
Council Newsletter



CITY MANAGER'S NOTES May 20, 2010

Upcoming Council Meetings

City Council will meet on **Monday, May 24th** for a Community Meeting at the Malley Center at 6:00 p.m. The agenda is attached.

City facilities will be closed for **Monday, May 31st** for Memorial Day. There is no City Council meeting scheduled.

City Council will meet on **Monday, June 7, 2010**. An Executive Session will begin at 6:00 p.m. in the City Council Conference Room. The Study Session will follow at 6:45 p.m. in the Community Room. The Regular Meeting will begin at 7:30 p.m. in Council Chambers.

Informative Memoranda

The following are memoranda in response to Council's requests, as well as other informational items.

1. Community Meeting flyer.
2. CML Statehouse Report, May 14, 2010.
3. Letters congratulating the Littleton/Englewood Wastewater Treatment Plant for their 2010 National Environmental Achievement Award.
4. Memorandum concerning the Bullock Mortuary Letter of Appreciation.
5. Memorandum concerning the Project Update.
6. Memorandum responding to a question from the May 17, 2010 Study Session.
7. Revised Police Department Summary Report, April, 2010.
8. Calendar of Events.
9. Tentative Study Session Topics.
10. Minutes from the Alliance for Commerce in Englewood Commission meeting of April 8, 2010.
11. Minutes from the Planning and Zoning Commission meeting of May 4, 2010.

You are invited!

Community Meeting

hosted by Englewood City Council

Monday, May 24, 2010

6 pm

Malley Center

3380 South Lincoln Street

Englewood, Colorado

The meeting will feature updates on:

- Broadway Post Office Historic Preservation
- Medical District Plan
- Englewood's most recent Financial Report

Open Forum

- A portion of the meeting will be set aside as an open forum for residents' comments, suggestions, and ideas.



City of Englewood
www.engagewoodgov.org

GOV. RITTER CONGRATULATES LAWMAKERS FOR '10 SESSION



GOV. BILL RITTER CONGRATULATED LAWMAKERS FOR SUCCESSFULLY CONCLUDING THE 2010 LEGISLATIVE session, thanking them for adopting a fair and balanced state budget, positioning Colorado for a sustainable economic recovery, and advancing Colorado as a national leader on energy, education and health care.

"Congratulations to lawmakers for keeping Colorado on the road to recovery, solving some of the biggest challenges facing the state and improving our overall quality of life," Gov. Ritter said. "Together, we crafted initiatives that will support small businesses, encourage job-creation, improve education and healthcare, and accelerate Colorado's New Energy Economy.

Even in the face of a very difficult economy, this was a very successful legislative session."

Legislative highlights for the 2010 session include:

- crafting a balanced, responsible recession-era budget that maintains vital services, positions Colorado for a healthy recovery and asks all Coloradans to share in the solutions required by reduced spending;
- increasing Colorado's renewable energy requirement to 30 percent by 2020;
- adopting the Colorado Clean Air-Clean Jobs Act — the nation's first statutory plan to replace old, dirty and inefficient coal-fired power plants with cleaner-burning natural gas;
- developing job-training and workforce-development programs, particularly in the clean-energy and health-care fields;
- improving K-12 education with measures that will enhance student learning and teacher effectiveness;
- providing temporary relief to state colleges and universities while long-term solutions are explored;
- reforming the private insurance industry by eliminating gender inequities, standardizing policy and benefit explanations, and requiring insurance companies to write forms in easy-to-understand language;
- reducing costs, eliminating waste and increasing efficiencies in the state's Medicaid program; and
- passing key regulations and guidelines for the state's voter-approved medical marijuana program.

