Into FY2004 Page 4

4. \$6,000 for Traditional Mixed Used Development (TMUND) guideline revisions. The guideline revisions were approximately half completed in 2003 and carried forward into 2004 for completion. (e.g., Bradburn Village is a TMUND)

5. \$19,200 for continued urban renewal area work, including appraisals, site conceptual design, and implementation throughout the City.

Police Department – Two items totaling \$37,213 as follows:

1. \$28,774 in grant money awarded in December 2003 from the Local Law Enforcement Block Grant Fund. The grant will be utilized for the purchase of vehicle communications equipment and OSHA-approved motorcycle helmets. The grant was awarded too late in 2003 to expend the funds per the grant parameters.

2. \$8,439 for the High Intensity Drug Trafficking Area (HIDTA) overtime reimbursement for the fourth quarter 2003 from the North Metro Drug Task Force. These funds were not included in the fourth quarter supplemental appropriation because the checks were received after that supplemental was completed. These funds are proposed to be utilized in the Investigations section overtime account.

Parks, Recreation & Libraries – One item totaling \$3,322 in scholarship funds, received from citizens and recreation program participants, for the Youth Sports Program. These funds are intended to supplement registration fees for individuals needing assistance. These funds will be available for scholarships in 2004.

UTILITY FUND:

Information Technology – One item totaling \$16,100 for a comprehensive system and network security assessment initiated in November 2003 but not completed prior to year-end. The results of this assessment, which included internal and external security audits, are being utilized in network and system fortification efforts and security policy enhancements.

Public Works & Utilities – Four items totaling \$62,000 as follows:

1. \$15,000 to fix operational damage at the Jim Baker Reservoir Outlet Gate that requires the replacement of the entire gate structure.

2. \$12,000 to address severe silting problems identified at the Manhart Ditch Headgate and Facilities. The City is a shareholder of the Manhart Ditch Company and therefore responsible for participating in repair expenses.

3. \$10,000 to complete a coagulant investigation for the reclaimed facility. This coagulant study is critical to the facility operations in addressing issues with phosphorous removal, iron staining, and filter plugging. The work was delayed in 2003 due to problems associated with filter plugging.

4. \$25,000 for the treatment of Eurasian Milfoil in Standley Lake using weevils. Funds were budgeted in 2003 for this work; however, the rapid filling of Standley Lake in the spring of 2003 delayed the application of the weevils.

OPEN SPACE FUND:

Central Charges – Two items totaling \$330,000 as follows:

1. \$14,000 for the completion of work by a consultant on the McKay Lake renovation. The project is dependent upon progress made by the developer downstream of McKay Lake and the approval process of the State Engineer, both of which have been delayed negatively affecting the schedule.

**SUBJECT:** Councillor's Bill re Appropriation of FY2003 Carryover Funds Into FY2004 Page 5

2. \$316,000 for the purchase of open space land. The majority of this amount reflects the open space funds that were unspent in 2003 on land purchases that will be required to purchase open space in 2004. All of these funds will be utilized towards the acquisition of open space land.

#### APPROPRIATION OF NEW ITEMS

Staff recommends utilizing some of the General and Utility Funds' carryover moneys available to help address new spending needs in an uncertain economy. The items listed below are intended to be proactive measures to help minimize the impact on the 2004 and 2005 budgets for needed items.

#### GENERAL FUND:

Central Charges – Two items totaling \$361,400 as follows:

1. \$9,900 for new chairs for the Council Board Room conference table. These dollars represent savings in Central Charges 2003 operating budget that are proposed to help fund the replacement of these chairs that are worn, damaged and need to be replaced.

2. \$321,500 for citywide bonuses for all permanent benefited employees with at least one year of service (hired prior to July 1, 2003) in an amount not to exceed \$500 per employee, prorated to the number of hours that an employee works for the City. As part of the amended 2004 budget, no across-the-board increase was included for City employees to assure a balanced budget. A hiring freeze was implemented in May 2002, resulting in approximately 35 fulltime equivalent positions going unfilled, placing additional pressures on the existing workforce. The City Council discussed at their Strategic Planning Retreat in April ways to make sure that employees are recognized for the extra effort that has been required to maintain City service levels during a period of time when staffing and other resources have been frozen or cut. A citywide bonus is recommended to recognize employees for this extra effort.

General Services – Four items totaling \$46,500 as follows:

1. \$5,000 for replacement furniture in City Hall's main level lobby. These dollars represent savings in General Services 2003 operating budget that are proposed to help fund the replacement of this furniture that is worn, damaged and in need of replacement.

2. \$30,000 for replacement furniture in the Employee Lounge on the lower level of City Hall. These dollars represent savings in General Services 2003 operating budget that are proposed to help fund the replacement of this furniture that is worn, damaged and in need of replacement.

3. \$7,500 for replacement cubicle guest chairs and conference room chairs in General Services located in City Hall. These dollars represent savings in General Services 2003 operating budget that are proposed to help fund the replacement of this furniture that is worn, damaged and in need of replacement.

4. \$4,000 for replacement furniture at the Municipal Court. These dollars represent savings in General Services 2003 operating budget that are proposed to help fund the replacement of chairs in one of the courtrooms.

Parks, Recreation & Libraries – Two items totaling \$21,262 as follows:

1. \$6,262 for new chairs for PR&L staff located in City Hall. These dollars represent savings in the PR&L 2003 operating budget that are proposed to help fund the replacement of these chairs that are worn, damaged and need to be replaced.

2. \$15,000 for recruitment costs associated with filling the vacancy created by the Library Services Manager, who is departing the City in July 2004. These dollars represent savings in the PR&L 2003 operating budget that are proposed to help fund the national recruitment process.

**SUBJECT:** Councillor's Bill re Appropriation of FY2003 Carryover Funds Into FY2004 Page 6

**FLEET FUND:**

General Services – One item totaling \$10,000 for recruitment costs associated with filling the vacancy created by the Fleet Maintenance Manager, who is retiring in July 2004. These dollars represent savings in the Fleet Maintenance 2003 operating budget that are proposed to help fund the recruitment process.

**UTILITY FUND:**

Central Charges – One item totaling \$56,000 for citywide bonuses for all permanent benefited employees with at least one year of service (hired prior to July 1, 2003) in an amount not to exceed \$500 per employee, prorated to the number of hours that an employee works for the City. As part of the amended 2004 budget, no across-the-board increase was included for City employees to assure a balanced budget. A hiring freeze was implemented in May 2002, resulting in approximately 35 fulltime equivalent positions going unfilled, placing additional pressures on the existing workforce. The City Council discussed at their Strategic Planning Retreat in April ways to make sure that employees are recognized for the extra effort that has been required to maintain City service levels during a period of time when staffing and other resources have been frozen or cut. A citywide bonus is recommended to recognize employees for this extra effort.

Public Works & Utilities – One item totaling \$50,000 for recruitment costs associated with filling the vacancy created by the Public Works & Utilities Director, who retired in June 2004. These dollars represent savings in the PW&U 2003 operating budget that are proposed to help fund this national recruitment process.

**CARRYOVER FOR EXISTING OR NEW CAPITAL PROJECTS**

Normally, the balance of the carryover funds is brought back to be appropriated later in the summer for Capital Improvement Program (CIP) projects. However, Staff is recommending that the following new or existing capital projects be appropriated now due to the time sensitive nature of these projects. Some of the projects were initiated in the operating budget and now being recommended to continue in the CIP, some are new projects that due to recent economic development opportunities warrant immediate action, and some are existing projects that need additional funding and timing is critical.

**GENERAL CAPITAL IMPROVEMENT FUND:**

A total of \$8,216,499 is proposed for capital projects as follows:

1. \$50,000 to serve as contingency funding for the Total Enterprise Asset Management (TEAM) and building permits application software projects. These software systems will allow the City to track assets, preventative maintenance, operating costs, workflow and building permits more effectively. Staff was able to negotiate the purchase of both software products from Accela, Inc. within the \$625,000 combined project budget for a greater number of users than originally anticipated at two-thirds of Accela's original Request For Proposals bid. As a result, Staff in numerous departments and Westminster residents will be able to access oversight and customer service aspects of these applications. While the negotiated purchase price of the software, hardware and consulting costs fit within the project budget, very little remains available for contingency. The \$50,000 request for carryover represents 9.4 % in contingency funding for the project. (These funds are recommended to be transferred from the General Capital Improvement Fund into the Utility Fund since the Maintenance Management System project, also known as the TEAM project, is budgeted there.)
2. \$108,076 for the Microsoft software upgrade project. Originally, \$250,000 was budgeted within the General Fund for 2004 but per the October 2003 amendment to the 2004 budget, the General Fund moneys were unappropriated as the revenue projections for 2004 were revised downward. The Utility Fund has \$175,000 budgeted in 2004 for this upgrade and these funds are the remaining amount needed to complete this upgrade to the City's Microsoft operating system.
3. \$350,000 for miscellaneous costs associated with the North I-25 Retail Initiative project. These funds will cover appraisal expenses, design and engineering work, legal counsel and financial consultants.

**SUBJECT:** Councillor's Bill re Appropriation of FY2003 Carryover Funds Into FY2004 Page 7

4. \$1,365,000 for the Shops at Walnut Creek temporary funds. These funds are needed to assure that the construction of the public infrastructure improvements are completed in a timely manner. WEDA paid for additional land at the site in order to assure that the RTD Park-N-Ride would be moved to Walnut Creek and that there was adequate land for a future commuter rail station. Staff anticipates bringing to the City Council an IGA with RTD that will set forth the terms for the swap of Walnut Creek land for the current Park-N-Ride site on Church Ranch Boulevard. The plan then calls for the City to sell the Park-n-Ride land to recoup the funds expended on the Walnut Creek site.

5. \$85,000 for the BO&M Major Maintenance project. The original 2004 budget of \$200,000 was almost completely utilized for the City Hall HVAC upgrade project. These additional funds will help address ongoing maintenance needs in the more than 30 City facilities maintained by the Building Operations and Maintenance Division.

6. \$1,503,849 for the Huron Street Improvements project. This project will provide for the design and construction of widening of Huron Street north of 129<sup>th</sup> Avenue. These funds are needed to assist in expediting this project, which is key to the development planned in this area.

7. \$4,754,574 for the re-purchase of land from the Catellus Land and Development Company. On March 10, 2004 the City re-purchased 21.83 Acres of land from Catellus Land and Development Company for \$4,754,574. The purchase must be appropriated for accounting purposes. No cash will be expended, as the "payment" will be made by reducing the receivable for the land purchase. (This item was originally listed under the Re-Appropriation of Items under General Fund Central Charges; it should have been listed under the General Capital Improvement Fund.)

**UTILITY FUND:**

A total of \$7,912,547 is proposed for capital projects as follows:

1. \$578,000 for the purchase of replacement water in lieu of the change in the water purchase agreement with the City of Thornton. In December 2003, City Council approved a contract amendment reducing Westminster's purchase of water by 1 million gallons a day from Thornton. The operating savings in 2003 are therefore being requested, as discussed with City Council, to be utilized for future water purchases to replace the Thornton water with a long term cost effective source of additional water.

2. \$7,284,547 for the Big Dry Creek Wastewater Treatment Plant expansion/renovation project. This project will expand and renovate the facility to increase the plant capacity from 7.5 to 10 million gallons per day (mgd). These funds will help minimize the amount of the total project that will need to be debt financed. (In the Staff Report June 21, this project had \$7,696,873 allocated for it; however, the originally figure included Stormwater Fund carryover that should be appropriated towards stormwater system improvements and not included as part of this overall carryover ordinance. In addition, this project was reduced by \$50,000 for the two new Information Technology projects which follow.)

3. \$25,000 for the Fiber Optic Cable project. This project is for the installation of fiber optic cable in City right-of-way. Via the contract with ICG, the City has the opportunity to install additional fiber optic cable along Federal Boulevard as ICG installs their cable in the City's right-of-way. The cost of this additional fiber optic cabling to the City is approximately \$50,000; the Information Technology Department has \$25,000 available for this work. By doing the installations at the same time as the ICG install, the City is saving approximately \$400,000.

4.

5. \$25,000 for the Replacement of the Voicemail System project. Total budget appropriated in 2004 for this project is \$110,000 (\$75,000 in the General Fund and \$35,000 in the Utility Fund) and was based on original estimates provided by various vendors. Staff now has actual cost figures and an additional \$25,000 is needed to fully implement the most up-to-date technology that will maximize employee productivity. This is a new item added since the June 21 Study Session Staff Report.

**SUBJECT:** Councillor's Bill re Appropriation of FY2003 Carryover Funds Into FY2004 Page 8

**CONSERVATION TRUST FUND:**

One item totaling \$331,225 for the capital improvement project City Park Maintenance Facility. This project will construct a maintenance and office facility at City Park to relocate Park Services Staff from the overcrowded Municipal Service Center. This move will help address current and future space needs of other departments through the space Park Services is currently occupying at the Municipal Services Center. These funds are proposed to be transferred from the Conservation Trust Fund into the General Capital Improvement Fund where the part of the project is currently funded. The Staff Report for June 21 had the incorrect carryover figure of \$390,664; this dollar amount is the correct figure.

City Council is requested to approve the attached Councillor's Bill as an emergency ordinance appropriating funding as outlined in this document.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment



BY AUTHORITY

ORDINANCE NO. **3130**

COUNCILOR'S BILL NO. **43**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Kauffman - McNally**

A BILL

FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL FUND, FLEET, GENERAL CAPITAL IMPROVEMENT FUND, UTILITY, CONSERVATION TRUST AND OPEN SPACE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$3,328,000 which, when added to the fund balance as of the City Council action on June 28, 2004 will equal \$86,409,992. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the appropriation of 2003 carryover.

Section 2. The \$3,328,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	1000.40020.0000	\$3,303,645	\$3,328,000	\$6,631,645
Total Change to Revenues			<u>\$3,328,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Central Chrgs Prof Svcs-Litigation	10010900.65100.0258	\$50,000	\$50,000	\$100,000
CC - Prof Svcs	10010900.65100.0000	106,870	170,000	276,870
CC - Office Equip	10010900.75200.0000	0	9,900	9,900
CC - Salaries	10010900.60200.0000	20,000	321,500	341,500
CC -Other Financing Use	10010900.78800.0000	1,085,413	36,803	1,122,216
GS – Office Equip	10012050.75200.0000	1,758	35,000	36,758
GS – Cont Svcs	10012060.65000.0000	0	9,000	9,000
GS – Maint/Repair	10012060.66100.0000	44,500	3,500	48,000
GS – Cont Svcs	10012130.65000.0000	0	4,000	4,000
GS – Maint/Repair	10012110.66200.0702	438,727	16,675	455,402
Fin – Cont Svcs	10015050.67800.0000	9,000	7,500	16,500
CD – Prof Svcs	10030360.65100.0000	17,876	50,200	68,076
CD- Cont Svcs	10030360.67800.0000	460	5,000	5,460
CD – Printing	10030360.66600.0000	5,700	6,000	11,700
CD – Prof Svcs	10030050.65100.0000	15,000	2,200	17,200
CD – Cont Svcs	10030050.67800.0000	30,001	17,000	47,001

PD – Other Equip	10020500.76000.0000	187,219	28,774	215,993
PD – Overtime	10020300.60400.0000	220,100	8,439	228,539
PR&L – Office Equip	10050050.75200.0000	0	6,262	6,262
PR&L – Employee Recruitment	10050620.61600.0000	0	15,000	15,000
PR&L – Spec Promo	10050760.67600.0528	0	3,322	3,322
Transfer to GCIF	10010900.79800.0750	0	2,471,925	2,471,925
Transfer to Wastewater	10010900.79800.02100	0	50,000	50,000
Total Change to Expenses			<u>\$3,328,000</u>	

Section 3. The 2004 appropriation for the Fleet Fund initially appropriated by Ordinance No. 2977 in the amount of \$1,161,081 is hereby increased by \$250,000 which, when added to the fund balance as of the City Council action on June 28, 2004 will equal \$1,792,805. The actual amount in the Fleet Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the appropriation of 2003 carryover.

Section 4. The \$250,000 increase in the Fleet Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	3000.40020.0000	\$0	\$250,000	\$250,000
Total Change to Revenues			<u>\$250,000</u>	

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Employee Recruitment	30012460.61600.0000	\$0	\$10,000	\$10,000
Transfer to GCIF	30010900.79800.0750	0	240,000	240,000
Total Change to Expenses			<u>\$250,000</u>	

Section 5. The 2004 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$9,036,000 is hereby increased by \$8,497,724 which, when added to the fund balance as of the City Council action on June 28, 2004 will equal \$17,471,997. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to appropriation of 2003 carryover and a portion of the proceeds from the Catellus land sale received in 2004.

Section 6. The \$8,497,724 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	7500.40020.0000	\$0	\$5,454,574	\$5,454,574
Transfer from Conservation Trust	7500.45000.0550	625,000	331,225	956,225
Transfer from Fleet	7500.45000.0300	0	240,000	240,000
Transfer from General Fund	7500.45000.0100		2,471,925	2,471,925
Total Change to Revenues			<u>\$8,497,724</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
City Park Maint Facility	80175050092.80400.8888	\$1,800,000	\$331,225	\$2,131,225
Catellus-Buy Back Westminster	80375015327.80400.8888	0	4,754,574	4,754,574
Retail Initiative	80275030527.80400.8888	0	350,000	350,000
Huron 129 <sup>th</sup> /144 <sup>th</sup>	80175030069.80400.8888	6,620,000	1,503,849	8,045,349
BO&M Major Maintenance	80375012312.80400.8888	260,000	85,000	345,000
Microsoft	80475060605.80400.8888	0	108,076	108,076
Software Upgrade Prom/Mandalay Gardens	80175030201.80400.8888	1,250,000	1,365,000	2,615,000
Total Change to Expenses			<u>\$8,497,724</u>	

Section 7. The 2004 appropriation for the Utility Fund initially appropriated by Ordinance No. 2977 in the amount of \$38,281,200 is hereby increased by \$8,146,647 which, when added to the fund balance as of the City Council action on June 28, 2004 will equal \$47,471,922. The actual amount in the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to appropriation of 2003 carryover.

Section 8. The \$8,146,647 increase in the Utility Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	2100.40020.0000	(\$1,781,514)	\$8,096,647	\$6,315,133
Transfer from General Fund	2100.45000.0100	0	50,000	50,000
Total Change to Revenues			<u>\$8,146,647</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
IT – Prof Svcs	20060230.65100.0000	\$51,000	\$16,100	\$67,100
Employee Recruit	20035050.61600.0000	0	50,000	50,000
Ditch Assessments	20035480.66400.0000	365,931	15,000	380,931
Maint/Repair	20035480.66200.0000	155,135	12,000	167,135
Chemicals	20035490.73000.0023	83,000	10,000	93,000
Prof Svcs	20035480.65100.0000	242,375	25,000	267,375
Thornton	80420035618.80400.8888	0	578,000	578,000
Replacement Wtr				
Central Charges – salaries	20010900.60200.0000	0	43,500	43,500
Water				
Central Charges – salaries	21010900.60200.0000	0	12,500	12,500
Wastewater)				
Fiber Optic Cable	80121035075.80400.8888	500,000	25,000	525,000
Voicemail	80420060606.80400.8888	35,000	25,000	60,000
Replacement				
BDC Expansion	80121035044.80400.8888	10,029,963	7,284,547	17,314,510
Maint Mgmt	80221035518.80400.8888	150,000	50,000	200,000
Computers				
Total Change to Expenses			<u>\$8,146,647</u>	

Section 9. The 2004 appropriation for the Conservation Trust Fund initially appropriated by Ordinance No. 2977 in the amount of \$625,000 is hereby increased by \$331,225 which, when added to the fund balance as of the City Council action on June 28, 2004 will equal \$956,225. The actual amount in the Conservation Trust Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to appropriation of 2003 carryover.

Section 10. The \$331,225 increase in the Conservation Trust Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	5500.40020.0000	\$0	\$331,225	\$331,225
Total Change to Revenues			<u>\$331,225</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfer to GCIF	55010900.79800.0750	\$625,000	\$331,225	\$956,225
Total Change to Expenses			<u>\$331,225</u>	

Section 11. The 2004 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2977 in the amount of \$4,663,797 is hereby increased by \$330,000 which, when added to the fund balance as of the City Council action on June 28, 2004 will equal \$4,677,828. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to appropriation of 2003 carryover.

Section 12. The \$330,000 increase in the Open Space Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	5400.40020.0000	\$0	\$330,000	\$330,000
Total Change to Revenues			<u>\$330,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Engineering Design	54010900.65600.0000	\$1,000	\$14,000	\$15,000
Land Purchases	54010900.76600.0000	640,484	316,000	956,484
Total Change to Expenses			<u>\$330,000</u>	

Section 13. – 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 14. Because a portion of the moneys allocated within this ordinance are needed to meet certain obligations that must be satisfied immediately, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on June 28, 2004, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem. This ordinance shall take effect upon its passage after the second reading.

Section 15. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 28th day of June, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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



**WESTMINSTER  
COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** Construction Contracts Award - Huron Street Improvements, 128<sup>th</sup> Avenue to 140<sup>th</sup> Avenue

**Prepared By:** Stephen C. Baumann, Assistant City Engineer

**Recommended City Council Action**

Award a contract for the construction of the Huron Street Improvements from 128<sup>th</sup> to 140<sup>th</sup> Avenue to the low bidder, Hamon Contractors, Inc in the amount of \$9,485,016; based on a report of the City Manager, find that the public interest is best served by accepting a negotiated proposal, and award a contract for construction engineering services with Felsburg, Holt and Ullevig in an amount not to exceed \$850,000; authorize a contingency for construction of \$950,000, and charge the total to the appropriate Capital and Utility Fund project accounts.

**Summary Statement**

Reconstruction of Huron Street between 128<sup>th</sup> Avenue and 140<sup>th</sup> Avenue will be a phased project and will include replacing the existing two-lane street with a four-lane arterial street with auxiliary lanes, raised landscaped medians, street lighting, sidewalks and connections to grade-separated trail crossings at Big Dry Creek and Quail Creek. Significant utility improvements include relocations of the interceptor sanitary sewer and water mains now in Huron Street along with extensions of connections from these facilities to future development sites that adjoin Huron Street. The design of the project prepares Huron Street for the expected transportation demands and potential growth in the north area of the City.

The plans for this project were recently advertised for bid and the lowest bid was offered by Hamon Contractors, Inc. at \$9,485,016. Hamon Contractors is a Denver area general contractor with experience in roadway projects similar to the Huron Street project. Much of their experience is with the Colorado Department of Transportation but Hamon has performed roadway construction for the City on Sheridan Boulevard from 104<sup>th</sup> Avenue to 113<sup>th</sup> Avenue and Westminster Boulevard from 104<sup>th</sup> Ave to 112<sup>th</sup> Avenue, both multi-million dollar projects. Hamon meets the qualifications called for in the City's bidding documents and is prepared to begin the project in July and complete it in December 2005. Staff is recommending that Hamon Contractors be awarded the contract for the Huron Street project based on their low bid.

In addition to the construction contract itself, authorization of funds and a contract for construction engineering with Felsburg Holt and Ullevig and an overall project contingency is sought. As the designer of this project, FHU is uniquely qualified to administer the contract for construction, and provide construction observation and inspection services. FHU's proposed fees for these services is a maximum of \$850,000, under 9% of the project cost, and a reasonable expense given the project will have multiple phases and involves work on water and sewer facilities on which the north area relies. The requested contingency amount of \$950,000 is 10% of the construction cost.

**Expenditure Required:** \$11,285,016

**Source of Funds:** General Capital Improvement Project account for Huron Street, the 136<sup>th</sup> Avenue and I-25 Project Account and project accounts in the Utility Fund and North I-25 Bond Funds.

**Policy Issues**

Should the City award a contract for the reconstruction and expansion of Huron Street between 128<sup>th</sup> Avenue and 140<sup>th</sup> Avenue?

**Alternative**

City Council could award the contract for construction of Huron Street to other than the lowest bidder. Normally, this option is exercised when there is doubt that the low bidder is qualified or does not have the resources to fulfill the terms of the contract. Those circumstances are not evident in this case.

**Background Information**

Final design of improvements to Huron Street from 128<sup>th</sup> Avenue to 140<sup>th</sup> Avenue is complete. The project will replace the existing two-lane road with a four-lane arterial street with auxiliary lanes, raised landscaped medians and sidewalks, traffic signal at Huron and 136<sup>th</sup> Avenue and a bridge to span Big Dry Creek. Huron Street is a very busy utility corridor and is now the focus of a utility relocation effort that will make way for the street improvement project. Significant utility relocations will also be involved in the roadway project itself. The contract duration is expected to be 17 months and would thus be completed in December of 2005 if the award is made as planned.

Additional right-of-way is necessary to build the Huron Street improvements. Agreements for purchase or legal possession of the rights-of-way have been signed with all but three property owners, and those are expected to be in place by the time the construction contract is signed. Agreements must be secured before construction can proceed on those parcels.

The project plans were advertised for bids and seven general contractors submitted proposals.

Hamon Contractors, Inc	\$9,485,016
Jalisco International	\$9,556,092
Sema Construction, Inc.	\$9,604,444
Tarco, Inc	\$9,926,119
T. Lowell Construction Inc.	\$10,116,592
Lawrence Construction, Inc	\$10,210,020
American Civil Constructors, Inc	\$10,925,555

The engineer's estimate was \$10.16 million.

Hamon Contractors is a Denver area firm with experience in roadway projects similar to the Huron project. Much of their experience is with the Colorado Department of Transportation. Hamon has also done roadway construction for the City on Sheridan Boulevard from 104<sup>th</sup> Avenue to 113<sup>th</sup> Avenue and Westminster Boulevard from 104<sup>th</sup> Ave to 112<sup>th</sup> Avenue, both multi-million dollar projects with phasing, utility coordination, and structure responsibilities like those expected on the Huron project. Hamon's proposal was determined to be in conformance with the bid documents and they are expected to be able to meet bonding and insurance requirements as well. Staff is recommending that Hamon Contractors be awarded the contract for the Huron Street project based on their low bid.

**SUBJECT:** Construction Contracts Award - Huron Street Improvements, 128<sup>th</sup> Ave to 140<sup>th</sup> Ave Page 3

In addition to the construction itself, the Huron Street project will need construction engineering and contract management services. Huron Street reconstruction will be a phased project that covers a mile and one-half and involves structures and utility work, and will necessitate full-time construction observation. The design engineer, Felsburg, Holt and Ullevig Inc (FHU) has prepared a proposal for these services at a not-to-exceed cost of \$850,000. The value of retaining the designer during the construction process is significant both in terms of their ability to interpret what they have specified and included in the plans, but also in terms of accountability. Another engineering firm could be given the opportunity to provide construction management services. For the expertise involved, another firm is unlikely to provide services much cheaper than FHU. Just as important though is the detriment of having another party involved in the interpretation of plans and specifications on what is a complex utility project. Problems are inevitable and are more likely to be worked out more efficiently and fairly to the City if the design engineer is dealing with them directly. FHU also has the best experience, coming off the soon to be completed 136<sup>th</sup> Avenue Interchange.

Funding for the construction comes from the Huron Street project account and several other sources. Improvements between 134<sup>th</sup> Avenue and 140<sup>th</sup> Avenue will utilize the balance of bond funds from the 136<sup>th</sup> Ave Interchange project. The Utility Fund will pay for the installation of a reclaimed water main within the Huron street right-of-way north from the Water Reclamation Facility and pressure zone modifications at Huron and 136<sup>th</sup> Avenue. In addition, Staff will be bringing back to City Council and/or WEDA for action a Bond Reimbursement Resolution to fund a small portion of this project from the bonds that will be issued for North I-25 infrastructure improvements. A contingency amount of \$950,000, approximately 10% of the cost of construction, is being recommended. Together with the construction and construction engineering contracts, authorization of a total of \$11,285,016 is being recommended.

Respectfully submitted,

J. Brent McFall  
City Manager





**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** Councillor's Bill No. 44 re Vacation of Easement within Apple Blossom Lane Subdivision

**Prepared By:** Melanie Walter, Senior Civil Engineer

**Recommended City Council Action**

Pass Councillor's Bill No. 44 on first reading, vacating a certain easement for Lot 36, Block 10 that was recorded on the plat for Apple Blossom Lane Subdivision per File No. 10, Map 156, and Reception No. 456049 in the County of Adams.

**Summary Statement**

- City Council action is requested to pass on first reading the attached Councillor's Bill to vacate a certain easement located within Lot 36, Block 10 of the Apple Blossom Lane Subdivision (see attached maps).
- A 10' wide utility easement was granted to the City by the final plat for Apple Blossom Lane Subdivision on August 26, 1955.
- No utilities were constructed within this easement.
- The property owner is requesting the easement vacation since no utilities need to be constructed in this easement.
- A legal description of this easement is included within the attachments to this agenda memorandum.
- City Staff has determined that the subject easement is no longer needed by the City.

**Expenditure Required:** \$0

**Source of Funds:** N/A

**SUBJECT:** Councillor's Bill No. re Vacation of Easement within Apple Blossom Lane Subdivision  
Page 2

### **Policy Issue**

Shall the City Council vacate a portion of this utility easement, which by City Code, must be vacated by an ordinance of the City Council?

### **Alternative**

Do not vacate this utility easement. This alternative is not recommended because the subject portion of the easement is not needed by the City and there are no utility lines located within the easement.

### **Background Information**

In 1955, Apple Blossom Lane Subdivision was platted adjacent to the north line of what was Colorado Department of Transportation (CDOT) right-of-way for US 36. As standard practice, a 10-foot utility easement was granted to the City of Westminster around the perimeter of the subdivision for the installation of facilities to serve the Apple Blossom Lane project. This easement happened to fall along the southern boundary line of the applicant's lot.

In the early 1960's CDOT officials decided that they no longer needed the property and granted it to the adjacent property owners in Apple Blossom Lane Subdivision. The owner of Lot 36 Block 10 at the time acquired a portion of this land adjacent to the lot's southern boundary. The 10-foot utility easement that is along the old southern boundary line is now bisecting the lot.

The current owner has requested that this portion of the City's utility easement be vacated in order to re-construct a patio that was damaged during a recent storm. Staff has determined that the portion of the original easement can be vacated since there are no utilities located within the subject easement nor are any planned for this area.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment(s)

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **44**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT WITHIN LOT 36,  
BLOCK 10 OF THE APPLE BLOSSOM LANE SUBDIVISION

WHEREAS, certain easement was dedicated on the final plat for Apple Blossom Lane Subdivision, Book 5, Page 110, Map 156, File 10, and Reception No. 456049 in the County of Adams; and

WHEREAS, this portion of utility easement is not necessary for maintaining the City of Westminster's utility lines; and

WHEREAS, the vacation is necessary since no utility lines were constructed within the utility easement and no utility lines will be constructed within the utility easement in the future.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. City Council finds and determines that the public convenience and welfare require the vacation of the portion of utility easement in Sections 2 and 3 hereof.

Section 2. Legal Description of Utility Easements: The southerly 10-feet of Lot 36, Block 10 as platted and recorded on Book 5, Page 110, Map 156, Reception No. 456049, County of Adams, State of Colorado.

Section 3. This ordinance shall take effect upon its passage after second reading. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28<sup>th</sup> day of June, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12<sup>th</sup> day of July, 2004.

ATTEST:

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Mayor

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City Clerk



WESTMINSTER  
COLORADO

**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** Councillor's Bill No. 45 re Code modifications to Non-potable Water System and Resolution No. 40 re Reclaimed System Analyst and Capital Projects Coordinator reclassification

**PREPARED BY:** Kipp Scott, Water Quality Administrator  
Mike Happe, Water Resources and Treatment Manager

**Recommended City Council Action**

- Pass Councillor's Bill No. 45 on first reading implementing the 2002 modifications to the City Code regarding the non-potable water system.
- Adopt Resolution No. 40 approving the addition of one full-time Reclaimed System Analyst and the reclassification of one full time Capital Projects Coordinator position in the Administration division of Public Works and Utilities (PWU) to Reclaimed System Coordinator in the Water Resources and Treatment Division in the 2004 amended pay plan to support non-potable water system development and administration.

**Summary Statement**

- The Reclaimed water system was constructed as a cost effective alternative to developing raw water to help meet the ultimate demand of the City of Westminster. The value of this utility to Westminster is approximately 60 million dollars.
- The 2003 Reclaimed Water Master Plan, reconfirmed the premise of the system, which was a customer base to utilize 2,600 acre feet of irrigation demand, thereby reducing demand on the raw water system. The potential to under utilize the reclaimed system has been identified if the City is not aggressive in developing new customers on the system.
- Operational experience over the last three years has identified areas of improvement necessary in the Municipal Code that regulates the use of reclaimed water and in staffing levels necessary to fully utilize the reclaimed system to provide 2,600 acre feet of supply for the buildout of the City.
- Staff is recommending that the Municipal Code be updated to require the use of reclaimed water for new development that meets specific criteria.
- As originally established, the reclaimed water system included one FTE to address maintenance tasks of the new facility, and seasonal Staff was added to address water quality sampling tasks. Existing Staff took on all other functions, including customer development/support, and regulatory compliance.
- To effectively utilize existing Staff in areas of high priority, staff is recommending that the current Public Works and Utilities Capital Projects Coordinator be reclassified to a Reclaimed System Coordinator in the Water Resources and Treatment Division. The position cost and classification would remain the same at an E10 level in the Exempt pay plan.
- The addition of one full-time Reclaimed System Analyst is requested to facilitate new customer development and customer support. This position classification is proposed at an E5 in the Exempt pay plan with a range of \$45,628 to \$57,035.

**Expenditure required:** \$25,000 for one additional FTE and \$10,000 in computer and miscellaneous expenses

**Source of Funds:** Funds are available in the 2004 Utility Fund Operations Budget from savings due to reduction in the purchase of treated water from the City of Thornton.

**SUBJECT:** Councillor's Bill No. 45 re Code modifications to Non-potable Water System and Resolution No. 40 re Reclaimed System Analyst and Capital Projects Coordinator reclassification Page 2

### **Policy Issues**

- Should the Municipal Code be updated to allow the City to require new development to use reclaimed water for irrigation, if available, address new state regulations, and other housekeeping issues?
- Should one new FTE be added in the 2004 personnel schedule to the Water Resources and Treatment Staffing Plan to address the development and support of the reclaimed water system?
- Should the Public Works CIP Coordinator be reclassified to the Water Resources and Treatment Reclaimed System Coordinator position?

### **Alternatives**

Do not update the City Code, to require connection to the reclaimed water system if available, to update State regulatory changes and to perform housekeeping changes. Staff does not recommend this course of action, as the City's long term water needs makes taking a more proactive approach to the reclaimed water system a prudent and timely move.

Do not add an additional FTE to address reclaimed system development and support. The lack of positions focused on the reclaimed system could potentially result in under utilization of the reclaimed system and the \$60 million investment, or greatly increase costs of connecting customers in the future that were not connected at the time the development occurred.

Do not reclassify the current Public Works CIP Coordinator to the Water Resources and Treatment Reclaimed System Coordinator position. If the position is not reclassified, the responsibilities of the position will continue to be divided among current staff. The reclaimed system would not benefit from the single point of contact made possible by a dedicated Reclaimed System Coordinator position.

### **Background Information**

In 2002, the City of Westminster implemented the full reclaimed irrigation water system in the critical drought year to reduce demand on the treated water supply resulting in more water available for the buildout of the City. The reclaimed water system was operated by existing Staff due to immediate drought water supply demands. This included a 6 million gallons per day (MGD) treatment facility, one-half million gallons of storage, and approximately 95,000 feet of transmission pipe. The initial system was started up with 11 customers and supplied 750 acre-feet in its first full year of operation (2001). Beginning in 2004 the transmission system has been expanded to approximately 102,000 feet of transmission pipe, which supplies water to 24 users. Production for 2004 is anticipated to be 1,300 acre-feet based on a "normal" (average weather patterns) irrigation season. The goal for buildout of the system has currently been defined as 2,600 acre-feet. Reaching this goal will require a 4 MGD expansion of the treatment facility to 10 MGD total, approximately nine million gallons of storage, and 62,000 feet of additional transmission lines. The customer base at buildout is anticipated to include more than 125 irrigation users including golf courses, multi-family complexes, homeowners associations, parks, and commercial properties. Single-family residential irrigation is not anticipated at this time due to the economics of expanding the transmission lines to individual residents, the ability to meet full demand with large irrigation customers, and, State of Colorado regulations that do not allow single-family parcel irrigation.

The 2003 Reclaimed Master Plan re-confirmed a firm supply of 2,600 acre-feet of reclaimed water and a subsequent user base for that 2,600 acre-feet. The Master Plan also identified the cost effectiveness of extending infrastructure prior to development rather than retrofitting existing customers, although, many existing irrigation customers are identified for conversion to the reclaimed system. The 2002 drought heightened the interest in the reclaimed water system creating a customer demand that needs to be managed in a fair and equitable manner. In 2003 it was identified that reducing the purchase of Thornton treated water was cost effective as long as the supply was replaced. Expanding the reclaimed water irrigation system past the initial 2,600 acre-feet goal is identified as one of several options that would be cost effective in replacing the Thornton treated water supply.

**SUBJECT:** Councillor's Bill No. 45 re Code modifications to Non-potable Water System and Resolution No. 40 re Reclaimed System Analyst and Capital Projects Coordinator reclassification Page 3

The combination of three years of operational history, heightened customer interest, completion of the Master Plan, and lingering implications of the drought provided the impetus to evaluate the reclaimed water irrigation system in 2003. This evaluation identified needed improvements in the Municipal Code and in Staffing levels that would be necessary to fully implement the reclaimed water irrigation system in a reasonable and cost effective time frame. Following is a brief summary of the proposed changes.

### **City Code Changes to Chapter 12, titled, Reclaimed Water Regulations**

Re-title the chapter from Reclaimed Water Regulations to Non-Potable Water Regulations. This is in anticipation of an irrigation system in the southern portion of the City that would not use reclaimed water as its source of supply but would utilize raw water. The regulations are being amended to encompass all supplies of irrigation water other than potable water.

The recommendation is to amend the code to make non-potable irrigation water the first choice for new development as opposed to potable water. This essentially requires new development to be evaluated for irrigation water on a case-by-case basis rather than assuming they automatically would be irrigated with potable water. The code change requires the default to be non-potable and the exception to be potable water for irrigation. Staff would evaluate any new development and make the appropriate recommendation for irrigation service based on location to current infrastructure and availability of supply.

Code changes are recommended to incorporate changes in State regulations that include new definitions of terms, terms of compliance, and requirements for notification to the State for new users.

Finally, code changes are being recommended to reflect updates that are being made or have been made in other City of Westminster codes including the Landscape regulations, water regulations, and utilities regulations. These are primarily housekeeping in nature to assure the various regulations are consistent.

### **Staff Reassignment**

In 2003 an internal City workshop was conducted to evaluate the reclaimed water system based on the operational experience that had been gained over the first three years of operating a new utility. Two issues were identified as being impediments to fully utilizing the 2,600 acre-feet of available reclaimed water supply. The first was lack of a focus person working on reclaimed customer development. Staff had been added initially to address the maintenance and water quality regulatory compliance issues, but all other duties of the new system were absorbed into current Staff positions. Heightened interest in the system and increased rate of development has identified a need to have a Staff person that can focus on essential new customer development. This is identified in the 2003 Master Plan as being an economical course of action because it is less expensive to install infrastructure prior to development rather than retrofits. Based on this need, Staff has evaluated the current staffing available in Public Works and Utilities and are refocusing the Capital Projects Coordinator efforts to the reclaimed irrigation system development. Other Staff in the Water Resources and Treatment and Utilities Divisions will absorb the capital projects duties.

### **Addition of Staff**

As a part of the 2003 workshop, a time study was conducted to evaluate person-hours that were required to support the reclaimed water system. Two major areas were identified. The first was customer development, which includes identifying new customers, interfacing with perspective reclaimed users, designing infrastructure improvements to serve the new users, designing upgrades to individual user systems, tracking construction of the infrastructure and/or system upgrades, and interfacing with other City of Westminster departments and divisions including Community Development, Utilities, Wastewater Treatment and Water Quality. Each new reclaimed water user has been identified to require 50 to 60 Staffing hours per user to connect to the system.

**SUBJECT:** Councillor's Bill No. 45 re Code modifications to Non-potable Water System and Resolution No. 40 re Reclaimed System Analyst and Capital Projects Coordinator reclassification Page 4

The second category was Customer Support. The tasks identified here include interfacing with the customers on the unique nature of non-potable irrigation, including the fact that it has requirements more stringent than irrigation with potable water. This includes getting permission from the State of Colorado to be a reclaimed user, proper signage, annual inspections, reporting of non-compliance issues, and user education. These tasks have been identified as requiring 40 to 45 Staffing hours per user on an annual basis.

The accumulation of hours based on the 2,600 acre-feet goal for customer development and customer support is 4,500 Staffing hours per year. This anticipates more than 125 individual users, as identified in the 2003 Master Plan, as being connected to the system. As more customers are brought on-line, customer development will decrease but customer support will increase. The 4,500 Staffing hours per year translate to two full-time FTE's, therefore, the reclassification of one FTE and the request to add a second FTE.

Staff attended the June 7 Study Session where these issues were presented and discussed with City Council.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachments  
Titles  
Public Works Changes

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **45**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING NON-POTABLE WATER REGULATIONS

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Title VIII, Chapter 12, W.M.C., is hereby AMENDED to read as follows:

**CHAPTER 12**

**~~RECLAIMED~~ NON-POTABLE WATER REGULATIONS**

- 8-12-1: DEFINITIONS
- 8-12-2: APPROPRIATE USES
- 8-12-3: ~~TAP PERMIT REQUIRED~~ APPLICABILITY
- 8-12-4: UTILITY PERMIT REQUIRED
- ~~8-12-4~~ 8-12-5: TAP FEE CALCULATION
- ~~8-12-5~~ 8-12-6: SPECIFICATIONS
- ~~8-12-6~~ 8-12-7: WATER RATE SCHEDULE
- ~~8-12-7~~ 8-12-8: COMPUTATION OF RATES
- ~~8-12-8~~ 8-12-9: DELINQUENT PAYMENT AND SERVICE CHARGES
- ~~8-12-9~~ 8-12-10: TAMPERING OR A BYPASS PROHIBITED
- ~~8-12-10~~ 8-12-11: DUTY OF CONSUMER
- ~~8-12-11~~ 8-12-12: USING WATER FROM ANOTHER CONNECTION PROHIBITED
- ~~8-12-12~~ 8-12-13: CREDIT FOR OVERCHARGE
- ~~8-12-13~~ 8-12-14: WATER SHORTAGE OR DROUGHT
- ~~8-12-14~~ 8-12-15: WATER TAP FEE CREDITS
- 8-12-16: WASTE OF WATER

**8-12-1: DEFINITIONS:** (2767) For the purpose of this chapter certain words and terms used herein are defined as follows:

~~(A) CONSUMER: any person, city facility, firm or corporation receiving water from the city reclaimed waterworks.~~

~~(B)~~ (A) MAINS: the main pipes and connections forming a part of the city ~~reclaimed~~ NON-POTABLE waterworks.

~~(C)~~ (B) METER: the device, appropriate to the premise served, installed to measure the amount of water passing through it, with an accuracy of between ninety five percent (95%) and one hundred one percent (101%) of actual quantities delivered. ~~the term shall also include detector devices for water passing through fire service lines.~~

~~(D)~~ (C) METER SERVICE CHARGE: the fee for maintaining the meter, reading the meter, periodically billing the account, and processing payments.



(D) NON-POTABLE WATER: WATER USED FOR PURPOSES OTHER THAN HUMAN CONSUMPTION THAT IS NOT TREATED TO POTABLE WATER STANDARDS. THIS INCLUDES WATER FROM DITCHES, LAKES, PONDS, OR THE RECLAIMED TREATMENT SYSTEM.

(E) RECLAIMED WATER: that water, which originates from the city's reclaimed water treatment facility and is distributed through the reclaimed water distribution system for the express purpose of non-potable uses.

(F) SERVICE COMMITMENT: the average ANNUAL water service provided to one single family detached dwelling unit (CURRENTLY 140,000 GALS./YR.).

(G) SERVICE PIPE: a branch pipe with its fittings and connections through which water is taken.

(H) STREET: any street, avenue, alley, lane or other thoroughfare.

(I) TAP: an opening or connection in the mains through which water is taken.

(J) USER: the owner of the property upon which the ~~reclaimed~~ NON-POTABLE water is to be utilized.

(K) HIGH WATER LANDSCAPE: LANDSCAPE THAT REQUIRES GREATER THAN 9 GALLONS PER SQUARE FOOT ANNUALLY.

(L) LOW WATER LANDSCAPE: LANDSCAPE THAT REQUIRES 9 GALLONS OF WATER PER SQUARE FOOT OR LESS ANNUALLY AND IS WATERED USING WATER SAVING IRRIGATION TECHNOLOGIES SUCH AS DRIP, MICRO SPRAY, OR SUBSURFACE.

(M) AGRONOMIC RATE MEANS THE RATE OF APPLICATION OF NUTRIENTS TO PLANTS THAT IS NECESSARY TO SATISFY THE PLANTS' NUTRITIONAL REQUIREMENTS WHILE STRICTLY MINIMIZING THE AMOUNT OF NUTRIENTS THAT RUN OFF TO SURFACE WATERS OR WHICH PASS BELOW THE ROOT ZONE OF THE PLANTS.

(N) COMMERCIAL USER MEANS A PERSON WHO USES NON-POTABLE WATER IN THE OPERATION OF A BUSINESS. PATRONIZED BY THE PUBLIC, OR WHO PROVIDES SERVICES TO THE PUBLIC.

(O) DIRECT REUSE MEANS THE USE OF RECLAIMED DOMESTIC WASTEWATER, WHICH, AFTER TREATMENT, HAS NOT BEEN DISCHARGED INTO WATERS OF THE STATE.