New energy economy

Gov. Ritter and lawmakers continued to advance Colorado's New Energy Economy by enacting two landmark bills that will support the creation of tens of thousands of new jobs for Coloradans over the next decade. The New Energy Economy is now recognized nationally as a model for increasing economic, energy and environmental security. This year's legislation includes:

- HB 10-1001 (Tyler/Schwartz & Whitehead) increases the state's renewable energy requirement to 30 percent by 2020. Within 10 years, nearly one-third of electricity generated by large utility companies will come from the wind and the sun. This gives Colorado the second-highest renewable energy standard in the country and will lead to 100,000 solar rooftops over the next decade.
- HB 10-1365 (Solano & Roberts/Whitehead & Perry), known as the Colorado Clean Air-Clean Jobs Act, is the nation's first statutory plan to replace coal-fired power plants with cleaner forms of energy such as natural gas. Will lead to the conversion of 900 megawatts of power generation in the Denver metro area by 2018, and probably sooner.

Job creation and small business development

Gov. Ritter and lawmakers enacted several new measures this session that will give workers new job skills in healthcare, clean energy and other fields, support Colorado small businesses and encourage job creation. They emphasized the film and other creative industries, and modernized Colorado's largest economic-development incentive program.

- SB 10-028 (Heath/Pace) creates the voluntary "Colorado Work Share Program," which allows employers to reduce workers' hours instead of laying off employees. Workers with reduced hours could then receive work-share or partial unemployment benefits.
- SB 10-158 (Newell/Rice) merges several existing agencies to create a new Colorado Creative Industries Division within the Colorado Office of Economic Development.
- SB 10-162 (Heath/Hullinghorst & May) modernizes and updates the Enterprise Zone Program, requiring companies to certify that they moved to an enterprise zone in order to obtain a tax credit before they can receive any of the incentives available to them.
- HB 10-1333 (Vigil/Schwartz & Newell) provides grants to community colleges, vocational schools and other training providers to develop clean-energy job training programs.

INSIDE STATEHOUSE REPORT

Page 3: 2010 session concludes with all oppose bills dead, most support bills passed, Your CML advocacy team, Affordable housing, Annexation, Beer and liquor, Construction; Page 4: Labor, Land use, Legal notices, Lottery, Medical marijuana, Page 5: Thank you for your service; Page 6: Public safety, Renewable energy, Taxes, Transportation; Page 7: Urban renewal, Water, Workers compensation
Attachments: Box score, General Assembly by municipalities

Education

Gov. Ritter and lawmakers made significant progress on increasing student learning, improving educator effectiveness and addressing the fiscal challenges facing Colorado's public colleges and universities.

- SB 10-191 (Johnston & Spence/Scanlan & Murray) advances the work of the Governor's Council for Educator Effectiveness by ensuring student academic growth is a component of teachers' and principals' evaluations.
- SB 10-003 (Morse & Penry/Middleton & May) provides short-term flexibility to colleges and universities while the economy recovers and long-term solutions are identified.

Fiscal responsibility

In the face of the worst economy since the Great Depression, Gov. Ritter and lawmakers delivered a balanced and fair budget for Fiscal Year 2010-11. While the budget required difficult and painful decisions, the Governor and legislature protected essential services as they made smart and strategic spending cuts to close a billion-dollar-plus shortfall.

Other measures included:

- SB 10-001 (Shaffer & Penry/Kerr) shored up the state's Public Employee Retirement Association (PERA) pension fund, preventing it from becoming insolvent.
- HB 10-1402 (Riesberg/Bacon) and SB 10-192 (Kopp/Sonnenberg) will allow for important repairs to the iconic Capitol Dome without using any General Fund dollars.

Health care

Gov. Ritter and lawmakers positioned Colorado as a national leader on health care reform, taking on major obstacles impacting cost, quality and access to care and coverage.

- SB 10-167 (Boyd/Riesberg) saves taxpayer funds by improving efficiencies and eliminating waste in the state's Medicaid system.
- HB 10-1004 (Massey/Foster) requires private insurance companies to standardize policy forms and their explanations of benefits.
- HB 10-1008 (S. Schafer/Schwartz & M. Carroll) prohibits gender discrimination in health insurance.
- HB 10-1166 (Kefalas/Newell) protects Coloradans by requiring insurance companies to provide information on forms in easy-to-understand plain language.
- HB 10-1330 (Kefalas & Kagan/Morse) establishes a database of claims to better understand how Colorado is spending health care dollars.