(P) INDUSTRIAL USER MEANS A PERSON WHO USES RECLAIMED WATER FOR INDUSTRIAL PROCESSES OR IN THE CONSTRUCTION PROCESS.

(Q) IRRIGATION SYSTEM MEANS THE FACILITIES, PIPING AND OTHER EQUIPMENT USED BY A LANDSCAPE IRRIGATION USER.

(R) LANDSCAPE IRRIGATION MEANS IRRIGATION OF AREAS OF GRASS, TREES, AND OTHER VEGETATION THAT ARE ACCESSIBLE TO THE PUBLIC INCLUDING BUT NOT LIMITED TO PARKS, GREENBELTS, GOLF COURSES, AND COMMON AREAS AT APARTMENT, TOWNHOUSE, COMMERCIAL/BUSINESS PARKS, AND OTHER SIMILAR COMPLEXES.

(S) LANDSCAPE IRRIGATION USER MEANS A PERSON WHO USES NON-POTABLE WATER FOR THE PURPOSE OF LANDSCAPE IRRIGATION.

(T) PERSON MEANS AN INDIVIDUAL, CORPORATION, PARTNERSHIP, ASSOCIATION, STATE OR POLITICAL SUBDIVISION THEREOF, FEDERAL AGENCY, STATE AGENCY, MUNICIPALITY, COMMISSION, OR INTERSTATE BODY.

(U) POINT OF COMPLIANCE MEANS A POINT IDENTIFIED BY THE TREATER IN THE NON-POTABLE WATER TREATMENT OR TRANSMISSION SYSTEM AFTER ALL TREATMENT HAS BEEN COMPLETED PRIOR TO DILUTION AND BLENDING.

(V) RECLAIMED WATER IS WASTEWATER THAT HAS RECEIVED SECONDARY TREATMENT BY A DOMESTIC WASTEWATER TREATMENT FACILITY AND SUCH ADDITIONAL TREATMENT TO ENABLE THE WASTEWATER TO MEET THE STANDARDS FOR APPROVED USES, EITHER RESTRICTED OR UNRESTRICTED USE.

(W) RESTRICTED ACCESS MEANS CONTROLLED AND LIMITED ACCESS TO THE AREAS WHERE RECLAIMED WATER IS BEING USED AND MEETS THE CATEGORY 1 STANDARDS AS DEFINED IN THE COLORADO CODE OF REGULATIONS ("C.C.R.") SECTION 84.7. RESTRICTED USE MEANS LANDSCAPE IRRIGATION WITH RECLAIMED DOMESTIC WASTEWATER THAT MEETS THE REQUIREMENTS OF C.C.R. SUBSECTIONS 84.6.B., 84.7, AND 84.8.

(X) TRANSMISSION SYSTEM MEANS THE TREATER'S FACILITIES THAT TRANSPORT TREATED NON-POTABLE WATER BETWEEN THE TREATER AND USERS.

(Y) TREATER MEANS A PERSON WHO TREATS AND PROVIDES RECLAIMED WATER TO AN APPLICATOR/USER FOR THE PURPOSE OF LANDSCAPE IRRIGATION, COMMERCIAL OR INDUSTRIAL USE. THE TREATER AND THE APPLICATOR/USER MAY BE THE SAME ENTITY.

(Z) UNRESTRICTED ACCESS MEANS UNCONTROLLED ACCESS TO THE AREAS WHERE RECLAIMED WATER IS BEING USED AND MEETS THE CATEGORY 2 STANDARDS AS DEFINED IN C.C.R. SECTION 84.7. UNRESTRICTED USE MEANS LANDSCAPE IRRIGATION WITH RECLAIMED DOMESTIC WASTEWATER THAT MEETS THE REQUIREMENTS OF C.C.R. SUBSECTIONS 84.6.A AND 84.7.

(AA) USER MEANS A PERSON, WHO USES NON-POTABLE WATER FOR LANDSCAPE IRRIGATION, COMMERCIAL, OR INDUSTRIAL USES.

(BB) USER PLAN TO COMPLY MEANS THE INFORMATION AND DOCUMENTATION A USER OF RECLAIMED WATER IS REQUIRED TO SUBMIT TO THE DIVISION UNDER C.C.R. SECTIONS 84.9 AND 84.10 OF THIS REGULATION.

**8-12-2: APPROPRIATE USES: (2767)**

(A) ~~Reclaimed~~ NON-POTABLE water will be made available for ~~irrigation~~ ALLOWABLE purposes on commercial/industrial sites, parks, golf courses and ~~large~~-common areas within residential developments, as allowed by the Colorado Department of Public Health and Environment, C.C.R. SECTION 84. ~~that are within 2000 feet of the reclaimed water distribution system.~~ ~~It~~ RECLAIMED WATER will not be available for individual, single-family residential use.

(B) ALL NEW DEVELOPMENTS WILL BE REQUIRED TO SUBMIT AN APPLICATION FOR REVIEW FOR CONNECTION TO THE NON-POTABLE WATER SYSTEM. THIS APPLICATION WILL BE SUBMITTED TO THE DEPARTMENT OF PUBLIC WORKS AND UTILITIES AS PART OF THE PRELIMINARY/OFFICIAL DEVELOPMENT PLAN (PDP/ODP) PROCESS. IT SHALL BE AT THE SOLE DISCRETION OF THE CITY MANAGER OR HIS DESIGNEE TO DECIDE IF A NEW DEVELOPMENT WILL UTILIZE NON-POTABLE OR POTABLE WATER FOR LANDSCAPE IRRIGATION PRACTICES BASED ON CITY OF WESTMINSTER CRITERIA. THE CRITERIA MAY INCLUDE, BUT NOT BE LIMITED TO;

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1. THE AVAILABILITY OF NON-POTABLE OR RECLAIMED WATER DISTRIBUTION /TRANSMISSION LINES IN THE AREA OF THE DEVELOPMENT AND/OR PROJECT.

2. AVAILABILITY OF SUFFICIENT IRRIGATED AREA FOR USE OF NON-POTABLE OR RECLAIMED WATER.

3. CONFORMANCE WITH STATE AND FEDERAL REGULATIONS.

4. NO USE OF NON-POTABLE WATER WILL COMMENCE, OR CONNECTION TO THE NON-POTABLE SYSTEM BE MADE, WITHOUT THE PRIOR APPROVAL OF THE CITY.

(C) USERS WITH EXISTING IRRIGATION SYSTEMS. WHEN NON-POTABLE WATER BECOMES AVAILABLE TO A PROPERTY, THE CITY MANAGER OR HIS DESIGNEE SHALL PROVIDE WRITTEN NOTICE TO THE POTENTIAL CUSTOMER(S) LOCATED ON THAT PROPERTY OF SUCH AVAILABILITY. USERS WITH EXISTING IRRIGATION SYSTEMS USING POTABLE WATER WHO DESIRE TO CONVERT TO NON-POTABLE WATER, MUST APPLY FOR NON-POTABLE WATER IN ACCORDANCE WITH THE APPLICATION PROCEDURES SPECIFIED IN THIS ARTICLE. APPROVED USERS MUST DISCONNECT IRRIGATION SYSTEMS FROM THE POTABLE WATER SYSTEM AND CONNECT TO THE NON-POTABLE WATER SYSTEM WITHIN NINETY (90) DAYS OF SUCH WRITTEN NOTICE OF APPROVAL.

(D) USERS WITH NEW OR REDEVELOPED IRRIGATION TAPS. ALL NEW IRRIGATION SYSTEMS CONSTRUCTED AFTER THE EFFECTIVE DATE OF THIS ARTICLE AND APPROVED APPLICATION PROCESS MUST CONNECT TO THE NON-POTABLE WATER SYSTEM AT CONSTRUCTION, IF NON-POTABLE WATER IS AVAILABLE TO THE PROPERTY AND IF DEEMED REASONABLE BY THE CITY MANAGER OR HIS DESIGNEE. SUCH CONNECTION MUST BE MADE PRIOR TO, OR CONTEMPORANEOUSLY WITH CONNECTION OF OTHER IMPROVEMENTS ON THE PROPERTY TO THE POTABLE WATER SYSTEM. IF NON-POTABLE WATER IS NOT AVAILABLE TO A PROPERTY AT THE TIME OF CONSTRUCTION OF AN IRRIGATION SYSTEM, CONNECTION TO THE NON-POTABLE WATER SYSTEM MAY BE REQUIRED WITHIN NINETY (90) DAYS OF NOTICE OF AVAILABILITY FROM THE CITY. THE CITY MANGER OR HIS DESIGNEE MAY APPROVE TEMPORARY CONNECTIONS TO THE POTABLE SYSTEM. ONCE NON-POTABLE WATER BECOMES AVAILABLE THE USER MAY BE REQUIRED TO CONNECT TO THE NON-POTABLE SYSTEM WITHIN 90 DAYS.

**8-12-3: APPLICABILITY:**

(A) THESE REGULATIONS APPLY TO THE USE OF NON-POTABLE WATER FOR LANDSCAPE IRRIGATION, INDUSTRIAL USES, AND COMMERCIAL USES. NO UNAPPROVED USE OF RECLAIMED WATER IS PERMITTED, EXCEPT THAT THESE REGULATIONS DO NOT APPLY TO REUSE OF TREATED WASTEWATER FOR: ON-SITE LANDSCAPE IRRIGATION BY WASTEWATER TREATMENT PLANTS, AGRICULTURAL USE, OR INDUSTRIAL USE OR TO WASTEWATER THAT HAS BEEN TREATED AND RELEASED TO STATE WATERS. THESE REGULATIONS APPLY THE USE OF RECLAIMED WATER FOR INDIVIDUAL TREATERS AND USERS, AS DEFINED BELOW, UPON THE ISSUANCE OF A NOTICE OF AUTHORIZATION BY THE WATER QUALITY CONTROL DIVISION.

(B) THESE REGULATIONS ONLY APPLY TO USERS OF THE CITY'S NON-POTABLE AND RECLAIMED WATER SYSTEMS.

~~8-12-3: TAP PERMIT REQUIRED: (2767)~~ **8-12-4: UTILITY PERMIT REQUIRED:**

(A) ~~No-reclaimed~~ A NON-POTABLE water tap shall NOT be made on any ~~reclaimed~~ NON-POTABLE water main, either public or private, or any other portion of the waterworks of the city without first securing AN APPROVED UTILITY PERMIT ~~approval therefor~~. The application for a ~~reclaimed-water tap~~ NON-POTABLE UTILITY permit shall be made in writing upon a form furnished by the city and shall clearly state the tap size, IRRIGATED AREA BY HYDROZONE, address, and person applying for tap and any other information as the city may reasonably require.

(B) ~~Reclaimed~~ NON-POTABLE service lines and meter vaults may be installed as part of water main construction, if prior WRITTEN approval has been received from the city. The installations of these service lines and meter vaults are subject to inspection and approval by the city and shall be in accordance with adopted city standards and specifications.

(C) Payment of the tap fee when the construction requires a building permit shall be made no earlier than the date ~~upon which a building~~ OF APPROVAL OF BUILDING permit is ~~issued~~ and no later than the date upon which the ~~certificate of occupancy for the property connecting to the city water system~~ WATER METER is ~~issued~~ INSTALLED. Payment of the ~~reclaimed~~ NON-POTABLE water tap fee for an irrigation system, or for any other installation or construction not requiring issuance of a building permit, shall be at the time of ~~water tap~~ THE UTILITY permit application. The amount of such fee shall be calculated according to the city's service commitment calculation formulas and the fee schedule in effect at the time payment is made.

(D) For existing facilities, which do not require a certificate of occupancy, and that have an existing irrigation tap or use an existing tap for irrigation purposes, a ~~reclaimed water tap~~ UTILITY permit will be required but will have no additional tap fee charged if the taps are the same size, when the existing potable connection is exchanged for a ~~reclaimed~~ NON-POTABLE water connection. Prior to ~~reclaimed~~ A NON-POTABLE water meter being installed, THE existing potable water tap must be abandoned IN ACCORDANCE WITH APPLICABLE CITY STANDARDS AND SPECIFICATIONS.

(E) Where any unit currently having a ~~reclaimed~~ NON-POTABLE water tap is demolished, and a building permit for reconstruction purposes is issued AND NO CHANGE IN WATER USE IS ANTICIPATED within one year of the date of demolition, no new tap fee shall be required and the new unit shall be regarded as being served by the tap in service prior to demolition of the unit. Failure to satisfy the above criteria shall constitute an abandonment of the ~~reclaimed~~ NON-POTABLE water tap and the service commitment~~S~~. ~~Any subsequent construction shall be done in conformance with the city code of the City of Westminster. ANY MODIFICATION OF THE IRRIGATED AREA OVER 500 SQUARE FEET FROM THE MOST RECENT OFFICIAL DEVELOPMENT PLAN (ODP) LANDSCAPED AREA TOTALS OR FROM THE EXISTING LANDSCAPE IF NO ODP EXISTS THAT WOULD RESULT IN THE CALCULATED INCREASED REQUIREMENT OF IRRIGATION WATER MAY RESULT IN THE IMPOSITION OF ADDITIONAL IRRIGATION TAP FEES.~~ NON POTABLE WATER USE.

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(F) Where any ~~unit currently having a reclaimed water tap is vacant~~ NON-POTABLE WATER TAP REGISTERS NO USE AND FOR WHICH PAYMENT OF THE MONTHLY METER CHARGE HAS NOT BEEN MADE for more than thirty-six (36) consecutive months, it shall constitute an abandonment of the water tap and service commitment~~S~~ and the meter shall be removed by the city. Any subsequent occupation of that unit shall be done in conformance with the city code of the City of Westminster AND SHALL REQUIRE A NEW UTILITY PERMIT APPLICATION AND PAYMENT OF THE APPLICABLE TAP FEE.

#### **8-12-4 8-12-5: TAP FEE CALCULATION:**

(A) The ~~reclaimed~~ NON-POTABLE water tap applicant will submit plans:

1. identifying the proposed irrigated area ~~and its~~
2. THE total square footage/acreage PER WATER USE CATEGORY
3. PROPOSED LANDSCAPE PLAN AND
4. AN IRRIGATION PLAN SIGNED BY A, PROFESSIONAL IRRIGATION SYSTEM

DESIGNER.

5 FOR SPECIFIC LANDSCAPE AND IRRIGATION SYSTEM REQUIREMENTS REFER TO THE CITY OF WESTMINSTER LANDSCAPE REGULATIONS.

6 FOR A LISTING OF LANDSCAPE MATERIALS SUITABLE/APPROVED FOR USE IN NON-POTABLE IRRIGATED AREAS CONTACT CITY OF WESTMINSTER WATER RESOURCE STAFF

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This information will be used to calculate a projected water demand for the purpose of determining the equivalent NON-potable tap size. The applicant shall then pay 80% of the POTABLE WATER TAP fees set forth in 8-7-3, water tap fee, the total of which shall be known as the ~~reclaimed~~ NON-POTABLE water tap fee, which shall be paid upon issuance of the ~~tap~~ UTILITY permit or as otherwise required by section 8-12-2.

(B) Provision of materials and work: for all ~~reclaimed~~ NON-POTABLE water taps, the applicant shall furnish all labor and work, and all materials as specified ~~by the city except as provided by this paragraph~~. SEE CITY OF WESTMINSTER UTILITY SPECIFICATIONS FOR DETAILS. The city shall provide the applicant with a list of required materials and approved suppliers, at the time of application.

**8-12-5 8-12-6: SPECIFICATIONS: (2767)**

(A) The City will specify all materials that the applicant is to furnish pursuant to adopted city standards and specifications. ~~Reclaimed~~ NON-POTABLE water use will be metered through a single vault for each customer site. Meter vaults shall be located only within public rights of way, public easements, or city easements. Location and grade shall be subject to approval of the city. Once installed and approved, all ~~reclaimed~~ NON-POTABLE metering equipment becomes the property of the city.

(B) Authorization to install any tap or meter may be withheld by the city if the applicant IS IN ARRERS FOR ANY CURRENT WATER ACCOUNT FOR THAT PROPERTY, is in violation of any law of the city OR STATE AND FEDERAL REGULATIONS or in default in any agreement with the city. It shall be unlawful to use, or permit to be used, any ~~reclaimed~~ NON-POTABLE water tap installation until the meter has been approved or set by the city, UNLESS SPECIFIC WRITTEN AUTHORIZATION HAS BEEN GRANTED BY THE CITY. ~~Upon approval, the entire meter installation shall become the property of the city.~~

(C) Each ~~reclaimed~~ NON-POTABLE water tap shall be assigned a service address and billing account in the name of the property owner or manager.

(D) ~~Separate irrigation water taps and meters shall be required for all new non-residential developments if the irrigated area exceeds 40,000 square feet of turf, other high water use landscaping, or combination thereof, as determined by the city manager or his designee.~~ ANY MODIFICATION OF THE IRRIGATED AREA OVER 500 SQUARE FEET FROM THE MOST RECENT OFFICIAL DEVELOPMENT PLAN (ODP) LANDSCAPED AREA TOTALS OR FROM THE EXISTING LANDSCAPE IF NO ODP EXISTS THAT WOULD RESULT IN THE CALCULATED INCREASED REQUIREMENT OF IRRIGATION WATER MAY RESULT IN THE IMPOSITION OF ADDITIONAL IRRIGATION TAP FEES

**Deleted:** ANY ADDITION INCREASE GREATER THAN 30% OF IRRIGATED AREA OR CHANGE OF LANDSCAPE TYPE FROM LOW WATER TO HIGH WATER ~~WILL~~ MAY RESULT IN THE IMPOSITION OF ADDITIONAL TAP FEES AT THE CURRENT RATE APPLICABLE AT THE TIME OF ADDITION OR CHANGE.

(E) ALL NON-POTABLE WATER PIPING AND APPURTENANCES SHALL BE CLEARLY IDENTIFIED AS NON-POTABLE WATER FACILITIES.

1. NON-POTABLE WATER SERVICE PIPE AND TUBING SHALL BE PURPLE (PANTONE PURPLE 522C) OR IDENTIFIED WITH A PURPLE STRIPE WITH THE WORDS NON-POTABLE OR RECLAIMED WATER AT 8-INCH INTERVALS. ALL IRRIGATION BOXES, CONTROL VALVES, APPURTENANCES, AND SPRINKLER HEADS SHALL BE CONSTRUCTED OF PURPLE MATERIALS AND LABELED AS NON-POTABLE WATER.
2. COVERS FOR ALL VALVE BOXES, METER AND SERVICE BOXES, AND OTHER BELOW GROUND DEVICES SHALL BE PAINTED PURPLE AND/OR SHALL BE PERMANENTLY EMBOSSED "NON-POTABLE WATER" OR "RECLAIMED WATER".
3. THE PUBLIC SHALL BE NOTIFIED OF THE USE OF RECLAIMED WATER BY POSTING ADVISORY SIGNS DESIGNATING THE NATURE OF THE WATER USE EITHER NON-POTABLE OR RECLAIMED.

a. SIGNAGE SHALL BE PLACED, AS APPROPRIATE, AT ENTRANCES TO RESIDENTIAL NEIGHBORHOODS WHERE NON-POTABLE WATER IS USED, AND AT PROMINENT LOCATIONS AT ALL COMMERCIAL SITES, INCLUDING MULTI-FAMILY DEVELOPMENTS, OFFICE PARKS, SCHOOLS, CHURCHES, RECREATIONAL DEVELOPMENTS, AND GOLF COURSES.

b. NOTIFICATION FOR GOLF COURSES SHALL INCLUDE NOTIFICATION AT ENTRANCE AND THE FIRST AND TENTH TEES AS WELL AS NOTES ON SCORECARDS.

c. ADVISORY SIGNS SHALL BE POSTED ADJACENT TO LAKES OR PONDS USED TO STORE NON-POTABLE WATER.

(F) CROSS CONNECTION CONTROL. ALL CUSTOMERS RECEIVING NON-POTABLE WATER WILL BE REQUIRED TO INSTALL A REDUCED PRESSURE PRINCIPAL TYPE BACKFLOW PREVENTION DEVICE DOWNSTREAM OF THE NON-POTABLE WATER METER. NO CROSS CONNECTION BETWEEN THE NON-POTABLE SYSTEM AND THE POTABLE WATER SYSTEM SHALL BE ALLOWED.

(G) ALL CONSTRUCTION SHALL BE IN COMPLIANCE WITH AMERICAN WATER WORKS ASSOCIATION (AWWA) MANUAL OF WATER SUPPLY PRACTICES FOR DUAL WATER SYSTEMS M-24, AND ALL APPLICABLE CITY SPECIFICATIONS.

**~~8-12-6~~ 8-12-7: WATER RATE SCHEDULE: (2767)**

(A) All ~~reclaimed~~ NON-POTABLE water delivered from the city ~~reclaimed~~ NON-POTABLE water system shall be metered, and the charge therefore shall be set at 80% of the existing commercial POTABLE water rates as set forth in 8-7-9.

(B) Continuance of customer charges: monthly customer charges shall be assessed in all cases during the irrigation season including where no water is consumed until such time as city personnel are specifically requested to discontinue ~~reclaimed~~ NON-POTABLE water service at the meter. Monthly customer charges will not be assessed in the months when ~~reclaimed~~ NON-POTABLE water is not available for delivery from the system.

**~~8-12-7~~ 8-12-8: COMPUTATION OF RATE: (2767)**

(A) The schedule of water rates shall be applied to water used or consumed as determined by the water meter readings that are made by the city, as provided in section 8-12-5.

(B) ~~Reclaimed~~ NON-POTABLE water meters are to be read to the last full thousand (1,000) gallons counted. Any meter reading containing a portion of one thousand (1,000) gallons shall be rounded down to the nearest one thousand (1,000) gallons.

(C) Tests of ~~reclaimed~~ NON-POTABLE water meters, by customer request, will be performed at actual cost. This fee will be waived if the meter is over-registering. If the meter is over-registering, the customer will receive a credit for excess charges on the prior twelve (12) months consumption. If city records indicate a meter change or accuracy test during the twelve (12) months, the credit will apply from the date of the meter change or test.

**~~8-12-8~~ 8-12-9: DELINQUENT PAYMENTS AND SERVICE CHARGES: (2767)**

(A) The City shall have all remedies available as described in 8-7-7.

**~~8-12-9~~ 8-12-10: TAMPERING OR A BYPASS PROHIBITED: (2767)**

(A) It shall be unlawful for any person to tamper with any meter or to install or use any bypass or other device whereby water may be drawn from a service pipe without being registered by the meter.

(B) All meters shall be kept in good repair by the city, and shall be and remain the property of the city and under its control. No meter shall be set so that there shall be more than two feet (2') of exposed unmetred service pipe.

**8-12-10 8-12-11: DUTY OF CONSUMER USER: (2767)**

(A) All ~~reclaimed~~ NON-POTABLE water meter vaults shall be placed and maintained so that the vaults are readily accessible to ~~water~~ utility personnel, away from trees and bushes and outside of fences.