Public safety and child protection

Gov. Ritter and lawmakers improved public safety by toughening up penalties for drunken driving, strengthening Colorado's child-protection system and regulating the state's voter-approved medical marijuana program.

- SB 10-171 (Newell/Gagliardi) requires the Department of Human Services to establish a Child Protection Ombudsman Program to review, evaluate and make recommendations on complaints and help improve the child welfare system.
- HB 10-1226 (Kefalas/Spence) allows child protection workers in five pilot counties to use alternative responses to low- or moderate-risk child abuse and neglect cases.
- HB 10-1284 (Massey/Romer) regulates medical marijuana dispensaries to ensure patient access while providing local control to communities.
- SB 10-109 (Romer/Massey) defines roles for qualifying doctors to treat medical marijuana patients with a focus on reducing fraud and abuse.
- HB 10-1347 (Levy/Morse). Increases the penalties for repeat offenders of driving under the influence of alcohol or drugs.

Consumer protection

Gov. Ritter and the legislature helped protect Colorado consumers through a number of initiatives:

- HB 1351 (Ferrandino/Romer) puts significant new limits on payday loans, including extending the amount of time (six months) that borrowers have to repay a loan.
- HB 10-1249 (Primavera/Labuda & Johnston) protects neighborhoods from abandoned properties by speeding up the sale of foreclosed properties.
- SB 10-155 (Tochtrop/Benefield) protects shoppers by banning fees on gift cards and requiring retail stores, restaurants, and other outlets to redeem a card's value in cash if it is less than \$5.

Military and veterans

- HB 10-1140 (Nikkel & Todd/B. Shaffer & Spence) dedicates money from the Veterans Trust Fund to help finance the construction of National Guard readiness centers in Alamosa, Grand Junction, and Windsor.
- HB 10-1205 (Ryden/Spence) requires local governments and military installations to cooperate with each other on land use and development issues.

CML is grateful for Gov. Ritter's leadership and friendship during the four legislative sessions during which he has been in office, and his willingness to work with CML outside the session, as well. Those in attendance at the CML Annual Conference in Breckenridge will have an opportunity to welcome and thank Gov. Ritter, who will no doubt have more to say in retrospect as his term draws to a close.

2010 SESSION CONCLUDES WITH ALL OPPOSE BILLS DEAD, MOST SUPPORT BILLS PASSED

by Kevin Bommer, Mark Radtke, and Geoff Wilson

As the second regular session of the 67th General Assembly drew to a close, CML finished work on legislation important to Colorado municipalities. During the 2010 session, the legislature evaluated 668 bills and concurrent resolutions and actively followed 221 of them. Of those, CML supported 24 bills and opposed 17 bills. 83 percent of the support bills passed — and all have either been signed by Gov. Bill Ritter or are expected to be; 100 percent of the oppose bills were either postponed indefinitely or amended such that CML dropped opposition. Below is a summary of the significant subject areas covered this session and some of the bills therein.

Affordable housing

After several attempts, CML and a coalition of supporters were finally able to pass legislation that provides some clarity to the rent control statute, 38-12-301, C.R.S., that prohibits municipalities from enacting rent control ordinances. The solution finally came in the form of a clarification that exempts voluntary agreements made between a local government and private property owners and developers that result in enforceable rent control or deed restriction agreements.

Bill: HB 10-1017, Voluntary agreements affecting rent

Sponsors: Rep. Daniel Kagan, D-Denver; Sen. Betty Boyd, D-Lakewood

Status: Signed by governor

Position: Support

Lobbyist: Kevin Bommer

Annexation

The stated purpose of HB 10-1259 was to "conform" the municipal annexation statutes to the "Poundstone II" amendment of the Colorado Constitution (Art. II, Sec. 30). The League had no quarrel with this notion; however, the bill as introduced included a number of additional substantive amendments to the portion of the annexation law concerning competing annexations between two jurisdictions. A panel of municipal annexation experts reviewed the language of the bill and proposed an amendment to remove those portions of the bill that we considered substantive or likely to affect annexation proceedings already underway. This amendment was added to the bill unanimously in the House Local Government Committee. Thereafter, the bill passed through the process unamended.

The League expresses its appreciation to bill sponsor, Rep. B.J. Nikkel, R-Loveland, for her forthright and constructive approach to addressing the League's concerns with this legislation, and to municipal attorneys Jerry

Dahl, Corey Hoffmann, and Steve Roy for developing our response.

Bill: HB 10-1259, Annexation amendments

Sponsors: Rep. B.J. Nikkel, R-Loveland; Sen. Ken Lundberg, R-Loveland

Status: Signed by governor

Position: No position

Lobbyist: Geoff Wilson

Beer and liquor

During this legislative session, no significant changes were made to the liquor code, although attempts to allow convenience stores to sell full-strength beer and for grocery stores to be able to sell beer, wine and spirits both failed in the House. Whether or not the failure of the legislation will drive one or two ballot initiatives remains to be seen, but CML is comfortable that local control remains intact in the ballot initiatives that have had their titles set.

Other legislation that would have created a caterer's alcohol beverage license was killed at the sponsor's request, and a bill clarifying that open containers are allowed in luxury boxes at sports venues was passed and signed into law.

Bill: HB 10-1279, Grocery store liquor licenses

Sponsors: Rep. "Buffie" McFadyen, D-Pueblo; Sen. Suzanne Williams, D-Aurora

Status: Postponed indefinitely

Position: No position

Lobbyist: Kevin Bommer

Bill: HB 10-1186, Full-strength beer in convenience stores

Sponsors: Rep. Larry Liston, R-Colorado Springs

Status: Postponed indefinitely

Position: No position

Lobbyist: Kevin Bommer

Construction

Contract retainage is the amount of a construction contract that can be held back from payment until all parties agree that work has been satisfactorily completed. The original bill would have reduced the

Your CML advocacy team:



Kevin Bommer advocates municipal interests on beer and liquor, severance tax and federal mineral lease, pensions, water and wastewater, workers compensation, health care, public safety communications, homeland security and more.
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Mark Radtke advocates municipal interests on transportation, energy, sustainability, tax and fiscal policy, and other issues of municipal interest concerning state legislation and regulations.
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Geoff Wilson advocates municipal interests on sales and use taxation, telecommunications, elections and environmental matters.
gwilson@cml.org

Important phone numbers

General bill information
303-866-3055

House
303-866-2904 or
800-811-7647 (Jan.-May)

Senate
303-866-2316 or
888-473-8136 (Jan.-May)

Legislative Council
303-866-3521

Department of Local Affairs
303-866-2771

Governor's Office
303-866-2471

General Assembly Web site
www.leg.state.co.us

Statehouse Report

is published regularly by the Colorado Municipal League during the Colorado General Assembly session and mailed first class to municipal officials. Publication is from the League offices at 1144 Sherman St., Denver, CO 80203-2207.

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www.cml.org

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maximum retainage from the current 10 percent to 5 percent for the first half of a project and 2.5 percent for the last half. Other provisions of the bill would have allowed a subcontractor to substitute letters of credit or other securities for retainage. The bill died on the House floor.