(B) No person owning or possessing OR CONTROLLING the property on which a ~~reclaimed~~ NON-POTABLE water meter vault is located shall obstruct the vault in any manner so that access to the meter is prevented. If such obstruction is not removed within the period of time prescribed in the notice required in subsection (F) below, the owner or possessor shall be deemed to have consented to the city's entry onto the property for the purpose of removing the obstruction and gaining access to the meter. All costs incurred in the removal of the obstruction shall be charged to the water consumer, owner or possessor as prescribed in subsection (G).

(C) No person owning or possessing OR CONTROLLING the property on which a ~~reclaimed~~ NON-POTABLE water meter pit is located shall fail to maintain landscaping around the meter pit to provide at least three feet (3') of unobstructed access to the meter from the public right of way and at least five feet (5') of vertical clearance above the meter pit.

(D) No person owning or possessing OR CONTROLLING the property on which a ~~reclaimed~~ NON-POTABLE water meter pit is located shall place a fence in such location that the fence will obstruct access to the meter pit from the public right of way.

(E) No person owning or possessing OR CONTROLLING the property on which a ~~reclaimed~~ NON-POTABLE water meter pit is located shall fail to assure that landscape materials taller than four inches (4") are no closer than six inches (6") to the meter pit nor shall any such person allow any landscaping material to cover any part of the meter pit lid.

(F) If the City Manager or his designee finds that any person has failed to comply with any of the requirements of subsections ~~(b), (c), (d), (e)~~ (B), (C), (D), (E), of this section, the ~~manager~~ CITY shall notify the ~~reclaimed~~ NON-POTABLE water consumer, owner or possessor OR CONTROLLER of the property by hand delivery or certified mail that he shall be required to comply within fifteen (15) days of the date of delivering or mailing the notice.

(G) If the person so notified fails to comply with the requirements of the notice, the ~~manager~~ CITY may cause the work to be done and charge the costs thereof, together with an amount of ~~twenty five dollars (\$25.00)~~ FIFTY DOLLARS (\$50.00) for administrative costs, to the person so notified. Such costs shall be added to the charges for water service, and failure to pay such cost shall warrant and authorize the city in shutting off the water.

(H) All users of reclaimed water will be required to submit a certification statement signed by the user or legal representative of the user, that it has been provided with a copy of the state regulations and has agreed to comply with the applicable requirements of the regulations, in particular the conditions for application of reclaimed ~~domestic wastewater~~ WATER meeting unrestricted use standards, and to allow access to the site to perform monitoring and analysis, as required by the Colorado Department of Public Health and Environment.

(I) All ~~reclaimed~~ NON-POTABLE water users will have clearly visible signage posted on the site which calls attention to the fact that ~~reclaimed water is utilized for irrigation~~ THE WATER IS NOT SAFE FOR HUMAN CONSUMPTION. Wording used will be, or similar to, "NON-POTABLE ~~IRRIGATION~~ WATER – DO NOT DRINK." THE SIGNAGE SHALL BE POSTED IN THE DOMINANT LANGUAGE(S) EXPECTED TO BE SPOKEN AT THE SITE.

(J) Irrigation Control. User shall control the use of ~~reclaimed~~ NON-POTABLE water to those areas indicated in the permit application. THE OWNER, APPLICANT, OR USER IS RESPONSIBLE FOR CONTROLLING OVER SPRAY RUN OFF ON NEW SYSTEMS OR SYSTEMS REQUESTING CONVERSION.

1. Irrigation shall be controlled to minimize ponding and runoff of ~~reclaimed~~ NON-POTABLE water.
2. Direct and windblown spray shall be confined to the area designated and approved for ~~reclaimed~~ NON-POTABLE water irrigation, to the extent possible.
3. Precautions shall be taken so that ~~reclaimed~~ NON-POTABLE water is not sprayed on any facility or area not designated for ~~reclaimed~~ NON-POTABLE water irrigation, such as passing vehicles, FENCES, buildings, potable water fountains and other dispensers, or food handling areas.
4. ~~the~~ NON-POTABLE irrigation systemS shall be configured and secured in a manner that only permits operation by authorized personnel.
5. There shall be no hose bib connections ACCESSIBLE to THE PUBLIC AT any existing or new piping connected to the ~~reclaimed~~ NON-POTABLE water system.
6. There shall be no spraying of ~~reclaimed~~ NON-POTABLE water over outdoor drinking water fountains in public areas.
7. There shall be no connection between the potable water supply and any piping containing ~~reclaimed~~ NON-POTABLE water. Supplementing ~~reclaimed~~ NON-POTABLE water with potable water shall not be allowed except through an air-gap separation. Potable NON-POTABLE water supplementation WITH POTABLE WATER is only available for "pond storage" customers with an air-gap separation. For "~~direct to reuse~~" NON-POTABLE customers, there shall be no connection whatsoever between a temporary or supplemental system and the ~~reclaimed~~ NON-POTABLE system, either upstream or downstream of the point of delivery, at any time.

~~(K) general provisions. the following general provisions also apply to the use of reclaimed water for irrigation:~~

~~1)8.~~ Tank trucks and other equipment which are used to distribute ~~reclaimed~~ NON-POTABLE water ~~should~~ SHALL be clearly identified with warning signs.

~~2)9.~~ Adequate measures shall be taken to prevent the breeding of insects and other vectors of health significance.

~~3)10.~~ FOR ALL NON-POTABLE SYSTEMS, the user shall maintain as-built plans AND PROVIDE A COPY TO THE CITY of the use area showing all buildingS, potable and ~~reclaimed~~ NON-POTABLE water facilities, the ~~sewage~~ SANITARY WASTEWATER collection system, etc.

~~4)11.~~ Inspection, supervision, and employee training should be provided by the user to assure proper operation of the ~~reclaimed~~ NON-POTABLE water system IN ACCORDANCE WITH COLORADO DEPARTMENT OF HEALTH AND ENVIRONMENT REGULATIONS.

~~8-12-11~~ **8-12-12: USING WATER FROM ANOTHER CONNECTION PROHIBITED:** (2767) It shall be unlawful for any consumer to permit ~~reclaimed~~ NON-POTABLE water to be taken through his service pipe for the use of any person whose premises are not connected for the use of ~~reclaimed~~ NON-POTABLE water from the city's mains.

~~8-12-12~~ **8-12-13: CREDIT FOR OVERCHARGE:** (2767) The City Finance Director or Finance staff may give credit to any utility customer that has been overcharged. The credit must not exceed the intent of this ordinance.



**8-12-13 8-12-14: WATER SHORTAGE OR DROUGHT:** (2767) In the event of a water shortage or drought emergency that requires the reduction of the use of water from the ~~reclaimed~~ NON-POTABLE water utility, the City Manager shall have the authority to immediately require and implement mandatory reductions as he deems necessary for the protection of the public as described in section 8-7-24. Such reductions or water restrictions shall be in effect until such time as the City Council or the City Manager removes them. In the event of a prolonged drought or other water shortage emergency that may require water restrictions or limitations for more than fifteen (15) days, the City Council may adopt, by resolution, a long term water conservation plan as described in section 8-7-24.

**8-12-14 8-12-15: WATER TAP FEE CREDITS:** (2767)

(A) If a parcel of land has an existing water tap in service and the owner proposes to change the irrigation portion of the water use to ~~reclaimed~~ NON-POTABLE water, ~~than~~ THEN no additional tap fee will be charged for connection to the ~~reclaimed~~ NON-POTABLE water system.

(B) If any tap is installed and completed without receiving proper inspection and approval by the City, no tap fee credit shall be given.

(C) ABANDONMENT. If a demolition or vacation of a unit results in an abandonment of a ~~reclaimed~~ NON-POTABLE water tap, no cash refund shall be granted for any taps released from service, and no tap fee credit shall be granted at the time a new ~~tap~~ UTILITY permit is issued.

**8-12-16: WASTE OF WATER** (2767)

(A) WASTE OF WATER IS PROHIBITED. WASTE OF WATER IS DEFINED AS THE INTENTIONAL OR NON-INTENTIONAL USE OF WATER FOR A NON-BENEFICIAL PURPOSE, AND INCLUDES CONTINUOUS APPLICATION OF WATER TO ANY LAWN, TURF, SODDED, OR LANDSCAPED AREA RESULTING IN THE POOLING OR FLOWING OF WATER INTO DRAINAGE OR STORM DRAINAGE FACILITIES, FAILURE TO REPAIR ANY IRRIGATION SYSTEM THAT IS LEAKING, AND THE USE OF HOSES FOR WASHING OF VEHICLES AND OTHER OUTDOOR USES OTHER THAN IRRIGATION, NOT EQUIPPED WITH A SHUTOFF VALVE THAT IS NORMALLY CLOSED AND NECESSITATES HAND PRESSURE ON THE VALVE TO PERMIT THE FLOW OF WATER.

NOTWITHSTANDING THE ENFORCEMENT PROVISIONS SET FORTH IN THIS SECTION, THE CITY MANAGER, OR HIS DESIGNEE, MAY ORDER A SHUT OFF OF WATER SERVICE TO A PROPERTY IF THE CITY MANAGER, OR HIS DESIGNEE, REASONABLY FINDS THAT AN EXTREME WASTE OF WATER IS OCCURRING ON THE PREMISES.

(B) THE DIRECTOR OF PUBLIC WORKS AND UTILITIES IS HEREBY AUTHORIZED TO ENFORCE THIS SECTION. THE PERSON BILLED FOR WATER SERVICE TO A PROPERTY, WHETHER OWNER OR OCCUPANT, SHALL BE RESPONSIBLE FOR COMPLIANCE WITH SECTION (A) AND (B), WITHIN 10 DAYS OF THE VIOLATION NOTICE, UNLESS OTHERWISE SPECIFIED BY THE DIRECTOR OF PUBLIC WORKS AND UTILITIES, AND SHALL BE SUBJECT TO THE FOLLOWING ACTIONS AND PENALTIES:

(1) UPON A FIRST VIOLATION, THE PERSON BILLED WILL BE ADVISED IN WRITING OF THE VIOLATION AND ISSUED A WARNING FOR THE VIOLATION. THE WARNING SHALL BE IN EFFECT FOR A PERIOD OF ONE (1) YEAR FROM THE DATE OF ISSUE.

(2) A SECOND VIOLATION WITHIN A ONE (1) YEAR PERIOD SHALL RESULT IN THE PERSON BILLED BEING ADVISED IN WRITING OF THE VIOLATION AND A CHARGE OF \$50.00 WILL BE ADDED TO THE WATER BILL FOR THE PROPERTY. ADVISEMENT SHALL INCLUDE THE PROCEDURE TO SCHEDULE A HEARING IF REQUESTED.

(3) A THIRD OR ADDITIONAL VIOLATION WITHIN A ONE (1) YEAR PERIOD SHALL RESULT IN THE PERSON BILLED BEING ADVISED IN WRITING OF THE VIOLATION AND A CHARGE OF \$100.00 WILL BE ADDED TO THE WATER BILL FOR THE PROPERTY. ADVISEMENT SHALL INCLUDE THE PROCEDURE TO SCHEDULE A HEARING IF REQUESTED. IN ADDITION, THE CITY MANAGER, OR HIS DESIGNEE, MAY ORDER A SUSPENSION OF SERVICE TO THE

PROPERTY UNTIL ALL OUTSTANDING FINES ARE PAID. RESTORATION OF SERVICE SHALL OCCUR AS DETAILED IN 8-7-9.

(4) UPON ANY NOTICE(S) OF VIOLATION OF THIS SECTION, A COPY OF SUCH NOTICE SHALL ALSO BE MAILED TO THE OWNER(S) OF THE REAL PROPERTY SERVED, IF THE OWNER'S ADDRESS DIFFERS FROM THE SUBJECT PROPERTY ADDRESS.

(C) IF A HEARING IS REQUESTED IT SHALL BE SCHEDULED AS SOON AS PRACTICAL BEFORE THE CITY MANAGER OR HIS DESIGNEE.

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

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 28th day of June, 2004.

PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 12th day of July, 2004.

\_\_\_\_\_  
Mayor

ATTEST:

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

RESOLUTION

RESOLUTION NO. 40

INTRODUCED BY COUNCILLORS

SERIES OF 2004

\_\_\_\_\_

WHEREAS, Section 1-24-1 and 1-24-4 of the Westminster Municipal Code provides that the City Council, upon recommendation of the City Manager, shall by resolution establish the personnel schedule for all position classifications in the municipal service; and

WHEREAS, the City Council previously approved the 2004 personnel schedule as part of the amended personnel schedule adopted on May 24, 2004; and

WHEREAS, as a result of concerns about full utilization of the reclaimed water irrigation system, an additional 1.0 FTE Reclaimed System Analyst is requested to assist with customer development and customer support; and

WHEREAS, it has been determined that establishing a Reclaimed System Coordinator position will increase the efficiency and effectiveness of the reclaimed water operations, and

WHEREAS, it has been shown to be cost effective to expand the reclaimed water irrigation system versus obtaining an equal amount of raw water; and

WHEREAS, funds are available in this year's current budget plan.

NOW, THEREFORE, BE IT RESOLVED BY THE WESTMINSTER CITY COUNCIL that the attached Amended 2004 personnel schedule be amended to reflect one (1.0) additional full time employee classified as a Reclaimed System Analyst at an E5 in the Exempt pay plan and the reclassification of a Capital Projects Coordinator to Reclaimed System Coordinator in the Exempt pay plan at an E10 level in the Public Works and Utilities Department in the Water Resources and Treatment Division effective on June 28, 2004.

Passed and adopted this 28th day of June, 2004.

ATTEST:

\_\_\_\_\_  
Mayor

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

## 2004 AUTHORIZED EXEMPT POSITION TITLES

<u>Grade</u>	<u>Position</u>	<u>Class Code</u>
E6	Accountant	3107
E3	Administrative Coordinator	4602
E2	Administrative Secretary	4603
E7	Assistant City Attorney I	3502
E10	Assistant City Attorney II	3501
E11	Assistant City Engineer	3303
E3	Assistant Golf Professional	3912
E4	Assistant Golf Superintendent	3917
E5	Assistant Prosecuting Attorney I	3511
E6	Assistant Prosecuting Attorney II	3512
E8	Assistant to the City Manager	7107
E11	Associate Judge	2202
E10	Capital Projects Coordinator	3335
E3	Collections Supervisor	4405
E7	Community Development Program Coordinator	3402
E5	Contract Services Coordinator	5104
E8	Control Systems Engineer	3348
E5	Deputy Court Administrator	4403
E7	Economic Development Specialist	7115
E9	Emergency Management Coordinator	6116
E5	Employee Development Analyst	7128
E6	Engineer	3342
E6	Environmental Services Coordinator	7125
E9	ERP Software Engineer	3217
E4	Executive Secretary to the City Manager	4601
E6	Financial Analyst	3109
E9	GIS Coordinator	3347
E6	Golf Professional	3911
E9	Golf Superintendent	3918
E4	Human Resources Analyst	3703
E4	Human Resources Analyst/HRIS	3713
E4	Human Resources Analyst/Recruitment	3714
E6	(I) Engineer	3343
E4	(I) Landscape Architect I	5325
E6	(I) Landscape Architect II	5326
E4	(I) Planner I	3811
E5	(I) Planner II	3808
E6	(I) Rocky Flats Coordinator	3329
E9	(I) Senior Engineer	3344
E5	(I) Water Resources Analyst	3341
E6	Internal Auditor	3110
E8	Internet Software Engineer	3202
E11	Judge Pro Tem	2203
E6	Lake Operations Coordinator	5302
E4	Landscape Architect I	5329
E6	Landscape Architect II	5328
E7	Lead ERP Systems Analyst	3218
E9	Lead Prosecuting Attorney	3513
E9	Lead Software Engineer	3201

## 2004 AUTHORIZED EXEMPT POSITION TITLES

<u>Grade</u>	<u>Position</u>	<u>Class Code</u>
E7	Lead Systems Analyst	3213
E2	Legal Secretary	3514
E4	Librarian I	3603
E5	Librarian II	3602
E6	Library Services Coordinator	3615
E5	Library Supervisor	3604
E4	Management Analyst	7130
E4	Management Assistant	7113
E2	Management Intern II	7119
E4	Neighborhood Outreach Coordinator	7124
E11	Neighborhood Services Administrator	6223
E7	Neighborhood Traffic Specialist	3318
E8	Network Administrator	3210
E7	Open Space Coordinator	7101
E3	Open Space Volunteer Coordinator	7120
E4	Paralegal	3510
E7	Park Supervisor	5320
E8	Pension Administrator	3106
E4	Planner I	3804
E5	Planner II	3803
E7	Planner III	3802
E8	Planning Coordinator	3809
E9	Plant Superintendent	3340
E11	Police Commander	6228
E4	Probation Services Coordinator	3505
E7	Projects Coordinator	3330
E8	Public Information Officer	7105
E4	Public Information Specialist	7109
E5	Purchasing Specialist	7121
E10	Reclaimed System Coordinator	3349
E5	Reclaimed System Analyst	3350
E3	Recreation Specialist	3908
E3	Recreation Specialist - Wellness	3709
E7	Recreation Supervisor - City Park	3904
E6	Recreation Supervisor - Senior Center	3914
E6	Recreation Supervisor - Swim and Fitness	3905
E6	Recreation Supervisor - West View	3916
E4	Recreation Supervisor Assistant	5413
E7	Research & Analysis Coordinator	7117
E7	Revenue Administrator	3104
E8	Risk Management Officer	7126
E5	Sales Tax Auditor	3108
E9	Senior Engineer	3345
E7	Senior Human Resources Analyst	3710
E7	Senior Management Analyst	7131
E8	Senior Projects Coordinator	3806
E11	Senior Projects Engineer	3328
E8	Senior Projects Planner	3810
E5	Senior Public Information Specialist	7127

## 2004 AUTHORIZED EXEMPT POSITION TITLES

<u>Grade</u>	<u>Position</u>	<u>Class Code</u>
E9	Senior Telecommunications Administrator	7122
E6	Software Engineer I	3204
E8	Software Engineer II	3203
E4	Systems Analyst I	3214
E5	Systems Analyst II	3215
E6	Systems Analyst III	3216
E7	Technical Services Coordinator	6227
E5	Transportation Systems Coordinator	3315
E7	Utilities Operations Coordinator	5611
E7	Utilities Supervisor	5602
E4	Victim Services Coordinator	3503
E3	Volunteer Coordinator	7112
E9	Water Quality Administrator	3339
E6	Water Quality Specialist	3336

## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
<b>General Fund</b>		
<b>City Attorney's Office</b>		
<b>Business Unit: 10003120</b>		
City Attorney	1.000	1.000
Assistant City Attorney I/II	3.500	3.500
Paralegal	1.000	1.000
Legal Secretary	2.000	2.000
Clerk Typist II	<u>1.000</u>	<u>1.000</u>
City Attorney's Office	8.500	8.500
<b>Prosecuting</b>		
<b>Business Unit: 100031200125</b>		
Assistant Prosecuting Attorney I/II	2.050	2.050
Lead Prosecuting Attorney	0.750	0.750
Clerk Typist II	<u>1.000</u>	<u>1.000</u>
Prosecuting	3.800	3.800
<b>City Attorney's Office - Public Safety</b>		
<b>Business Unit: 100031200911</b>		
Assistant Prosecuting Attorney I/II	0.250	0.250
Lead Prosecuting Attorney	0.000	0.000
Assistant City Attorney I/II	<u>0.250</u>	<u>0.250</u>
Prosecuting - Public Safety	0.500	0.500
<b>City Attorney's Office Total</b>	<b>12.800</b>	<b>12.800</b>
<b>City Manager's Office</b>		
<b>Business Unit: 10005050</b>		
City Manager	1.000	1.000
Assistant City Manager	1.000	1.000
Assistant to the City Manager	1.000	1.000
Executive Secretary to City Manager	1.000	1.000
Administrative Secretary	2.000	2.000
Management Analyst	1.000	1.000
Neighborhood Outreach Coordinator	0.800	0.800
Secretary	<u>1.000</u>	<u>1.000</u>
City Manager's Office	8.800	8.800
<b>CMO Public Information</b>		
<b>Business Unit: 100050500387</b>		
Public Information Officer	0.600	0.600
Public Information Specialist	2.000	2.000
Senior Public Information Specialist	<u>1.000</u>	<u>1.000</u>
Public Information	3.600	3.600
<b>City Manager's Office Total</b>	<b>12.400</b>	<b>12.400</b>

## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
<b>Community Development Administration Division</b>		
<b>Business Unit: 10030050</b>		
Community Development Director	1.000	1.000
Capital Projects Coordinator	1.000	1.000
Senior Projects Coordinator	1.000	1.000
Administrative Secretary	1.000	1.000
Clerk Typist II	<u>1.100</u>	<u>1.100</u>
<b>Administration Subtotal</b>	<b>5.100</b>	<b>5.100</b>
<b>Economic Development Division</b>		
<b>Business Unit: 10030340</b>		
Economic Development Manager	1.000	1.000
Economic Development Specialist	1.000	1.000
Secretary	<u>0.500</u>	<u>0.500</u>
<b>Economic Development Subtotal</b>	<b>2.500</b>	<b>2.500</b>
<b>Planning Division</b>		
<b>Business Unit: 10030360</b>		
Planning Manager	1.000	1.000
Planner I-III	4.200	4.200
Planning Coordinator	1.000	1.000
Senior Projects Planner	1.000	1.000
(I) Planner II	1.000	1.000
Planning Technician	2.000	2.000
Official Development Plan Inspector	1.000	1.000
Code Enforcement Officer	0.500	0.500
Secretary	1.500	1.500
Records Management Technician	<u>1.000</u>	<u>1.000</u>
<b>Planning Subtotal</b>	<b>14.200</b>	<b>14.200</b>
<b>Building Division</b>		
<b>Business Unit: 10030370</b>		
Chief Building Official	1.000	1.000
Building Inspection Supervisor	1.000	1.000
Building Plans Analyst	1.000	1.000
Electrical Inspector	1.000	1.000
(I) Electrical Inspector	1.000	1.000
General Building Inspector	3.000	3.000
(I) General Building Inspector	3.000	3.000
Housing Inspector	1.000	1.000
Lead Housing Inspector	0.000	0.000
(I) Housing Inspector	1.000	1.000
Secretary	1.500	1.500
(I) Assistant Building Plans Analyst	2.000	2.000
Building Permit Clerk	<u>1.000</u>	<u>1.000</u>
<b>Building Division</b>	<b>17.500</b>	<b>17.500</b>
<b>Building Division - Public Safety</b>		
<b>Business Unit: 100303700911</b>		
Assistant Building Plans Analyst	<u>1.000</u>	<u>1.000</u>
<b>Building Division - Public Safety</b>	<b>1.000</b>	<b>1.000</b>
<b>Building Subtotal</b>	<b>18.500</b>	<b>18.500</b>

(I) = FTE's are indexed to growth activity



## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
<b>Community Development</b>		
<b>Engineering Division</b>		
<b>Business Unit: 10030380</b>		
City Engineer	1.000	1.000
Assistant City Engineer	1.000	1.000
Senior Engineer (Transportation)	1.000	1.000
Engineer/Senior Engineer (Civil)	1.000	1.000
GIS Coordinator	1.000	1.000
(I) Engineer/Sr. Engineer (Civil)	1.000	1.000
Capital Projects Inspector	1.000	1.000
Senior Projects Engineer	1.000	1.000
(I) Senior Projects Engineer	0.000	0.000
Transportation Systems Coordinator	1.000	1.000
Engineering Construction Inspector	2.000	2.000
(I) Engineering Construction Inspector	1.000	1.000
Neighborhood Traffic Specialist	1.000	1.000
Engineering Technician	1.000	1.000
Secretary	1.000	1.000
GIS Specialist	<u>1.000</u>	<u>1.000</u>
<b>Engineering Subtotal</b>	<b>16.000</b>	<b>16.000</b>
<b>Community Development Department Total</b>	<b>56.300</b>	<b>56.300</b>

(I) = FTE's are indexed to growth activity

### Finance Department

#### Administration Division

##### Business Unit: 10015050

Finance Director	1.000	1.000
Administrative Secretary	1.000	1.000
Clerk Typist II	<u>0.500</u>	<u>0.500</u>
<b>Administration Subtotal</b>	<b>2.500</b>	<b>2.500</b>

#### Treasury Division

##### Business Unit: 10015240

Treasury Manager	1.000	1.000
Revenue Services Representative	2.000	2.000
Financial Analyst	<u>1.000</u>	<u>1.000</u>
<b>Treasury Subtotal</b>	<b>4.000</b>	<b>4.000</b>

## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
<b>Accounting Division</b>		
<b>Business Unit: 10015220</b>		
Accounting Manager	1.000	1.000
Accountant	3.000	3.000
Internal Auditor	0.500	0.500
Payroll Technician	2.000	2.000
Accounting Technician	<u>3.500</u>	<u>3.500</u>
Accounting	10.000	10.000
<b>Accounting Division - Public Safety</b>		
<b>Business Unit: 100152200911</b>		
Accountant	0.500	0.500
Accounting Technician	<u>1.000</u>	<u>1.000</u>
Accounting Division - Public Safety	1.500	1.500
<b>Accounting Subtotal</b>	<b>11.500</b>	<b>11.500</b>
 <b>Finance Department</b>		
<b>Sales Tax Division</b>		
<b>Business Unit: 10015250</b>		
Sales Tax Manager	1.000	1.000
Sales Tax Auditor	4.000	4.000
Sales Tax Technician	<u>2.000</u>	<u>2.000</u>
Sales Tax	7.000	7.000
<b>Sales Tax Division - Public Safety</b>		
<b>Business Unit: 100152500911</b>		
Accountant	<u>0.500</u>	<u>0.500</u>
Sales Tax Division - Public Safety	0.500	0.500
<b>Sales Tax Subtotal</b>	<b>7.500</b>	<b>7.500</b>
<b>Finance Department Total</b>	<b>25.500</b>	<b>25.500</b>
 <b>Fire Department</b>		
<b>Emergency Services Division</b>		
<b>Business Unit: 10025260</b>		
Fire Chief	1.000	1.000
Deputy Chief/Administration	1.000	1.000
Battalion Chief	3.000	3.000
Administrative Secretary	1.000	1.000
Fire Captain	6.000	6.000
Fire Lieutenant	15.000	15.000
Fire Captain / Field Training Officer	1.000	1.000
Technical Services Coordinator or Fire Lieutenant / Technical Services Coordinator	1.000	1.000

## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
Fire Engineer	21.000	21.000
Firefighter I/II	43.000	43.000
Public Information Specialist	1.000	1.000
Secretary	2.000	2.000
Clerk Typist II	1.000	1.000
Training Captain	<u>1.000</u>	<u>1.000</u>
	98.000	98.000
<b>Business Unit: 100252600546</b>		
Fire Paramedic	36.000	36.000
Emergency Services Coordinator	<u>1.000</u>	<u>1.000</u>
	37.000	37.000
<b>Emergency Services Subtotal</b>	<b>135.000</b>	<b>135.000</b>
<b>Fire Prevention</b>		
<b>Business Unit: 100252600547</b>		
Deputy Chief/Technical Services	1.000	1.000
Emergency Management Coordinator	0.500	0.500
Deputy Fire Marshal	1.000	1.000
Fire Plans Examiner/Inspector	1.000	1.000
Fire Lieutenant / Fire Investigator	<u>1.000</u>	<u>1.000</u>
<b>Fire Prevention Subtotal</b>	<b>4.500</b>	<b>4.500</b>
<b>Fire Department Total</b>	<b>139.500</b>	<b>139.500</b>
***Fire Prevention Specialist is a temporary two year special appointment filled by a Fire Engineer or Fire Paramedic.		
<b>General Services Department</b>		
<b>Administration Division</b>		
<b>Business Unit: 10012050</b>		
Deputy City Manager for Administration	1.000	1.000
Administrative Secretary	<u>1.000</u>	<u>1.000</u>
<b>Administration Subtotal</b>	<b>2.000</b>	<b>2.000</b>
<b>Organizational Support Services Division</b>		
<b>Business Unit: 10012110</b>		
Organizational Support Services Manager	1.000	1.000
Contract Services Coordinator	1.000	1.000
Employee Development Analyst	1.500	1.500
Secretary	1.000	1.000
Crewleader, Custodial	1.000	1.000
Custodian	0.750	0.750
Volunteer Coordinator	<u>1.000</u>	<u>1.000</u>
	7.250	7.250
<b>Business Unit: 100121100552</b>		
Environmental Services Analyst	1.000	1.000
Environmental Services Coordinator	<u>1.000</u>	<u>1.000</u>
	2.000	2.000
<b>Organizational Support Services Subtotal</b>	<b>9.250</b>	<b>9.250</b>
<b>Human Resources Division</b>		
<b>Business Unit: 10012060</b>		
Human Resources Manager	1.000	1.000

## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
Human Resources Analyst/Sr. Human Resources Analyst	3.500	3.500
Human Resources Analyst/HRIS	1.000	1.000
Human Resources Technician	2.000	2.000
(I) Clerk Typist II	1.000	1.000
Clerk Typist II	<u>1.350</u>	<u>1.350</u>
Human Resources	9.850	9.850
<b>Wellness</b>		
<b>Business Unit: 100120600544</b>		
Recreation Specialist / Wellness	<u>1.000</u>	<u>1.000</u>
Human Resources - Wellness	1.000	1.000
<b>Human Resources Division - Public Safety</b>		
<b>Business Unit: 100120600911</b>		
Human Resources Analyst/Recruitment	<u>1.000</u>	<u>1.000</u>
Human Resources Division - Public Safety	1.000	1.000
<b>Human Resources Subtotal</b>	<b>11.850</b>	<b>11.850</b>
(I) = FTE's are indexed to growth activity		
<b>City Clerk's Office</b>		
<b>Business Unit: 10012070</b>		
City Clerk	1.000	1.000
Print Shop Coordinator	1.000	1.000
Deputy City Clerk	1.000	1.000
Switchboard Operator	1.126	1.126
Press Operator Assistant	1.000	1.000
Messenger	<u>1.000</u>	<u>1.000</u>
<b>City Clerk Subtotal</b>	<b>6.126</b>	<b>6.126</b>
<b>Municipal Court</b>		
<b>Business Unit: 10012130</b>		
Municipal Judge	1.000	1.000
Associate Judge	0.800	0.800
Court Administrator	1.000	1.000
Deputy Court Administrator	1.000	1.000
Collections Supervisor	1.000	1.000
Deputy Court Clerk	<u>11.800</u>	<u>11.800</u>
Municipal Court	16.600	16.600

## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
<b>Municipal Court - Public Safety</b>		
<b>Business Unit: 100121300911</b>		
Deputy Court Clerk	1.000	1.000
Municipal Court - Public Safety	1.000	1.000
<b>Probation</b>		
<b>Business Unit: 100121300130</b>		
Probation Services Coordinator	1.000	1.000
Probation Officer	1.500	1.500
Deputy Court Clerk	1.000	1.000
Probation	3.500	3.500
<b>Probation - Public Safety</b>		
<b>Business Unit: 100121300130911</b>		
Probation Officer	0.000	0.000
Probation - Public Safety	0.000	0.000
<b>Municipal Court Subtotal</b>	<b>21.100</b>	<b>21.100</b>
 <b>Building Operations &amp; Maintenance Division</b>		
<b>Business Unit: 10012390</b>		
Facilities Manager	1.000	1.000
Electromechanic Specialist	1.000	1.000
HVAC Specialist	1.000	1.000
Maintenance Coordinator	1.000	1.000
Carpenter	1.000	1.000
HVAC Technician	1.000	1.000
Maintenanceworker	1.000	1.000
Building Repairworker	2.000	2.000
Clerk Typist II	0.500	0.500
<b>Building and Operations Subtotal</b>	<b>9.500</b>	<b>9.500</b>
<b>General Services Department Total</b>	<b>59.826</b>	<b>59.826</b>
 <b>Parks, Recreation and Libraries Department</b>		
<b>Administration Division</b>		
<b>Business Unit: 10050050</b>		
Parks, Recreation and Libraries Director	1.000	1.000
Regional Parks and Golf Manager	1.000	1.000
Management Assistant	1.000	1.000
Administrative Coordinator	1.000	1.000
Secretary	3.000	3.000
Applications Specialist	1.000	1.000
Senior Police Officer	1.000	1.000
Clerk Typist II	1.000	1.000
<b>PR&amp;L Administration Subtotal</b>	<b>10.000</b>	<b>10.000</b>

## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
<b>Park Services Division</b>		
<b>Park Services Section</b>		
<b>Business Unit: 10050550</b>		
Parks Services Manager	1.000	1.000
Foreman	2.000	2.000
Crewleader	3.000	3.000
Mechanic I	1.000	1.000
Mechanic II	1.000	1.000
Equipment Mechanic	1.000	1.000
Irrigator I/II	3.000	3.000
Parksworker I/II	9.000	9.000
Electromechanic Specialist	1.000	1.000
Maintenanceworker	<u>1.000</u>	<u>1.000</u>
Parks Services	23.000	23.000
<b>Standley Lake Section</b>		
<b>Business Unit: 10050660</b>		
Lake Operations Coordinator	1.000	1.000
Senior Park Ranger	1.000	1.000
Park Ranger	<u>1.000</u>	<u>1.000</u>
Standley Lake	3.000	3.000
<b>Design/Development Section</b>		
<b>Business Unit: 10050690</b>		
Landscape Architect I/II	2.000	2.000
Park Supervisor	1.000	1.000
Equipment Operator I	2.000	2.000
Equipment Operator II	<u>2.000</u>	<u>2.000</u>
Design/Development	7.000	7.000
<b>Parks Services Subtotal</b>	<b>33.000</b>	<b>33.000</b>
<b>Library Services Division</b>		
<b>Business Unit: 10050620</b>		
Library Services Manager	1.000	1.000
Librarian I	6.100	6.100
Librarian II	2.000	2.000
Library Services Coordinator	5.000	5.000
Library Supervisor	1.000	1.000
Library Specialist	1.000	1.000
Library Associate I/II	8.500	8.500
Applications Specialist	1.000	1.000
Secretary	1.000	1.000
Library Clerk I/II	9.900	9.900
Library Page	<u>5.700</u>	<u>5.700</u>
<b>Library Services Subtotal</b>	<b>42.200</b>	<b>42.200</b>

## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
<b>Recreation Programs Division</b>		
<b>Business Unit: 10050760</b>		
Recreation Facilities and Programs Manager	0.500	0.500
Recreation Specialist	<u>6.000</u>	<u>6.000</u>
<b>Recreation Programs</b>	<b>6.500</b>	<b>6.500</b>
<b>Senior Center</b>		
<b>Business Unit: 100507600017</b>		
Recreation Supervisor/Senior Center	1.000	1.000
Recreation Specialist	1.000	1.000
Facility Assistant	0.500	0.500
Guest Relations Clerk I/II	0.800	0.800
Custodian	<u>1.000</u>	<u>1.000</u>
Senior Center	4.300	4.300
<b>Recreation Programs/Arts Program</b>		
<b>Business Unit: 100507600532</b>		
Recreation Aide	<u>1.000</u>	<u>1.000</u>
Arts Program	1.000	1.000
<b>Recreation Programs Subtotal</b>	<b>11.800</b>	<b>11.800</b>
<b>Recreation Facilities Division</b>		
<b>Administration</b>		
<b>Business Unit: 10050720</b>		
Recreation Facilities and Programs Manager	0.500	0.500
Recreation Specialist	<u>0.500</u>	<u>0.500</u>
Administration	1.000	1.000
<b>Administration/Fitness</b>		
<b>Business Unit: 100507200505</b>		
Recreation Specialist	<u>1.000</u>	<u>1.000</u>
Administration/Fitness	1.000	1.000
<b>City Park Recreation Center</b>		
<b>Business Unit: 100507200860</b>		
Recreation Supervisor/City Park	1.000	1.000
Recreation Supervisor Assistant	1.000	1.000
Recreation Specialist	1.000	1.000
Facility Assistant	3.000	3.000
Guest Relations Clerk I/II	9.500	9.500
Custodian	3.000	3.000
Assistant Pool Manager	2.000	2.000
Lifeguard	10.598	10.598
Recreation Aide	<u>1.000</u>	<u>1.000</u>
City Park Recreation Center	32.098	32.098
<b>City Park Fitness Center</b>		
<b>Business Unit: 100507200861</b>		
Recreation Supervisor Assistant	1.000	1.000
Facility Assistant	1.000	1.000
Guest Relations Clerk I/II	5.300	5.300
Custodian	1.500	1.500
Recreation Aide	<u>1.000</u>	<u>1.000</u>
City Park Fitness Center	9.800	9.800

## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
<b>Swim and Fitness Center</b>		
<b>Business Unit: 100507200963</b>		
Recreation Supervisor/Swim Fit	1.000	1.000
Recreation Specialist	1.000	1.000
Facility Assistant	1.600	1.600
Guest Relations Clerk I/II	4.050	4.050
Custodian	1.250	1.250
Assistant Pool Manager	2.000	2.000
Lifeguard	<u>5.500</u>	<u>5.500</u>
Swim and Fitness Center	16.400	16.400
<b>West View Recreation Center</b>		
<b>Business Unit: 100507200967</b>		
Recreation Supervisor/West View	1.000	1.000
Facility Assistant	1.800	1.800
Recreation Aide	1.000	1.000
Guest Relations Clerk I/II	4.400	4.400
Custodian	<u>1.000</u>	<u>1.000</u>
West View Recreation Center	9.200	9.200
<b>Recreation Facilities Subtotal</b>	<b>69.498</b>	<b>69.498</b>
<b>Parks, Recreation and Libraries Department Total</b>	<b>166.498</b>	<b>166.498</b>

**Police Department**

**Administration Division**

**Business Unit: 10020050**

Police Chief	1.000	1.000
Administrative Coordinator	1.000	1.000
Senior Management Analyst	1.000	1.000
Secretary	<u>0.800</u>	<u>0.800</u>
<b>Administration Division Subtotal</b>	<b>3.800</b>	<b>3.800</b>

**Investigations and Technical Services Division**

**Administration Section**

**Business Unit: 10020300**

Deputy Chief/Investigations and Technical Services	1.000	1.000
Secretary	<u>1.000</u>	<u>1.000</u>
I.T.S. - Administration	2.000	2.000

**Police Department**

**Investigations and Technical Services Division**

**Community Services Section**

**Business Unit: 10020300[0341]**

Police Commander	1.000	1.000
Senior Police Officer	6.000	6.000
Secretary	<u>1.000</u>	<u>1.000</u>
I.T.S. - Community Services	8.000	8.000



## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
<b>Investigations and Technical Services Division</b>		
<b>Neighborhood Services Section</b>		
<b>Business Unit: 10020300[0342]</b>		
Neighborhood Services Administrator	1.000	1.000
Code Enforcement Officer	5.000	5.000
Lead Code Enforcement Officer	1.000	1.000
Code Enforcement Technician	1.000	1.000
Animal Control Supervisor	1.000	1.000
Animal Control Officer	<u>4.500</u>	<u>4.500</u>
I.T.S. - Neighborhood Services	13.500	13.500
<b>Investigations and Technical Services Division</b>		
<b>Technical Services Section</b>		
<b>Business Unit: 10020300[0343]</b>		
Police Commander	1.000	1.000
Records Supervisor	2.000	2.000
Communication Supervisor	3.000	3.000
Communication Specialist I/II	25.000	25.000
Technical Services Coordinator	1.000	1.000
Records Specialist	<u>13.000</u>	<u>13.000</u>
I.T. S. - Technical Services	45.000	45.000
<b>Investigations and Technical Services Division</b>		
<b>Investigation Services Section</b>		
<b>Business Unit: 10020300[0344]</b>		
Police Commander	1.000	1.000
Sergeant	4.000	4.000
Criminalist/Senior Criminalist	4.000	4.000
Police Officer/Senior Police Officer	33.000	33.000
Victim Services Coordinator	1.000	1.000
Victim Advocate	3.000	3.000
Secretary	1.500	1.500
Property Evidence Technician	2.000	2.000
Liquor Investigations Officer	<u>1.000</u>	<u>1.000</u>
I.T.S. - Investigation Services	50.500	50.500
<b>Investigations and Technical Services Division Subtotal</b>	<b>119.000</b>	<b>119.000</b>
<b>Patrol and Special Operations Division</b>		
<b>Administration Section</b>		
<b>Business Unit: 10020500</b>		
Deputy Chief/Patrol Services	1.000	1.000
Secretary	<u>1.000</u>	<u>1.000</u>
Administration	2.000	2.000

## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
<b>Patrol and Special Operations Division</b>		
<b>Special Operations Section</b>		
<b>Business Unit: 10020500[0347]</b>		
Police Commander	1.000	1.000
Equipment Services Assistant	1.000	1.000
Sergeant	0.000	0.000
Police Officer / Senior Police Officer	<u>0.000</u>	<u>0.000</u>
Special Operations	2.000	2.000
<b>Patrol and Special Operations Division</b>		
<b>Traffic Section</b>		
<b>Business Unit: 10020500[0348]</b>		
Police Commander	1.000	1.000
Sergeant	3.000	3.000
Police Officer/Senior Police Officer	27.000	27.000
Traffic Accident Investigator	<u>4.000</u>	<u>4.000</u>
Traffic	35.000	35.000
<b>Patrol and Special Operations Division</b>		
<b>Patrol Operations Section</b>		
<b>Business Unit: 10020500[0349]</b>		
Police Commander	3.000	3.000
Sergeant	9.000	9.000
Police Officer/Senior Police Officer	87.000	87.000
Report Specialist	<u>3.000</u>	<u>3.000</u>
Patrol Operations	102.000	102.000
<b>Patrol and Special Operations Division Total</b>	<b>141.000</b>	<b>141.000</b>
<b>Police Department Total</b>	<b>263.800</b>	<b>263.800</b>
<b>Public Works &amp; Utilities Department</b>		
<b>Street Maintenance Division</b>		
<b>Business Unit: 10035450</b>		
Street Operations Manager	1.000	1.000
Foreman, Streets	3.000	3.000
Street Inspector	1.000	1.000
Equipment Operator I	5.000	5.000
Equipment Operator II	4.000	4.000
Maintenanceworker/Senior Maintenanceworker	9.000	9.000
Secretary	0.750	0.750
Street Technician	1.000	1.000
Community Services Coordinator	<u>1.000</u>	<u>1.000</u>
<b>Streets Subtotal</b>	<b>25.750</b>	<b>25.750</b>
<b>Infrastructure Improvements Division</b>		
<b>Business Unit: 10035430</b>		
Infrastructure Improvements Manager	1.000	1.000
Street Technician	1.000	1.000
Street Inspector	1.000	1.000
Clerk Typist II	<u>1.000</u>	<u>1.000</u>
<b>Infrastructure Improvements Subtotal</b>	<b>4.000</b>	<b>4.000</b>
<b>Public Works and Utilities Department Total</b>	<b>29.750</b>	<b>29.750</b>
<b>Westminster Promenade Activities</b>		
<b>PRL/Parks Promenade</b>		

## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
<b>Business Unit: 100505500106</b>		
(I) Operations Coordinator (PR&L)	1.000	1.000
(I) Parksworker I/II	3.000	3.000
(I) Custodian	<u>1.000</u>	<u>1.000</u>
<b>Parks Promenade Subtotal</b>	<b>5.000</b>	<b>5.000</b>
 <b>PD/Investigations &amp; Technical Services Promenade</b>		
<b>Business Unit: 100203000106</b>		
(I) Police Officer/Senior Police Officer	1.000	1.000
Senior Community Service Officer	1.000	1.000
Community Service Officer	<u>3.400</u>	<u>3.400</u>
<b>Police Promenade Subtotal</b>	<b>5.400</b>	<b>5.400</b>
<b>Promenade Activities Total</b>	<b>10.400</b>	<b>10.400</b>
 <b>Westminster Housing Authority</b>		
<b>Business Unit:</b>		
Planner II	<u>1.000</u>	<u>1.000</u>
<b>Westminster Housing Authority Total</b>	<b>1.000</b>	<b>1.000</b>
<b>General Fund Total</b>	<b>777.774</b>	<b>777.774</b>
 <b>Utility Fund</b>		
<b>Community Development</b>		
<b>Engineering Division</b>		
<b>Business Unit: 25030380</b>		
GIS Technician	<u>0.000</u>	<u>0.000</u>
Engineering	0.000	0.000
 <b>Planning Division</b>		
<b>Business Unit: 20030360</b>		
Landscape Architect I/II	0.000	0.000
Official Plan Development Inspector	<u>0.000</u>	<u>0.000</u>
Planning	0.000	0.000
<b>Community Development Department Total</b>	<b>0.000</b>	<b>0.000</b>
 <b>Finance Department</b>		
<b>Treasury Division</b>		
<b>Business Unit: 20015240</b>		
Revenue Administrator	1.000	1.000
Revenue Services Representative	<u>4.250</u>	<u>4.250</u>
<b>Finance Department Total</b>	<b>5.250</b>	<b>5.250</b>

## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
<b>Fire Department</b>		
<b>Fire Emergency Services</b>		
<b>Business Unit: 20025260</b>		
Emergency Management Coordinator	0.500	0.500
<b>Fire Department Total</b>	<b>0.500</b>	<b>0.500</b>
<b>Information Technology Department</b>		
<b>Business Unit: 20060230</b>		
Information Technology Director	1.000	1.000
Lead Software Engineer	1.000	1.000
ERP Software Engineer	1.000	1.000
Internet Software Engineer	2.000	2.000
Software Engineer I/II	4.000	4.000
Senior Telecommunications Administrator	1.000	1.000
Administrative Secretary	1.000	1.000
Information Systems Administrator	0.000	0.000
Information Systems Manager	1.000	1.000
Lead Systems Analyst	2.000	2.000
Lead Erp Systems Analyst	1.000	1.000
Systems Analyst I/II/III	7.600	7.600
Help Desk Technician	0.900	0.900
Network Administrator	<u>1.500</u>	<u>1.500</u>
Information Technology Department	25.000	25.000
<b>Information Technology - Public Safety</b>		
<b>Business Unit: 200602300911</b>		
Software Engineer I/II	0.300	0.300
Systems Analyst I/II/III	0.300	0.300
Network Administrator	<u>0.400</u>	<u>0.400</u>
Information Technology - Public Safety	1.000	1.000
<b>Information Technology Department Total</b>	<b>26.000</b>	<b>26.000</b>
<b>Public Works and Utilities Department</b>		
<b>Water Administration Division</b>		
<b>Business Unit: 20035050</b>		
Public Works and Utilities Director	1.000	1.000
Senior Management Analyst	1.000	1.000
Administrative Secretary	1.000	1.000
(I) Rocky Flats Coordinator	1.000	1.000
Capital Projects Coordinator	<u>1.000</u>	<u>0.000</u>
<b>Water Administration Subtotal</b>	<b>5.000</b>	<b>4.000</b>
(I) = FTE is indexed to activity associated with Rocky Flats clean-up		

## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
<b>Water Resources and Treatment Division</b>		
<b>Water Resources Section</b>		
<b>Business Unit: 20035480</b>		
Water Resources and Treatment Manager	1.000	1.000
Engineer/Senior Engineer	3.000	3.000
(I) Engineer/Senior Engineer	1.000	1.000
Water Resource Technician	1.000	1.000
(I) Water Resources Analyst	1.000	1.000
Secretary	<u>1.000</u>	<u>1.000</u>
Water Resources	8.000	8.000
(I) = FTE's are indexed to growth activity		
<b>Water Plant Section</b>		
<b>Business Unit: 20035490</b>		
Water Plant Superintendent	1.000	1.000
Electromechanic Specialist	1.000	1.000
Lead Plant Operator	1.000	1.000
Plant Operator Trainee - Plant Operator IV	8.000	8.000
Maintenanceworker/Sr. Maintenanceworker	3.000	3.000
Control Systems Engineer/Senior Engineer	<u>0.500</u>	<u>0.500</u>
Water Plant	14.500	14.500
<b>Water Quality Section</b>		
<b>Business Unit: 200354800943</b>		
Water Quality Administrator	<u>1.000</u>	<u>1.000</u>
Water Quality Section	1.000	1.000
<b>Business Unit: 200354900943</b>		
Laboratory Analyst	2.000	2.000
Water Resources Technician	1.000	1.000
Water Quality Specialist	1.000	1.000
Laboratory Aide	<u>0.600</u>	<u>0.600</u>
Water Quality	4.600	4.600
<b>Wastewater Plant Section</b>		
<b>Business Unit: 21035490</b>		
Wastewater Plant Superintendent	1.000	1.000
Electromechanic Specialist	1.000	1.000
Lead Plant Operator	1.000	1.000
Plant Operator Trainee - Plant Operator IV	8.000	8.000
Maintenanceworker/Senior Maintenanceworker	1.000	1.000
Control Systems Engineer/Senior Engineer	<u>0.500</u>	<u>0.500</u>
Wastewater Plants	12.500	12.500
<b>Laboratory Services Section</b>		
<b>Business Unit: 210354900943</b>		
Laboratory Services Coordinator	1.000	1.000
Water Quality Resources Technician	0.000	0.000
Lab Analyst	1.000	1.000
Water Quality Specialist	<u>1.000</u>	<u>1.000</u>
Laboratory Services	3.000	3.000
<b>Biosolids</b>		
<b>Business Unit: 210354900401</b>		
Equipment Operator II	<u>2.000</u>	<u>2.000</u>
Biosolids	2.000	2.000
<b>PWU Water Plants/Reclaimed</b>		
<b>Business Unit: 200354900023</b>		

## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
Reclaimed System Coordinator	0.000	1.000
Reclaimed System Analyst	0.000	1.000
Maintenanceworker/Senior Maintenanceworker	1.000	1.000
Water Reclaimed	1.000	3.000
<b>Water Resources and Treatment Division Subtotal</b>	<b>46.600</b>	<b>48.600</b>
<b>Utilities Operations Division</b>		
<b>Water Field Operations Section</b>		
<b>Business Unit: 20035470</b>		
Utilities Operations Manager	1.000	1.000
Meter Program Specialist	1.000	1.000
Data Processing Technician	1.000	1.000
Utilities Systems Specialist	1.000	1.000
Utilities Technician	4.000	4.000
Meter Technician	2.000	2.000
Maintenanceworker/Senior Maintenanceworker	2.000	2.000
Meter Repairworker	4.000	4.000
Lead Meter Repairworker	1.000	1.000
Secretary	1.000	1.000
Clerk Typist II	1.000	1.000
(I) Maintenanceworker/Senior Maintenanceworker	2.000	2.000
(I) Clerk Typist II	1.000	1.000
Engineer / Senior Engineer	0.000	0.000
Utilities Operations Coordinator	<u>1.000</u>	<u>1.000</u>
Water Field Operations	23.000	23.000
<b>Water Field Operations/Water Line Replacement</b>		
<b>Business Unit: 200354700497</b>		
Equipment Operator I	2.000	2.000
Equipment Operator II	2.000	2.000
Maintenanceworker/Senior Maintenanceworker	6.000	6.000
(I) Maintenanceworker/Senior Maintenanceworker	2.000	2.000
Foreman, Utilities	<u>1.000</u>	<u>1.000</u>
Water Line Replacement	13.000	13.000
<b>Wastewater Field Operations Section</b>		
<b>Business Unit: 21035470</b>		
Utilities Supervisor	2.000	2.000
Foreman, Utilities	3.000	3.000
Electromechanic Specialist	1.000	1.000
Utilities Specialist	1.000	1.000
Equipment Operator I, Utilities	2.000	2.000
Equipment Operator II, Utilities	2.000	2.000
Maintenanceworker/Senior Maintenanceworker	<u>1.000</u>	<u>1.000</u>
Wastewater Field Operations	12.000	12.000
<b>Utilities Operations Division Subtotal</b>	<b>48.000</b>	<b>48.000</b>
<b>Public Works and Utilities Total</b>	<b>99.60</b>	<b>100.60</b>
<b>Utility Fund Total</b>	<b>131.350</b>	<b>132.350</b>

## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
<b><u>Fleet Maintenance Fund</u></b>		
<b>General Services Department</b>		
<b>Fleet Division</b>		
<b>Business Unit: 30012460</b>		
Fleet Manager	1.000	1.000
Foreman	1.000	1.000
Mechanic I/II	8.000	8.000
Purchasing Officer	0.000	0.000
Purchasing Specialist	1.000	1.000
Secretary	1.000	1.000
Parts Technician	<u>1.000</u>	<u>1.000</u>
Fleet Maintenance Division	13.000	13.000
<b>Fleet Division - Public Safety</b>		
<b>Business Unit: 300124600911</b>		
Mechanic I/II	<u>1.000</u>	<u>1.000</u>
Fleet Division - Public Safety	1.000	1.000
<b>Fleet Maintenance Fund Total</b>	<b>14.000</b>	<b>14.000</b>
<b>General Services Department</b>		
<b>Administration/Risk Management</b>		
<b>Business Unit: 46010900</b>		
Risk Management Officer	1.000	1.000
Risk Management Specialist	<u>0.500</u>	<u>0.500</u>
Administration/Risk Management	1.500	1.500
<b>General Services Department</b>		
<b>Administration/Risk Management - Public Safety</b>		
<b>Business Unit: 460109000911</b>		
Risk Management Technician	<u>0.500</u>	<u>0.500</u>
Administration/Risk Management - Public Safety	0.500	0.500
<b>Property Liability Fund Total</b>	<b>2.000</b>	<b>2.000</b>
<b><u>Medical/Dental Fund</u></b>		
<b>General Services Department</b>		
<b>Human Resources Division/Benefits</b>		
<b>Business Unit: 49010900</b>		
Benefits Specialist	1.000	1.000
Human Resources Technician	<u>0.500</u>	<u>0.500</u>
<b>Medical/Dental Fund Total</b>	<b>1.500</b>	<b>1.500</b>
<b><u>Open Space Fund</u></b>		
<b>Community Development Department</b>		
<b>CD Administration/Open Space</b>		
<b>Business Unit: 54010900</b>		
Open Space Coordinator (CD)	1.000	1.000
Open Space Technician (CD)	<u>0.500</u>	<u>0.500</u>
<b>Community Development Open Space Subtotal</b>	<b>1.500</b>	<b>1.500</b>

## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
<b>Parks, Recreation &amp; Libraries</b>		
<b>PR&amp;L Admin/Open Space</b>		
<b>Business Unit: 540109000531</b>		
Open Space Volunteer Coordinator	1.000	1.000
<b>Parks, Recreation and Libraries Open Space Subtotal</b>	<b>1.000</b>	<b>1.000</b>
<b>Open Space Fund Total</b>	<b>2.500</b>	<b>2.500</b>
<b><u>Community Development Block Grant Fund</u></b>		
<b>Community Development Department</b>		
<b>Community Development Admin/CD Block Grant</b>		
<b>Business Unit: 76030350</b>		
Community Development Program Coordinator	1.000	1.000
Secretary	<u>1.000</u>	<u>1.000</u>
<b>Community Development Block Grant Fund Total</b>	<b>2.000</b>	<b>2.000</b>
<b><u>Golf Course Enterprise Fund</u></b>		
<b>Parks, Recreation, &amp; Libraries Department</b>		
<b>Golf Course Enterprise Fund/Legacy</b>		
<b>Legacy Ridge Golf Course Maintenance</b>		
<b>Business Unit: 22050720</b>		
Golf Course Superintendent	0.500	0.500
Assistant Golf Course Superintendent	1.000	1.000
Equipment Mechanic	1.000	1.000
Golf Course Irrigator	1.000	1.000
Golf Course Worker	2.000	2.000
Assistant Equipment Mechanic	0.500	0.500
Horticultural Specialist	0.500	0.500
Second Assistant Golf Course Superintendent	<u>1.000</u>	<u>1.000</u>
Legacy Maintenance	7.500	7.500
<b>Parks, Recreation, &amp; Libraries Department</b>		
<b>Golf Course Enterprise Fund/Legacy</b>		
<b>Legacy Ridge Club House</b>		
<b>Business Unit: 220507200249</b>		
Golf Professional	1.000	1.000
Assistant Golf Professional	1.000	1.000
Second Assistant Golf Professional	1.000	1.000
Guest Relations Clerk I/II	<u>0.500</u>	<u>0.500</u>
Legacy Club House	3.500	3.500
<b>Golf Course Enterprise Fund/Legacy Subtotal</b>	<b>11.000</b>	<b>11.000</b>



## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
<b>Golf Course Enterprise Fund/Heritage</b>		
<b>Heritage Golf Course Maintenance</b>		
<b>Business Unit: 23050720</b>		
Golf Superintendent	0.500	0.500
Assistant Golf Superintendent	1.000	1.000
Equipment Mechanic	1.000	1.000
Golf Irrigator	1.000	1.000
Golf Worker	2.000	2.000
Assistant Equipment Mechanic	0.500	0.500
Horticultural Specialist	0.500	0.500
Second Assistant Golf Superintendent	<u>1.000</u>	<u>1.000</u>
The Heritage Maintenance	7.500	7.500
<b>Golf Course Enterprise Fund/Heritage</b>		
<b>The Heritage Club House</b>		
<b>Business Unit: 230507200249</b>		
Golf Professional	1.000	1.000
Assistant Golf Professional	1.000	1.000
Second Assistant Golf Professional	1.000	1.000
Guest Relations Clerk I/II	<u>0.500</u>	<u>0.500</u>
The Heritage Club House	3.500	3.500
<b>Golf Course Enterprise Fund/The Heritage Subtotal</b>	<b>11.000</b>	<b>11.000</b>
<b>Golf Course Enterprise Fund Total</b>	<b>22.000</b>	<b>22.000</b>
<b>Parks, Recreation and Libraries Department</b>		
<b>Parks/Capital Projects</b>		
<b>Landscape Architect II/Project Manager</b>		
<b>Business Unit: 80175050037</b>		
(I) Landscape Architect I/II	<u>1.000</u>	<u>1.000</u>
	1.000	1.000
<b>Parks/Capital Projects</b>		
<b>Community Enhancement Program</b>		
<b>Business Unit: 80175050132</b>		
(I) Landscape Architect I/II	1.000	1.000
Park Supervisor	1.000	1.000
Crewleader	1.000	1.000
City Forester	1.000	1.000
Parkswoker I/II	<u>1.000</u>	<u>1.000</u>
	5.000	5.000
<b>Parks Capital Projects Subtotal</b>	<b>6.000</b>	<b>6.000</b>
<b>City Manager's Office</b>		
<b>CMO/Capital Project Management</b>		
<b>Business Unit: 80375005300</b>		
Special Projects Director	<u>0.500</u>	<u>0.500</u>
<b>CMO Capital Projects Subtotal</b>	<b>0.500</b>	<b>0.500</b>
(I) FTE's are indexed to growth activity		

## 2004 AMENDED FULL-TIME EQUIVALENT EMPLOYEES

<u>Position Title</u>	<u>2004</u> <u>Revised</u> <u>5/10/04</u>	<u>2004</u> <u>Revised</u> <u>6/28/04</u>
<b>Parks, Recreation and Libraries Department</b>		
<b>Parks/Capital Projects</b>		
<b>Park Maintenance (JCOS)</b>		
<b>Business Unit: 80275050512</b>		
Parkswoker I/II	3.000	3.000
Irrigator I/II	2.000	2.000
(I) Parkswoker I/II	1.000	1.000
(I) Crewleader	1.000	1.000
Crewleader	<u>2.000</u>	<u>2.000</u>
<b>Jeffco Attributable Share Subtotal</b>	<b>9.000</b>	<b>9.000</b>
<b>Community Development Department</b>		
<b>Engineering/Capital Projects</b>		
<b>CD Project Manager</b>		
<b>Business Unit: 80175030037</b>		
(I) Engineer/Senior Engineer (Civil)	<u>1.000</u>	<u>1.000</u>
<b>CD Engineering Capital Projects Subtotal</b>	<b>1.000</b>	<b>1.000</b>
<b>General Capital Improvement Fund Total</b>	<b>16.500</b>	<b>16.500</b>
(I) FTE's are indexed to growth activity		
<b><u>Pension Fund</u></b>		
<b>Finance Department</b>		
<b>Pension</b>		
<b>Business Unit: 42010050</b>		
Pension Administrator	1.000	1.000
Benefits Specialist, Pension	<u>1.000</u>	<u>1.000</u>
<b>Pension Fund Total</b>	<b>2.000</b>	<b>2.000</b>
<b>FTE GRAND TOTAL</b>	<b>971.624</b>	<b>972.624</b>



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** Councillor's Bill No. 46 re Change in Municipal Code Related to Continuous Municipal Service Requirements for Certain Firefighters

**Prepared By:** Matt Lutkus, Deputy City Manager for Administration  
Jim Cloud, Fire Chief  
Leslie Annand, Assistant City Attorney

**Recommended City Council Action**

Pass Councillor's Bill No. 46 regarding an exception to Code provisions on continuous municipal service for certain firefighters as an emergency ordinance.

**Summary Statement**

- City Council previously approved a non-binding resolution requesting coverage under the Fire and Police Pension Association (FPPA) Defined Benefit System for Fire Department employees who are currently covered under the City's Defined Contribution Plan. The adoption of this resolution provided FPPA with formal notification of the City's intent to pursue conversion to the FPPA Defined Benefit System. The target date for conversion of the Fire Pension Plan to FPPA is September 1.
- Employees hired prior to the September 1 effective date will have the choice of three FPPA Defined Benefit System Plans, the defined benefit option, a money purchase plan, and a hybrid plan. For these employees, the employee and City contributions will each be 10% or a total of 20% of salary. Employees hired after the affiliation date will not have a choice among the three plans but rather will participate in the plan selected by the City which, in all likelihood, will be the defined benefit option. For these employees, the employee and the City contribution will each be 8% for a total of 16%.
- In the City's pension plan employee contributions start immediately and the employer's contribution begins in the 23<sup>rd</sup> month, while in the FPPA Plan, employer contributions will begin the first day of employment. Therefore, with the conversion to the new plan, the City would pay an additional amount for the first 22 months of employment and may experience a savings in the longer term because of the reduced employer contribution for new hires, depending on such factors as attrition, benefit and contribution changes, etc.
- Given the long-term financial benefits to both the City and employees, it makes sense to structure the enrollment process so that 19 recently hired employees, including the last group of 14 employees hired in March, enter the program at 8%/8% employee/City contribution rate versus the 10%/10% rate. To accomplish this, these recent hires would be asked to resign just prior to September 1 and would be hired back on September 1 so they and the City could benefit in the lower contribution rate. The proposed ordinance would allow this resignation/rehire action to take place on a special one-time basis without any reduction in the continuous municipal service calculation used to determine leave accrual and other employee benefits.
- City Staff is requesting that this Code amendment be approved as an emergency ordinance so that the recommended provisions will be in effect before the employee vote on the FPPA Plan takes place. The election is scheduled to take place over three days, July 7, 8 and 9, 2004.

**Expenditure Required:** Annual savings of \$16,000 in the cost of conversion to the FPPA Defined Benefit System

**Source of Funds:** General Fund Operating Budget

## **Policy Issues**

Should City Council provide for an exception to the Personnel Management System section of the Municipal Code related to the accrual of the continuous municipal service used to calculate certain benefit levels and time in position?

## **Alternatives**

City Council could decide not to change the Municipal Code section related to continuous municipal service. This would decrease the incentive for recently hired firefighters to participate in this resignation/rehire step and thus decrease the savings to these employees and the City.

## **Background Information**

In 2003, the State General Assembly passed, and the Governor approved, legislation that allowed cities and fire districts that had previously opted out of the Fire and Police Pension Association (FPPA) Defined Benefit System to join the plan. In order for this affiliation to occur, 65% of the eligible participants in that department must vote in favor of joining the plan. In addition, the governing body of that organization, and, as a formality, the FPPA Board, must approve each department's plan entry. Once approved, all eligible plan participants, with the exception of the Chief, must participate in the new plan. For existing members of the department, three plan choices are available and the contribution rates are 10% for both the employee and the employer for a total contribution rate of 20%, beginning the first pay period after the affiliation date. The employees hired after the affiliation date and their employer each contribute 8% for a total 16% combined contribution. In addition, if members who are currently in the statewide FPPA Plan give their approval, employees will be required to contribute an additional 1% of their salaries toward a 401(h) medical retirement benefit.

A City Task Force comprised of representatives from Fire, General Services, Finance Departments and the City Attorney's Office have been meeting on a regular basis to address multiple issues related to the City's conversion of the City's Fire Pension Plan to the FPPA Pension Plan. This review has included a thorough analysis of the FPPA Plan (previously reviewed with Council); working with the FPPA Staff to develop the necessary disclosure statement, ballot language and procedures involved in the election process; and developing and scheduling education meetings for eligible Fire employees.

Employees hired prior to the affiliation date will have three choices of plans: an FPPA defined benefit plan, a money purchase plan or a hybrid plan that is a combination of the previous two. Employees hired on or after the affiliation date will be limited to one plan that is selected by the City. This in all probability will be the defined benefit option since Fire employee's desire to make the change to FPPA is based largely on a preference for this type of plan.

Contribution levels for the new plan for the City and employees hired after September 1 will decrease to 8% from the City's contribution rate of 10.25% and the employee's contribution rate of 10%. However, employer contributions will start on the first day of employment versus in the 23<sup>rd</sup> month in the current City Defined Contribution Plan. The result of these changes will be that the City will pay more on the front end for the conversion to FPPA. Over a period of years, currently estimated at seven to nine, the City will recoup these dollars through the lower contribution rate. Such a scenario assumes that the State Legislature will not increase minimum employer contribution levels in the future.

In the course of discussions on the conversion, it became clear that employees who were hired recently and who ultimately decide to choose the defined benefit option from FPPA, will pay far more for this same benefit than will employees hired after the September 1 affiliation date. Moreover, the City will pay significantly more over the course of these employees' careers than they would for those employees hired after the affiliation date. The Task Force determined that allowing the recently hired firefighters to resign and then having the City rehire them immediately after the plan affiliation, will benefit the City and the employee over the length of these employees' careers.

There are currently 19 firefighters who were hired between February 1, 2003 and March 31, 2004, who would be given the option of resigning their positions on or about August 30 with an agreement that they be immediately rehired on September 1, 2004. This would cause them to be treated as new hires under the FPPA System and thus eligible for the lower 8% contribution rate.

The proposed ordinance ensures that the employees would not be negatively impacted from a personnel policies and benefits standpoint by participating in the resignation/rehire process. With the ordinance, benefits that are accrued based on credits referred to as continuous municipal service such as general leave accrual, and eligibility of extended leave would not be impacted by this process. Without the ordinance, employees who had a break in service would have to begin accruing their continuous municipal service on the date of rehire. In addition, one of the criteria used for firefighter promotion to Firefighter II level is time in service. Again, with the passage of the proposed ordinance, the months of employment prior to the resignation/rehire step will continue to be accrued as part of the employee's tenure as if a break in service had not occurred. When the concept of this ordinance was reviewed with the key FPPA staff members, they did not raise any objections to Staff proceeding with implementing such a proposal.

The only downsides for the 19 employees affected by the ordinance are that any pre-existing medical conditions that they have prior to the September 1 affiliation date could affect their long-term disability coverage under the FPPA LTD Plan. Secondly, as a new employee hired after the affiliation date, they would only have the one choice of a defined benefit pension plan as opposed to having the three plan options that are available to other employees hired prior to September 1, 2004. If all 19 employees opted to resign and be rehired on September 1, the initial savings to the City would be \$16,000 per year.

On June 3, 2004 FPPA Task Force members reviewed this resignation/rehire program with all 19 of the Fire Department employees impacted by this offering. A follow-up meeting is also being planned. A significant point presented to these employees was that this program is purely voluntary and there would be no negative impact to the employee for not participating in this offering.

Respectfully submitted,

J. Brent McFall  
City Manager

Attachment

BY AUTHORITY

ORDINANCE NO.