Bill: HB 10-1162

Sponsors: Rep. John Soper, D-Thornton; Sen. Bob Bacon, D-Fort Collins

Status: Lost, House second reading

Position: Oppose

Lobbyist: Mark Radtke

Labor

On the heels of Gov. Bill Ritter's veto of SB 09-180, which would have mandated collective bargaining rights for firefighters in municipalities and special districts, CML fought off another invasion of local employment practices and home rule authority in the form of SB 10-084, the Peace Officer's Bill of Rights. The major difference in this year's bill from last year's bill is that, although the state is a major employer of peace officers in the state, the proponents were not ultimately willing to force the state to apply the same provisions to it as it would have had to mandate on municipalities and counties. The bill was replete with unfunded mandates on local governments and the state for mandatory dues check-off and third party binding arbitration, even after much of the original bill was deleted through amendments. Regardless, it was a blatant preemption of home rule authority and local control. CML strongly believes that if mandates such as SB 84 are good enough for the state to force onto local governments, then the legislature should be willing to apply it to the state's own employees, as well. Clearly, the legislature was not willing to go that far, and the sponsor asked that the bill be laid over until after the end of the session.

Bill: SB 10-084, Peace Officer Bill of Rights

Sponsors: Sen. Lois Tochtrop, D-Thornton; Rep. Sara Gagliardi, D-Arvida

Status: Postponed indefinitely

Position: Oppose

Lobbyist: Kevin Bommer

Land use

For years, county and municipal planning statutes have given counties and municipalities authority to conduct a "location and extent" review of projects proposed by other jurisdictions and to approve or disapprove those projects. The statutes then give the applicant jurisdiction power to "override" local disapproval and proceed with the project anyway. The theory is that no jurisdiction's conception of the public interest (as reflected in its land use practices) ought to trump another public entity's ability to meet its responsibility to also serve the public interest.

Following a loss in the Colorado Supreme Court in a squabble with a local fire district, Boulder County secured introduction of HB 10-1368, which sought to accomplish by legislation what the Supreme Court had declined to give them in their case. The county proposed to amend the county "override statute" so that applicant jurisdictions could not override restrictions or prohibitions in a county approved PUD zoning scheme. Notably, no corresponding amendment was suggested to the municipal override statute (thus, a municipal PUD would not stand in the way of, say, a county project proposed within a municipality!).

The bill was vigorously opposed by CML, individual municipalities and special districts. Following our agreement to discuss override statute issues informally, the bill was killed at the sponsor's request.

Bill: HB 10-1368, County PUDs

Sponsors: Christine Scanlan, D-Dillon

Status: Postponed indefinitely

Position: Oppose

Lobbyist: Geoff Wilson

Legal notices

HB 10-1063 was a collaboration between the Colorado Press Association and CML. Current law requires legal notices to be published in a newspaper with a "paid circulation" that is published in the county in which the jurisdiction publishing notice is located. In several communities across Colorado, the only newspaper in town is distributed free, making it ineligible to print legal notices. In this situation, under former law, this jurisdiction was required to publish in another newspaper, outside of town, somewhere else in the county. HB 1063 remedies this problem by providing that, if there is no paid newspaper published within the municipality, the municipality may publish its legal notices in a free newspaper distributed within the jurisdiction. The bill was signed into law on March 18, and took effect on that date.

Bill: HB 10-1063, Newspaper for municipal legal notice

Sponsors: Rep. Nancy Todd, D-Aurora; Sen. Dan Gibbs, D-Silverthorne

Status: Signed by governor

Position: Support

Lobbyist: Geoff Wilson

Lottery

Allocation of Conservation Trust Fund monies

SB 10-98 was amended in committee to simply allow counties to contract with Title 35 conservation districts and noxious weed districts with to use the counties' shares of the CTF fund for weed control and various conservation practices. While CML believes

the Colorado Constitution prevents the use of CTF funds for the purposes for which the weed and conservation districts intend to use them, CML dropped its opposition to the legislation since municipal CTF distributions will not be affected.

Bill: SB 10-098, Conservation Trust Fund transfer to Ag

Sponsors: Sen. Lois Tochtrop, D-Thornton; Rep. Jerry Sonnenberg, R-Sterling

Status: Signed by governor

Position: No position

Lobbyist: Kevin Bommer

Education funding proposals

SCR 4 would have created new games, such as keno, video lottery terminals, and a racetrack "racino" at the Colorado State Fair in Pueblo, to fund higher education opportunities. The resolution ran into stiff opposition and never made it out of its first committee.