COUNCILLOR'S BILL NO. **46**

SERIES OF 2004

INTRODUCED BY COUNCILLORS

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A BILL

FOR AN EMERGENCY ORDINANCE GRANTING AN EXCEPTION TO LEAVE PROVISIONS BASED ON "CONTINUOUS MUNICIPAL SERVICE" AND WAIVING RESTRICTIONS ON REEMPLOYMENT FOR CERTAIN FIREFIGHTERS IN CONNECTION WITH THE IMPLEMENTATION OF THE PROPOSED NEW PENSION PROGRAM FOR FIRE DEPARTMENT PERSONNEL

WHEREAS, pursuant to Colorado Revised Statutes, §31-31-1101, the City of Westminster ("City") may elect to cover its Police and Fire Department members under the FPPA Defined Benefit System administered by the Fire and Police Pension Association ("FPPA") in lieu of maintaining coverage under the City of Westminster Fire Pension Plan and Police Pension Plan; and

WHEREAS, the Westminster City Council has determined that it would be in the best interests of the members of the Fire Department to be covered under the FPPA System and has authorized staff to proceed with the preliminary steps toward conversion; and

WHEREAS, both the City's and firefighter's contribution amounts to FPPA are lower, 8% instead of 10%, for employees hired after the effective date of conversion (projected to be September 1, 2004); and

WHEREAS, the City would like to offer 19 firefighters, hired between February 1, 2003, and March 31, 2004, the option of resigning their positions on or about August 30, 2004, and being immediately re-hired on September 1, 2004, so that they are eligible to be treated as "new-hires" under the FPPA system and, thus, eligible for the lower contribution rate of 8%; and

WHEREAS, certain employee leave privileges, such as general leave accrual, vacation leave and eligibility for extended leave, are based on an employee's "Continuous Municipal Service," and Section VII of the City's Personnel Policies and Rules provides that all the accrued rights, privileges or benefits of previous City employment are null and void upon separation; and

WHEREAS, the City does not want to penalize the 19 firefighters with regard to the privileges and benefits of employment that are based on length of employment with the City as a result of their voluntary resignation and re-hire.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Notwithstanding any provision of the City Code or the City's Personnel Policies and Rules to the contrary, any firefighter originally hired between February 1, 2003, and March 31, 2004, shall be deemed to have been in the continuous service of the City for the total period of time accumulated both before and after September 1, 2004. In addition, the City Manager is hereby authorized to waive the restrictions on reemployment that are contained in Section VII of the Personnel Policies and Rules for this group of firefighters.

Section 2. Because a vote of the firefighters on whether to affiliate with FPPA is scheduled to occur on July 7-9, 2004, and because a final determination on the effect of the proposed resignation/rehire will enable a more informed vote for the 19 affected firefighters, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on June 28, 2004, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

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

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 28<sup>th</sup> day of June, 2004.

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Mayor

ATTEST:

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City Clerk



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** 2003 Comprehensive Annual Financial Report

**Prepared by:** Tammy Hitchens, Accounting Manager

**Recommended City Council Action:**

Accept the 2003 Comprehensive Annual Financial Report (CAFR).

**Summary Statement**

This is the second year the CAFR has been prepared using the GASB 34 model. Significant changes from 2002 include:

- The Westminster Economic Development Authority Fund (WEDA) met the requirements of a “major” fund and is presented as a major fund along with the General, Sales and Use Tax and the General Capital Improvement Funds.
- The Management’s Discussion and Analysis compares 2002 and 2003 in key areas.
- Additional Budgetary comparison schedules have been provided in the “Other Supplemental Information” section as required.
- City Council reviewed the CAFR at last Monday Night’s Study Session. The final proposed version of the CAFR will be distributed to Council prior to Monday night’s Council meeting.

The City has received an unqualified opinion from Clifton Gunderson, LLP. This means the CAFR represents fairly the financial position of the City.

**Expenditure Required:** \$0

**Source of Funds:** N/A



**Policy Issue**

Section 9.10 of the City Charter requires that an independent audit be made at least annually in accordance with generally accepted accounting principles as they pertain to governments for all funds reported in the comprehensive annual financial report. Such audit shall be made by Certified Public Accountants, experienced in municipal accounting. This audit was performed by Clifton Gunderson, LLP, Certified Public Accountants. Does City Council want to accept the report as presented?

**Alternative**

Require staff to make changes to the report. Minor changes could be made to the report without affecting the audit opinion. Major changes may cause the report to not be in compliance with generally accepted accounting principles as they pertain to governments and could result in a change of the auditor's opinion. Major changes are not recommended. This could delay completion of the CAFR until after June 30, which is a violation of State law and will jeopardize the receipt of the GFOA Award.

**Background Information**

Every year Finance staff prepares a CAFR. An independent auditor spends about 4 weeks each year determining if the CAFR represents fairly the financial position of the City. The Staff primarily responsible for preparing the 2003 CAFR were Accountants Vicki Adams, Cherie Sanchez, and Sam Trevino; Internal Auditor Karen Creager; and Benefits Specialist Kim McDaniel. Without their dedicated efforts, this report would not have happened in a timely manner.

Respectfully submitted,

J. Brent McFall  
City Manager



**WESTMINSTER**  
**COLORADO**

**Agenda Memorandum**

City Council Meeting  
June 28, 2004



**SUBJECT:** Total Enterprise Asset Management and Building Division Operating Software Recommendation

**Prepared By:** Ray Porter, Infrastructure Improvements Manager  
Dave Horras, Chief Building Official

**Recommended City Council Action**

Authorize the City Manager to sign a contract for the purchase of a Total Enterprise Asset Management System and Building Division Operating Software Program with Accela, Inc., in the amount of \$507,024; approve a total project contingency of \$50,000; and authorize \$57,270 to purchase the necessary computer hardware for both software systems from multiple vendors and charge the expenses to the appropriate Utility Fund and General Capital Improvement Fund budget accounts.

**Summary Statement**

- City Council approved funds in the Utility Capital Improvement Fund project budget for the purchase of a Total Enterprise Asset Management package for the Department of Public Works and Utilities.
- City Council also approved funds in the General Capital Improvement Fund project budget for upgrading the Building Division operating software.
- Requests for information were sent to 26 vendors, with 13 responding and requests for proposals were sent to the 5 most qualified vendors.
- Accela, Inc., had the most comprehensive response and enterprise-wide capabilities including the Building Division operating software.
- Accela’s clients are only government related and come highly recommended by all contacted references.
- City staff’s negotiation team was able to lower the original bid costs by 32% when bargaining for both the Accela Asset Management System and the “Accela Automation” Building Permits System.
- The negotiation team was also successful adding the Building Operations and Maintenance Division of General Services, the Forestry section of Parks Services, the Rental Properties/Inspection Section of the Building Permits Division, and 25 additional concurrent PC users.

**Expenditure Required:** \$614,294

**Source of Funds:** \$489,294 – Utilities Capital Improvement Fund  
\$125,000 – General Capital Improvement Fund

**Policy Issue**

Should the City purchase and implement a Total Enterprise Asset Management (TEAM) System and Building Division Operating Software Program to enhance assets and resource management throughout all Departments as well as increase efficiencies and customer service within the Building Division?

**Alternative:**

Do not proceed with the TEAM program and Building Division software upgrades.

- Advantages of the latest technology will not be realized;
- The City will not benefit from improved asset and resource management;
- Computer data entries and inefficiencies will not be maximized through program integrations;
- Improved customer service will not be realized;
- Institutional memory will remain as the primary source of archived information;
- Preventive/predictive maintenance on assets will not improve resulting in lost dollars due to downtime;
- Antiquated software to manage building permits, inspection information and rental property maintenance records will continue to perform inefficiently and non-effectively.

**Background Information**

In 2001, the Department of Public Works & Utilities, began a feasibility study for centralizing all the Department's computer programs into one maintenance management system. The Department hired the consulting firm of Deloitte & Touche to do a business case analysis to determine if further investment in supporting maintenance activities was warranted. The business case study clearly showed that a properly implemented Enterprise Asset Management/Centralized Maintenance Management System would be beneficial initially in the Department of Public Works and Utilities and potentially across all City departments.

Staff presented the business case study results to the City Manager and Assistant City Manager. A \$500,000 budget request in 2002 was approved and the City Manager's office directed staff to keep citywide utilization in mind throughout the process.

The decision was made to invite and include members from interested and targeted departments citywide to participate with the task of procuring a Total Enterprise Asset Management System. The task force, dubbed "TEAM," met with staff from the City's Information Technology Department (IT) and the process really began to move. The TEAM now represents seven City departments, including twelve divisions.

Requests for information were sent to 26 vendors, with 13 responding. The TEAM requested proposals from the 5 most qualified vendors and then narrowed the list to the 3 who best met the criteria. After conducting interviews and product demonstrations, the TEAM chose ACCELA Government Software based on their enterprise-wide capabilities, response to the City's request for proposal, understanding of the project and cost. The following is a summary of the original bids prior to negotiations:

<u>Vendor</u>	<u>Original Bids</u>
1. GBA Master Series, Inc.	\$366,000*
2. ACCELA, Inc.	487,998
3. MRO Software, Inc.	801,250
4. Synergen, Inc.	841,000*
5. Datastream Systems, Inc.	871,620

\*Did not include wireless technology or travel expenses during implementation/training.

During ACCELA product demonstrations, it was apparent that an excellent Building Division Operating Software package was also available. The Building Division had already identified ACCELA as a frontrunner of Building Department Software through their concurrent selection process. A Web X demonstration was scheduled for the City's Building Division representatives and ACCELA's proposal was re-negotiated to include this package. The Department of Community Development's Building Division has budgeted \$125,000 to replace their current program.

A negotiation team, guided by David Puntenney, Information Technology Director, Rebecca Davidson, Burlstone Inc., and including Emily Moon of the City Manager's Office and the City's Purchasing Officer Carl Pickett, has successfully negotiated costs for ACCELA's Maintenance Management System and the Building Division Operating software within the budgeted amounts. Included in the costs are software licensing, training for City staff, technical support and interface development/data conversion for several existing City programs including Geographic Information System (GIS), Pavement Management and Supervisory Control and Data Acquisition (SCADA).

In addition to authorizing \$500,000 for the maintenance management program and \$125,000 for the building permits package with the 2002 City Budget, \$50,000 is proposed as part of FY 2003 Carryover included in tonight's City Council agenda to serve as the combined projects' contingency. The combined project budget is depicted in the chart below.

**TEAM and Building Operating Software Project Budget**

<b>Item</b>	<b>Amount</b>
Contract with Accela, Inc.	\$507,024
Hardware and software purchases	\$57,270
Contract with Burlstone, Inc. for implementation consulting	\$32,000
Miscellaneous project-related costs (such as additional consulting/training services, data lines, etc.)	\$28,706
Subtotal of Project Budget	\$625,000
Project contingency (FY 2003 Carryover)	\$50,000
Grand Total of Project Budget	\$675,000

TEAM members and the Building Division Staff will begin the concurrent implementation process upon City Council's approval.

Respectfully submitted,

J. Brent McFall  
City Manager

## Summary of Proceedings

Summary of proceedings of the regular City of Westminster City Council meeting of Monday, June 28, 2004. Mayor Moss, Mayor Pro-Tem McNally, Councillors Dittman, Dixon, Hicks, Kauffman, and Price were present at roll call. Absent none.

The minutes of the June 14, 2004 meeting were approved.

Council presented a proclamation to Virginia Riggs, who will be celebrating her 100<sup>th</sup> birthday on July 2<sup>nd</sup>.

Council approved the following: Financial Report for May 2004; Engineering Design Contract - West 112th Avenue, Ranch Reserve Parkway to Huron Street Project with JR Engineering not to exceed \$133,600; Engineering Design Contract - West 144<sup>th</sup> Avenue and I-25 Interchange Project with Felsburg, Holt & Ullevig not to exceed \$999,629; 68<sup>th</sup> Avenue and Federal Boulevard Sewer Line Repair Project with Wildcat Civil Services not to exceed \$100,000; Addendum to City Manager's Employment Agreement; Extension of Banking Services Agreement with US Bank, N.A.; Purchase of Disposable Medical Supplies with BoundTree Medical and Tri-Anim Medical Products not to exceed \$78,566; Purchase of Gasoline and Diesel Fuel for City Vehicles with Gray Oil not to exceed \$223,050; Swim & Fitness Center Boiler Replacement Contract Award with American Mechanical for \$105,000; 2003 Comprehensive Annual Financial Report; and Total Enterprise Asset Management and Building Division Operating Software Recommendation for \$625,000.

Council accepted Mayor Moss' resignation effective July 6, 2004. At 8:02 p.m. a public hearing was held on Landscape Regulations 2004.

The following Councillor's Bills were passed on first reading:

A BILL FOR AN ORDINANCE ADOPTING THE CITY OF WESTMINSTER LANDSCAPE REGULATIONS, 2004; AND AMENDING TITLE XI, CHAPTER 5, SECTION 12, APPLICATION FORMAT AND CONTENT FOR LANDSCAPE AND IRRIGATION DRAWINGS AND PRIVATE IMPROVEMENTS AGREEMENT; AND AMENDING TITLE XI, CHAPTER 6, SECTION 5 (E), CONSTRUCTION OF IMPROVEMENTS; AND AMENDING TITLE XI, CHAPTER 7, SECTION 5, PROVISIONS FOR THE REQUIREMENT OF LANDSCAPING; AND AMENDING TITLE XI, CHAPTER 12, SECTION 7 (C), LANDSCAPING purpose: 2004 Westminster Landscape Regulations

A BILL FOR AN ORDINANCE VACATING A PORTION OF A UTILITY EASEMENT WITHIN LOT 36, BLOCK 10 OF THE APPLE BLOSSOM LANE SUBDIVISION purpose: vacation of easement within Apple Blossom Lane Subdivision

A BILL FOR AN ORDINANCE AMENDING THE WESTMINSTER MUNICIPAL CODE CONCERNING NON-POTABLE WATER REGULATIONS purpose: modifications to the City Code regarding the non-potable water system.

The following Councillor's Bills were passed as an emergency ordinance:

A BILL FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL FUND, FLEET, GENERAL CAPITAL IMPROVEMENT FUND, UTILITY, CONSERVATION TRUST AND OPEN SPACE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS purpose: supplemental appropriation of FY2003 Carryover Funds Into FY2004

A BILL FOR AN EMERGENCY ORDINANCE GRANTING AN EXCEPTION TO LEAVE PROVISIONS BASED ON "CONTINUOUS MUNICIPAL SERVICE" AND WAIVING RESTRICTIONS ON REEMPLOYMENT FOR CERTAIN FIREFIGHTERS IN CONNECTION WITH THE IMPLEMENTATION OF THE PROPOSED NEW PENSION PROGRAM FOR FIRE DEPARTMENT PERSONNEL purpose: exception to Code provisions

on continuous municipal service for certain firefighters

The following Councillor's Bills were passed on second reading:

A BILL FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 15 AND 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO

A BILL FOR AN ORDINANCE REPEALING AND REENACTING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN WITH THE 2004 UPDATE, AND MAKING CONFORMING AMENDMENTS TO THE WESTMINSTER MUNICIPAL CODE

A BILL FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND

A BILL FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT, OPEN SPACE AND GOLF COURSE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS

A BILL FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND

A BILL FOR AN ORDINANCE INCREASING THE 2004 BUDGET OF THE WATER PORTION OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND

A BILL FOR AN ORDINANCE AMENDING PROVISIONS OF THE WESTMINSTER MUNICIPAL CODE IN THE EVENT OF MAYOR OR COUNCIL VACANCY

The following Resolution was adopted:

Resolution No. 40 re Reclaimed System Analyst and reclassification of Capital Projects Coordinator

At 8:55 p.m. the meeting was adjourned

By order of the Westminster City Council  
Michele Kelley, CMC, City Clerk  
Published in the Westminster Window on July 8, 2004

SERIES OF 2004

INTRODUCED BY COUNCILLORS  
**Dittman-Hicks**

A BILL

FOR AN ORDINANCE APPROVING AND ACCOMPLISHING THE ANNEXATION OF CONTIGUOUS UNINCORPORATED TERRITORY IN A PARCEL OF LAND LOCATED IN SECTIONS 15 AND 22, TOWNSHIP 1 SOUTH, RANGE 68 WEST, 6TH P.M., COUNTY OF ADAMS, STATE OF COLORADO.

WHEREAS, pursuant to the laws of the State of Colorado, there was presented to and filed with the Council of the City of Westminster a written petition for annexation to and by the City of Westminster of the hereinafter-described contiguous, unincorporated territory situate, lying and being in the County of Adams, State of Colorado; and

WHEREAS, City Council has been advised by the City Attorney and the City Manager that the petition and accompanying maps are in substantial compliance with Section 31-12-101, et.seq., Colorado Revised Statutes, as amended; and

WHEREAS, City Council has held the required annexation hearing in conformance with all statutory requirements; and

WHEREAS, City Council has heretofore adopted Resolution No. 39 making certain findings of fact and conclusions regarding the proposed annexation as required by Section 31-12-110, C.R.S., and now finds that the property proposed for annexation under the Annexation Petition may be annexed by ordinance at this time; and

WHEREAS, the Council of the City of Westminster has satisfied itself concerning the conformance of the proposed annexation to the annexation policy of the City of Westminster.

NOW, THEREFORE, the City of Westminster ordains:

Section 1. That the annexation is hereby accomplished by and to the City of Westminster, State of Colorado, of the following described contiguous unincorporated territory situate, lying and being in the County of Adams, State of Colorado, to wit:

A parcel of land being a portion of the west half of Section 15 and the northwest quarter of Section 22, Township 1 South, Range 68 West, 6<sup>th</sup> Principal Meridian, in the County of Adams, State of Colorado, said parcel of land being more particularly described as follows:

Commencing at the south quarter of said Section 15;

Thence along the southerly line of said west half of Section 15, North 89°37'00" West 100.01 feet to a line parallel with and distant westerly 100.00 feet, measured at right angles, from the easterly line of the west half of said Section 15 and the Point of Beginning;

Thence along said parallel line, North 00°08'30" West 3968.94 feet to the northerly line of the south half of the northwest quarter of said Section 15;

Thence along said northerly line, North 89°28'30" West 100.01 feet to the westerly right-of-way of Interstate 25, being a line parallel with and distance 200.00 feet westerly, measured at right angles, from said easterly line of the west half of Section 15, being also the easterly boundary of the annexation to the City of Westminster recorded January 2, 1986 at Reception No. B621803 in the office of the Clerk and Recorder of said county;

Thence along said westerly right-of-way and said easterly boundary the following 9 courses:

- 1) Along said parallel line, South 00°08'30" East 175.50 feet;
- 2) Departing said parallel line, South 11°10'00" West 102.00 feet to a line parallel with and distant westerly 220.00 feet, measured at right angles, from said easterly line of the west half of Section 25;
- 3) Along said parallel line, South 00°08'30" East 400.00 feet;
- 4) Departing said parallel line, South 11°27'00" East 102.00 feet to a line parallel with and distant 200.00 feet westerly, measured at right angles, from said easterly line of the west half of Section 15;
- 5) Along said parallel line, South 00°08'30" East 899.81 feet;
- 6) Departing said parallel line, South 11°10'00" West 102.00 feet to a line parallel with and distant westerly 220.00 feet, measured at right angles, from said easterly line of the west half of Section 15;
- 7) Along said parallel line, South 00°08'30" East 500.00 feet;
- 8) Departing said parallel line, South 11°27'00" East 102.00 feet to a line parallel with and distant 200.00 feet westerly, measured at right angles, from said easterly line of the west half of Section 15;
- 9) Along said parallel line, South 00°08'30" East 1493.80 feet to the northeasterly corner of the parcel of land described in the deed to the Department of Highways, State of Colorado, recorded February 16, 1956 in Book 595, Page 288 in said Office of the Clerk and Recorder;

Thence along the southerly, easterly, and northerly boundaries of said annexation to the City of Westminster the following 5 courses:

- 1) Along the northerly boundary of said parcel of land recorded in Book 595 at Page 288, South 85°28'41" West 701.66 feet to the easterly boundary of said parcel of land;
- 2) Along said easterly boundary, South 00°23'00" West 40.00 feet to the easterly boundary of a parcel of land described in the deed to the Department of Highways, State of Colorado, recorded February 16, 1956 in Book 597, Page 367 in said Office of the Clerk and Recorder;
- 3) Along said easterly boundary, South 00°23'00" West 30.00 feet to the southerly boundary of said parcel of land;
- 4) Along the southerly boundary of said parcel of land, South 83°55'05" East 704.88 feet to the easterly boundary of said parcel of land and the westerly right-of-way of Interstate Highway 25 as described in the deed to the State Highway Commission of Colorado recorded August 24, 1953 in Book 473 at Page 187, being a line parallel with and distant westerly 200.00 feet, measured at right angles, from the easterly line of said northwest quarter of Section 15;
- 5) Departing said westerly right-of-way, said easterly boundary, and said parallel line, South 89°37'00" East 100.01 feet to the easterly boundary of said annexation, being a line parallel with and distant westerly 100.00 feet, measured at right angles, from the easterly line of said northwest quarter of Section 22;

Thence along the northerly prolongation of said easterly boundary, North 00°25'00" West 98.86 feet to a line parallel with and distant westerly 100.00 feet, measured at right angles, from said easterly line of the west half of Section 15;

Along said parallel line, North 00°08'30" West 1.14 feet to the Point of Beginning.

Containing 12.016 acres (523,408 sq. ft.), more or less.

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

Section 3. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14th day of June, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of June, 2004.

I-25/144<sup>th</sup> Avenue Annexation



ORDINANCE NO. **3124**

COUNCILLOR'S BILL NO. **36**

SERIES OF 2004

INTRODUCED BY COUNCILLORS  
**Dittman - McNally**

A BILL

FOR AN ORDINANCE REPEALING AND REENACTING THE WESTMINSTER COMPREHENSIVE LAND USE PLAN WITH THE 2004 UPDATE, AND MAKING CONFORMING AMENDMENTS TO THE WESTMINSTER MUNICIPAL CODE.

Whereas, the City Charter and state statute authorize City Council adoption of a comprehensive land use plan for the use, division and development of land for the purpose of protecting the public health, safety and welfare and accomplishing the harmonious development of the City; and

Whereas, the City has conducted an extensive review of existing land use and proposals for future development, including the participation of the public and of landowners in a series of public meetings and hearings before the Planning Commission; and

Whereas, the Planning Commission has considered the plan and recommended its adoption to the City Council with certain modifications; and

Whereas, a proposed comprehensive land use plan has been presented to the City Council with adaptations as recommended by the Council, Planning Commission, Citizens, and city staff after further review; and

Now therefore, the City Council hereby finds that the proposed Westminster Comprehensive Land Use Plan, dated June 2, 2004, provides for the use, division and development of land and meets the general purpose of protecting the public health, safety and welfare as authorized by Section 4.16 of the City Charter; and

Further, the City Council finds that the proposed Westminster Comprehensive Land Use Plan, dated June 2, 2004, meets the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality as authorized by Part Two of Title 31, Chapter 23, C.R.S.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The Westminster Comprehensive Land Use Plan, dated July 15, 1997, is hereby repealed.

Section 2. The Westminster Comprehensive Land Use Plan, dated June 2, 2004 is hereby adopted.

Section 3. Westminster Municipal Code, Title 11, Chapter 3-4 is hereby amended as follows:

11-3-4: CATAGORIES OF AWARD, subsection (A)-2 shall read "Category A-2: Active single family attached residential developments having a density of eight (8) or less dwelling units per acres."

Subsection (A)-3: shall read "Category A-3: Active multi family residential developments having a density of greater than eight (8) dwelling units per acre."

Subsection (B)-2: shall read "Category B-2: New single family attached residential developments having a density of eight (8) or less dwelling units per acre."

Subsection (B)-3: shall read "Category B-3: New multi family residential developments having a density of greater than eight (8) dwelling units per acre."