Similarly, CML's broad coalition of opposition to this resolution led to the House Education Committee postponing indefinitely HCR 1007. The resolution would have referred to the voters a question of whether to allow the legislature to annually redirect net lottery proceeds to the State Education Fund in any year a fiscal emergency is declared by 60 percent or more of the legislature. Education proponents did not to support the resolution for various reasons.

Bill: SCR 10-004, Games of chance for higher education

Sponsors: Sens. Chris Romer, D-Denver and Abel Tapia, D-Pueblo; Reps. Mike May, R-Parker, and "Buffie" McFadyen, D-Pueblo

Status: Postponed indefinitely

Position: Oppose

Lobbyist: Kevin Bommer

Bill: HCR 10-1007, Transfer lottery proceeds to state education fund

Sponsors: Rep. Jerry Sonnenberg, R-Sterling

Status: Postponed indefinitely

Position: Oppose

Lobbyist: Kevin Bommer

Medical marijuana

Doctor-patient relationship

The goal of SB 10-109 is to require that a bona fide doctor-patient relationship exist before a medical marijuana recommendation is made. Only a medical doctor or doctor of osteopathy may make a medical marijuana recommendation for a patient. The doctor must determine the debilitating condition that justifies a recommendation for medical marijuana and certify that finding to the state health department. The recommendation would become part of a patient's medical history and follow-up examinations. Physicians could not be compensated for

their recommendations by a medical marijuana center.

Bill: SB 10-109, Medical marijuana doctors
Sponsors: Sen. Chris Romer, D-Denver, Rep. Tom Massey, R-Poncha Springs
Status: Before governor
Position: Support
Lobbyist: Mark Radtke

State and local regulation

Municipalities are in control of their own destiny in dealing with medical marijuana dispensaries, grow operations, and product manufacturing. HB 10-1284 allows municipalities (and counties for unincorporated areas) to allow medical

marijuana dispensaries or prohibit them. Prohibition can be made through council/board action or through a vote of the people. For those who allow dispensaries, a dual-licensing process is established. Local licensing authorities can issue licenses for medical marijuana centers (dispensaries), grow operations, and manufacturing of food products that contain marijuana. Following local license approval, the applicants will have to obtain a state license. Municipalities have wide latitude in writing local licensing provisions. Dispensaries that are currently in operation may continue to operate under current local law until the new state licenses are issued on July 1, 2011; however, they

must make an application for a state license to the Department of Revenue by Aug. 1, 2010 to remain legal. CML will be providing more detailed information in the coming weeks. An overview of the bill will be presented in a CML Webinar on Friday, May 21; details on participation are available at www.cml.org.

Bill: HB 10-1284, Medical marijuana dispensaries
Sponsors: Rep. Tom Massey, R-Poncha Springs; Sen. Chris Romer, D-Denver
Status: Before governor
Position: Support
Lobbyists: Mark Radtke, Kevin Bommer

THANK YOU FOR YOUR SERVICE

VOTERS APPROVED TERM LIMITS FOR STATE LEGISLATORS IN 1990, AND IN each election year some legislators reach their term limits. Some legislators also choose to move on to other endeavors and vacate their seats. With the conclusion of the 2009-2010 biennium, several legislators will be serving their final terms, retiring from the legislature, or running for other offices. CML would like to recognize these legislators and thank them for their service to their districts and the citizens they represent.