Subsection (G)-2: shall read “Category L-2: Legacy Ridge single family attached residential developments having a density of eight (8) or less dwelling units per acre.”

Subsection (G)-3: shall read “Category L-3: Legacy Ridge multi family residential developments having a density greater than eight (8) dwelling units per acre.”

Section 4. Compliance with said Plan, as provided in Westminster Municipal Code Chapter 4-16 of Title 11, shall be mandatory upon the effective date of this ordinance.

Section 5. Land use designations shown in the Plan may be affected by pre-existing vested rights or contractual development commitments. The applicability and scope of such vested rights or contractual developments, if any, will be reviewed and determined at the time of development plan approval.

Section 6. If a provision of the Plan conflicts with a provision of any policy, standard, or regulation adopted by the City, the more strict provision shall prevail.

Section 7. This ordinance shall take effect upon its passage after second reading.

Section 8. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14<sup>th</sup> day of June, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28<sup>th</sup> day of June, 2004.

A BILL

FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE COMMUNITY DEVELOPMENT BLOCK GRANT FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. This is the initial appropriation for 2004 for the CDBG Fund. The appropriation of \$681,000 is the amount approved by the US Department of Housing and Urban Development (HUD) for the City for 2004.

Section 2. The \$681,000 increase in the CDBG Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase	Final Budget
<b>Revenue</b>				
Block Grant-CDBG	7600.40610.0025	\$0	<u>\$681,000</u>	\$681,000
Total change to revenues			<u>\$681,000</u>	
Description	Account Number	Current Budget	Increase	Final Budget
<b>Expenses</b>				
Salaries	76030350.60200.0000	\$0	\$104,324	\$104,324
CDBG-04 Block Grant	80476030616.80400.8888	0	<u>576,676</u>	576,676
Total change to expenses			<u>\$681,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 14th day of June, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of June, 2004.

A BILL

FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL, GENERAL CAPITAL IMPROVEMENT, OPEN SPACE AND GOLF COURSE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$383,861 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$83,081,992. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of reimbursements, library fines, lease proceeds, sale of a K-9 and sponsorships.

Section 2. The \$383,861 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Grants - Jeffco	1000.40640.0020	\$0	\$1,890	\$1,890
Federal Grants	1000.40610.0000	11,000	12,911	23,911
General Misc	1000.43060.0000	154,866	1,500	156,366
Other Financing Use	1000.46000.0000	0	344,560	344,560
Library Fines	1000.42120.0034	125,000	1,500	126,500
Contributions	1000.43100.0000	5,000	<u>21,500</u>	26,500
Total Change to Revenues			<u>\$383,861</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Career Dev	10020300.61800.0343	\$0	\$1,890	\$1,890
Overtime	10020300.60400.0344	0	12,911	12,911
Other Equipment	10020500.76000.0000	187,219	1,500	188,719
Other Financing Use	10010900.78800.0000	0	344,560	344,560
Other Cont Svcs	10050620.67800.0000	148,870	1,500	150,370
Special Promotions	10030340.67600.0000	19,600	<u>21,500</u>	41,100
Total Change to Expenses			<u>\$383,861</u>	

Section 3. The 2004 appropriation for the GCIF initially appropriated by Ordinance No. 2977 in the amount of \$9,036,000 is hereby increased by \$105,140 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$8,974,273. The actual amount in the GCIF on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of contributions.

Section 4. The \$105,140 increase in the GCIF shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Cash-in-lieu Fut Cap Proj	7500.40210.0751	\$0	\$100,000	\$100,000
Contributions	7500.43100.0000	0	<u>5,140</u>	5,140
Total Change to Revenues			<u>\$105,140</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Retail Initiative	80275030527.80400.8888	\$0	\$100,000	\$100,000
Trails Development	80175050135.80400.8888	593,154	5,140	598,294
Total Change to Expenses			<u>\$105,140</u>	

Section 5. The 2004 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2977 in the amount of \$4,663,797 is hereby increased by \$42,000 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$4,347,828. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of an easement payment.

Section 6. The \$42,000 increase in the Open Space Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
General Misc	5400.43060.0000	\$0	<u>\$42,000</u>	\$42,000
Total Change to Revenues			<u>\$42,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Land Purchases	54010900.76600.0000	\$640,484	<u>\$42,000</u>	\$682,484
Total Change to Expenses			<u>\$42,000</u>	

Section 7. The 2004 appropriation for the Legacy Ridge Portion of the Golf Course Fund initially appropriated by Ordinance No. 2977 in the amount of \$1,927,183 is hereby increased by \$199,821 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$2,124,597. The actual amount in the Legacy Ridge Portion of the Golf Course Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt of lease proceeds.

Section 8. The \$199,821 increase in the Legacy Ridge Portion of the Golf Course Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Fin Source	2200.46000.0000	\$0	<u>\$199,821</u>	\$199,821
Total Change to Revenues			<u>\$199,821</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Fin Use	22010900.78800.0000	\$0	<u>\$199,821</u>	\$199,821
Total Change to Expenses			<u>\$199,821</u>	

Section 9. The 2004 appropriation for the Heritage Portion of the Golf Course Fund initially appropriated by Ordinance No. 2977 in the amount of \$2,007,519 is hereby increased by \$199,821 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$2,209,747. The actual amount in the Heritage Portion of the Golf Course Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the receipt lease proceeds.

Section 10. The \$199,821 increase in the Heritage Portion of the Golf Course Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Fin Source	2300.46000.0000	\$0	<u>\$199,821</u>	\$199,821
Total Change to Revenues			<u>\$199,821</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Other Fin Use	23010900.78800.0000	\$0	<u>\$199,821</u>	\$199,821
Total Change to Expenses			<u>\$199,821</u>	

Section 11. – 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 12. This ordinance shall take effect upon its passage after the second reading.

Section 13. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 14th day of June, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of June, 2004.

SERIES OF 2004

INTRODUCED BY COUNCILLORS  
**Dittman - Dixon**

A BILL

FOR AN ORDINANCE INCREASING THE 2004 BUDGETS OF THE GENERAL FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund, initially appropriated by Ordinance No. 2977 in the amount of \$71,818,317 is hereby increased by \$20,000 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$82,698,131. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the receipt of an emergency management performance grant.

Section 2. The \$20,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Revenue</b>				
Federal Grants	1000.40610.0000	\$11,000	<u>\$20,000</u>	\$31,000
Total change to revenues			<u>\$20,000</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Expenses</b>				
Career Dev	10025260.61800.0000	\$30,800	\$1,600	\$32,400
Contract Svcs	10025260.67800.0000	12,456	10,368	22,824
Supplies	10025260.70200.0000	32,266	<u>8,032</u>	40,298
Total change to expenses			<u>\$20,000</u>	

Section 3. – Severability. The provisions of this Ordinance shall be considered as severable. If any section, paragraph, clause, word, or any other part of this Ordinance shall for any reason be held to be invalid or unenforceable by a court of competent jurisdiction, such part shall be deemed as severed from this ordinance.

The invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect the construction or enforceability of any of the remaining provisions, unless it is determined by a court of competent jurisdiction that a contrary result is necessary in order for this Ordinance to have any meaning whatsoever.

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 14th day of June, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of June, 2004.

A BILL

FOR AN ORDINANCE INCREASING THE 2004 BUDGET OF THE WATER PORTION OF THE UTILITY FUND AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUND.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the Water Portion of the Utility Fund initially appropriated by Ordinance No. 2977 in the amount of \$28,737,449 is hereby increased by \$25,000 which, when added to the fund balance as of the City Council action on June 14, 2004 will equal \$29,212,190. The actual amount in the Water Portion of the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This increase is due to the appropriation of a grant from the United States Department of Energy.

Section 2. The \$25,000 increase in the Water Portion of the Utility Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Revenue</b>				
Federal Grants	2000.40610.0000	\$0	<u>\$25,000</u>	\$25,000
Total change to revenues			<u>\$25,000</u>	
Description	Account Number	Current Budget	Increase (Decrease)	Final Budget
<b>Expenses</b>				
Environmental Grant	80120035189.80400.8888	\$217,330	<u>\$25,000</u>	\$242,330
Total change to expenses			<u>\$25,000</u>	

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

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

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

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED AND PUBLISHED this 14th day of June, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28th day of June, 2004.



SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Dittman - Dixon**

A BILL

FOR AN ORDINANCE AMENDING PROVISIONS OF THE WESTMINSTER MUNICIPAL CODE  
IN THE EVENT OF MAYOR OR COUNCIL VACANCY

THE CITY OF WESTMINSTER ORDAINS:

Section 1. Section 1-10-1, subsection (D), W.M.C., is hereby AMENDED to read as follows:

**1-10-1: ELECTION AND TERM LIMITATION OF MAYOR:**

(D) If the Mayor resigns or if the office otherwise becomes vacant, the Mayor Pro Tem shall assume the office of Mayor and shall hold office until the next regular City election. AT SAID ELECTION, A MAYOR SHALL BE ELECTED FOR A FOUR-YEAR TERM. ~~At said election a Mayor shall be elected either to complete the four year term of the person previously elected, or for a new four year term, as applicable.~~ The position of the Councillor/Mayor Pro Tempore shall then be filled according to the provisions of Section 1-11-4, W.M.C. ~~The provisions of Section 1-11-4 shall apply to a vacancy in the office of Mayor in the same manner as to other members of Council, unless in conflict with this section.~~ This section shall not apply to a vacancy which is the result of a recall petition or recall election, in which case City Charter procedures applicable to recall shall apply.

Section 2. Section 1-11-4, subsection (A), W.M.C., is hereby AMENDED to read as follows:

**CHAPTER 11 CITY COUNCIL**

**1-11- 4: FILLING VACANCIES:**

(A) Any vacancy WHICH OCCURS in the City Council ~~more than ninety (90) days before the next regular City election~~ shall be filled within thirty (30) days by a majority of the remaining members of the City Council; ~~said appointee to hold office until the Monday following such election, at which election such vacancy shall be filled for any balance of the unexpired original term.~~ SAID APPOINTEE TO HOLD OFFICE FOR THE BALANCE OF THE UNEXPIRED TERM. ~~Any vacancy which occurs in the City Council ninety (90) days or less before the next regular City election shall not be filled.~~

Section 3. This ordinance shall take effect upon its passage after second reading.

Section 4. The title and purpose of this ordinance shall be published prior to its consideration on second reading. The full text of this ordinance shall be published within ten (10) days after its enactment after second reading.

INTRODUCED, PASSED ON FIRST READING, AND TITLE AND PURPOSE ORDERED PUBLISHED this 14<sup>th</sup> day of June, 2004. PASSED, ENACTED ON SECOND READING, AND FULL TEXT ORDERED PUBLISHED this 28<sup>th</sup> day of June, 2004.

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**Kauffman - McNally**

A BILL

FOR AN ORDINANCE AMENDING THE 2004 BUDGETS OF THE GENERAL FUND, FLEET, GENERAL CAPITAL IMPROVEMENT FUND, UTILITY, CONSERVATION TRUST AND OPEN SPACE FUNDS AND AUTHORIZING A SUPPLEMENTAL APPROPRIATION FROM THE 2004 ESTIMATED REVENUES IN THE FUNDS.

THE CITY OF WESTMINSTER ORDAINS:

Section 1. The 2004 appropriation for the General Fund initially appropriated by Ordinance No. 2977 in the amount of \$71,828,317 is hereby increased by \$3,328,000 which, when added to the fund balance as of the City Council action on June 28, 2004 will equal \$86,409,992. The actual amount in the General Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. The appropriation is due to the appropriation of 2003 carryover.

Section 2. The \$3,328,000 increase in the General Fund shall be allocated to City Revenue and Expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	1000.40020.0000	\$3,303,645	\$3,328,000	\$6,631,645
Total Change to Revenues			<u>\$3,328,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Central Chrgs Prof Svcs-Litigation	10010900.65100.0258	\$50,000	\$50,000	\$100,000
CC - Prof Svcs	10010900.65100.0000	106,870	170,000	276,870
CC - Office Equip	10010900.75200.0000	0	9,900	9,900
CC - Salaries	10010900.60200.0000	20,000	321,500	341,500
CC -Other Financing	10010900.78800.0000	1,085,413	36,803	1,122,216
Use				
GS – Office Equip	10012050.75200.0000	1,758	35,000	36,758
GS – Cont Svcs	10012060.65000.0000	0	9,000	9,000
GS – Maint/Repair	10012060.66100.0000	44,500	3,500	48,000
GS – Cont Svcs	10012130.65000.0000	0	4,000	4,000
GS – Maint/Repair	10012110.66200.0702	438,727	16,675	455,402
Fin – Cont Svcs	10015050.67800.0000	9,000	7,500	16,500
CD – Prof Svcs	10030360.65100.0000	17,876	50,200	68,076
CD- Cont Svcs	10030360.67800.0000	460	5,000	5,460
CD – Printing	10030360.66600.0000	5,700	6,000	11,700
CD – Prof Svcs	10030050.65100.0000	15,000	2,200	17,200
CD – Cont Svcs	10030050.67800.0000	30,001	17,000	47,001
		1		
PD – Other Equip	10020500.76000.0000	187,219	28,774	215,993
PD – Overtime	10020300.60400.0000	220,100	8,439	228,539
PR&L – Office Equip	10050050.75200.0000	0	6,262	6,262
PR&L – Employee Recruitment	10050620.61600.0000	0	15,000	15,000
PR&L – Spec Promo	10050760.67600.0528	0	3,322	3,322

Transfer to GCIF	10010900.79800.0750	0	2,471,925	2,471,925
Transfer to Wastewater	10010900.79800.02100	0	50,000	50,000
Total Change to Expenses			<u>\$3,328,000</u>	

Section 3. The 2004 appropriation for the Fleet Fund initially appropriated by Ordinance No. 2977 in the amount of \$1,161,081 is hereby increased by \$250,000 which, when added to the fund balance as of the City Council action on June 28, 2004 will equal \$1,792,805. The actual amount in the Fleet Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to the appropriation of 2003 carryover.

Section 4. The \$250,000 increase in the Fleet Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	3000.40020.0000	\$0	\$250,000	\$250,000
Total Change to Revenues			<u>\$250,000</u>	

EXPENSES

Description	Account Number	2004 Adopted	Amendment	2004 Revised
Employee Recruitment	30012460.61600.0000	\$0	\$10,000	\$10,000
Transfer to GCIF	30010900.79800.0750	0	240,000	240,000
Total Change to Expenses			<u>\$250,000</u>	

Section 5. The 2004 appropriation for the General Capital Improvement Fund initially appropriated by Ordinance No. 2977 in the amount of \$9,036,000 is hereby increased by \$8,497,724 which, when added to the fund balance as of the City Council action on June 28, 2004 will equal \$17,471,997. The actual amount in the General Capital Improvement Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to appropriation of 2003 carryover and a portion of the proceeds from the Catellus land sale received in 2004.

Section 6. The \$8,497,724 increase in the General Capital Improvement Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	7500.40020.0000	\$0	\$5,454,574	\$5,454,574
Transfer from Conservation Trust	7500.45000.0550	625,000	331,225	956,225
Transfer from Fleet	7500.45000.0300	0	240,000	240,000
Transfer from General Fund	7500.45000.0100		2,471,925	2,471,925
Total Change to Revenues			<u>\$8,497,724</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
City Park Maint Facility	80175050092.80400.8888	\$1,800,000	\$331,225	\$2,131,225
Catellus-Buy Back	80375015327.80400.8888	0	4,754,574	4,754,574
Westminster	80275030527.80400.8888	0	350,000	350,000
Retail Initiative				
Huron 129 <sup>th</sup> /144 <sup>th</sup>	80175030069.80400.8888	6,620,000	1,503,849	8,045,349
BO&M Major	80375012312.80400.8888	260,000	85,000	345,000

Maintenance				
Microsoft	80475060605.80400.8888	0	108,076	108,076
Software Upgrade				
Prom/Mandalay	80175030201.80400.8888	1,250,000	1,365,000	2,615,000
Gardens				
Total Change to Expenses			<u>\$8,497,724</u>	

Section 7. The 2004 appropriation for the Utility Fund initially appropriated by Ordinance No. 2977 in the amount of \$38,281,200 is hereby increased by \$8,146,647 which, when added to the fund balance as of the City Council action on June 28, 2004 will equal \$47,471,922. The actual amount in the Utility Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to appropriation of 2003 carryover.

Section 8. The \$8,146,647 increase in the Utility Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

#### REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	2100.40020.0000	(\$1,781,514)	\$8,096,647	\$6,315,133
Transfer from	2100.45000.0100	0	50,000	50,000
General Fund				
Total Change to Revenues			<u>\$8,146,647</u>	

#### EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
IT – Prof Svcs	20060230.65100.0000	\$51,000	\$16,100	\$67,100
Employee Recruit	20035050.61600.0000	0	50,000	50,000
Ditch Assessments	20035480.66400.0000	365,931	15,000	380,931
Maint/Repair	20035480.66200.0000	155,135	12,000	167,135
Chemicals	20035490.73000.0023	83,000	10,000	93,000
Prof Svcs	20035480.65100.0000	242,375	25,000	267,375
Thornton	80420035618.80400.8888	0	578,000	578,000
Replacement Wtr				
Central Charges –	20010900.60200.0000	0	43,500	43,500
salaries Water				
Central Charges –	21010900.60200.0000	0	12,500	12,500
salaries				
Wastewater)				
Fiber Optic Cable	80121035075.80400.8888	500,000	25,000	525,000
Voicemail	80420060606.80400.8888	35,000	25,000	60,000
Replacement				
BDC Expansion	80121035044.80400.8888	10,029,963	7,284,547	17,314,510
Maint Mgmt	80221035518.80400.8888	150,000	50,000	200,000
Computers				
Total Change to Expenses			<u>\$8,146,647</u>	

Section 9. The 2004 appropriation for the Conservation Trust Fund initially appropriated by Ordinance No. 2977 in the amount of \$625,000 is hereby increased by \$331,225 which, when added to the fund balance as of the City Council action on June 28, 2004 will equal \$956,225. The actual amount in the Conservation Trust Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to appropriation of 2003 carryover.

Section 10. The \$331,225 increase in the Conservation Trust Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	5500.40020.0000	\$0	\$331,225	\$331,225
Total Change to Revenues			<u>\$331,225</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Transfer to GCIF	55010900.79800.0750	\$625,000	\$331,225	\$956,225
Total Change to Expenses			<u>\$331,225</u>	

Section 11. The 2004 appropriation for the Open Space Fund initially appropriated by Ordinance No. 2977 in the amount of \$4,663,797 is hereby increased by \$330,000 which, when added to the fund balance as of the City Council action on June 28, 2004 will equal \$4,677,828. The actual amount in the Open Space Fund on the date this ordinance becomes effective may vary from the amount set forth in this section due to intervening City Council actions. This appropriation is due to appropriation of 2003 carryover.

Section 12. The \$330,000 increase in the Open Space Fund shall be allocated to City revenue and expense accounts, which shall be amended as follows:

REVENUES

Description	Account Number	Current Budget	Amendment	Revised Budget
Carryover	5400.40020.0000	\$0	\$330,000	\$330,000
Total Change to Revenues			<u>\$330,000</u>	

EXPENSES

Description	Account Number	Current Budget	Amendment	Revised Budget
Engineering Design	54010900.65600.0000	\$1,000	\$14,000	\$15,000
Land Purchases	54010900.76600.0000	640,484	316,000	956,484
Total Change to Expenses			<u>\$330,000</u>	

Section 13. – 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 14. Because the moneys allocated within this ordinance are needed immediately, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on June 28, 2004, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

Section 15. This ordinance shall be published in full within ten days after its enactment.

INTRODUCED, PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 28th day of June, 2004.

SERIES OF 2004

INTRODUCED BY COUNCILLORS

**McNally - Hicks**

## A BILL

FOR AN EMERGENCY ORDINANCE GRANTING AN EXCEPTION TO LEAVE PROVISIONS BASED ON "CONTINUOUS MUNICIPAL SERVICE" AND WAIVING RESTRICTIONS ON REEMPLOYMENT FOR CERTAIN FIREFIGHTERS IN CONNECTION WITH THE IMPLEMENTATION OF THE PROPOSED NEW PENSION PROGRAM FOR FIRE DEPARTMENT PERSONNEL

WHEREAS, pursuant to Colorado Revised Statutes, §31-31-1101, the City of Westminster ("City") may elect to cover its Police and Fire Department members under the FPPA Defined Benefit System administered by the Fire and Police Pension Association ("FPPA") in lieu of maintaining coverage under the City of Westminster Fire Pension Plan and Police Pension Plan; and

WHEREAS, the Westminster City Council has determined that it would be in the best interests of the members of the Fire Department to be covered under the FPPA System and has authorized staff to proceed with the preliminary steps toward conversion; and

WHEREAS, both the City's and firefighter's contribution amounts to FPPA are lower, 8% instead of 10%, for employees hired after the effective date of conversion (projected to be September 1, 2004); and

WHEREAS, the City would like to offer 19 firefighters, hired between February 1, 2003, and March 31, 2004, the option of resigning their positions on or about August 30, 2004, and being immediately re-hired on September 1, 2004, so that they are eligible to be treated as "new-hires" under the FPPA system and, thus, eligible for the lower contribution rate of 8%; and

WHEREAS, certain employee leave privileges, such as general leave accrual, vacation leave and eligibility for extended leave, are based on an employee's "Continuous Municipal Service," and Section VII of the City's Personnel Policies and Rules provides that all the accrued rights, privileges or benefits of previous City employment are null and void upon separation; and

WHEREAS, the City does not want to penalize the 19 firefighters with regard to the privileges and benefits of employment that are based on length of employment with the City as a result of their voluntary resignation and re-hire.

## THE CITY OF WESTMINSTER ORDAINS:

Section 1. Notwithstanding any provision of the City Code or the City's Personnel Policies and Rules to the contrary, any firefighter originally hired between February 1, 2003, and March 31, 2004, shall be deemed to have been in the continuous service of the City for the total period of time accumulated both before and after September 1, 2004. In addition, the City Manager is hereby authorized to waive the restrictions on reemployment that are contained in Section VII of the Personnel Policies and Rules for this group of firefighters.

Section 2. Because a vote of the firefighters on whether to affiliate with FPPA is scheduled to occur on July 7-9, 2004, and because a final determination on the effect of the proposed resignation/rehire will enable a more informed vote for the 19 affected firefighters, an emergency is declared to exist, and this ordinance is declared to be necessary for the immediate preservation of the public peace, health and safety. Wherefore, this ordinance shall be in full force and effect upon adoption of this ordinance on June 28, 2004, by an affirmative vote of six of the members of the Council if six or seven members of the Council are present at the meeting at which this ordinance is presented, or by an affirmative vote of four of the members of the Council if four or five members of the Council are present at the meeting at which this ordinance is presented and the signature on this ordinance by the Mayor or the Mayor Pro Tem.

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

INTRODUCED, READ IN FULL AND PASSED AND ADOPTED AS AN EMERGENCY ORDINANCE this 28<sup>th</sup> day of June, 2004.