Senate



Sen. Josh Penry
 R-Grand Junction
 Senate Minority Leader
 SD-7



Sen. Ken Kester
 R-Las Animas
 SD-2
 Term limited



Sen. Abel Tapia
 D-Pueblo
 SD-3
 Term limited



Sen. David Schultheis
 R-Colorado Springs
 SD-9



Sen. Dan Gibbs
 D-Silverthorne
 SD-16



Sen. Maryanne "Moe" Keller
 D-Wheat Ridge
 SD-20
 Term limited



Sen. Paula Sandoval
 D-Denver
 SD-34
 Term limited

House



Speaker Terrance Carroll
 D-Denver
 HD-7
 Term limited



Rep. Paul Weissmann
 D-Louisville
 House Majority Leader
 HD-12
 Term limited



Rep. Mike May
 R-Parker
 House Minority Leader
 HD-44
 Term limited



Rep. Jerry Frangas
 D-Denver
 HD-4
 Term limited



Rep. Joel Judd
 D-Denver
 HD-5
 Term limited



Rep. Jack Pommer
 D-Boulder
 HD-11
 Term limited



Rep. Kent Lambert
 R-Colorado Springs
 HD-14
 Running for Senate



Rep. Mike Merrifield
 D-Colorado Springs
 HD-18
 Term limited



Rep. Liane "Buffie"
 McFadyen
 D-Pueblo
 HD-47
 Term limited



Rep. Steve King
 R-Grand Junction
 HD-54
 Running for Senate



Rep. Scott Tipton
 R-Cortez
 HD-58
 Running for U.S. Congress,
 3rd District



Rep. Ellen Roberts
 R-Durango
 HD-59
 Running for Senate



Rep. Cory Gardner
 R-Yuma
 HD-63
 Running for U.S. Congress,
 4th District

Public safety: 9-1-1

9-1-1 prepaid wireless surcharge

SB 120 will finally close the final gap in 9-1-1 funding by all devices that can access 9-1-1. The legislation requires collection of the surcharge at the point-of-sale of the wireless device or prepaid minutes. After July 1, 2011, retailers can retain 3.3 percent of the fee amount, which will match the vendor fee retailers retain for state sales tax.

Bill: SB 10-120, Prepaid wireless 9-1-1 surcharges

Sponsors: Sen. Al White, R-Hayden; Rep. Joe Rice, D-Littleton

Status: Before governor

Position: Support

Lobbyist: Kevin Bommer

"Lifeline" exemption for 9-1-1

SB 10-135 would have carved out a specific exemption for providers authorized to provide discounted telephone service through a federally-subsidized program. Even though the cost to Tracfone — the bill's proponent — would be about \$3 per month to provide the service, the company would get a subsidy of \$10 per month from the federal government. Regardless, Tracfone wanted to be exempt from remitting the 9-1-1 surcharge for its Lifeline customers, which has serious implications for 9-1-1 authorities that are already struggling to pay for necessary infrastructure improvements. Ironically, areas of the state in which more eligible poor people would qualify for the service would have seen their equally disadvantaged 9-1-1 authorities hurt the most. At the sponsor's request, the bill was laid over until after the end of the session.

Bill: SB 10-135, 9-1-1 exemption for Lifeline services

Sponsors: Sen. Nancy Spence, R-Hayden; Rep. Sal Pace, D-Pueblo

Status: Postponed indefinitely

Position: Oppose

Lobbyist: Kevin Bommer

Renewable energy

The General Assembly has approved League-supported HB 10-1342, which will, after Public Utilities Commission implementation, permit rebates and other incentives currently available for "on-site solar installations" to also be available to owners who consolidate their solar arrays with at least nine other array owners in a "solar garden." The bill contains various restrictions, including that a garden may not generate in excess of 2MW. The bill permits those with shaded lots or other conditions that make on-site installations impractical to qualify for installation incentives. Any such

installations would be subject to local land use regulation.

Bill: HB 10-1342, Community solar gardens
Sponsors: Rep. Claire Levy, D-Denver, Sen. Suzanne Williams, D-Aurora

Status: Before governor

Position: Support

Lobbyist: Geoff Wilson

Taxes

Budget reduction package

As part of the effort to address the state's fiscal crisis, several bills suspending or eliminating various sales tax exemptions (HB 10-1189 through HB 10-1195) were enacted this session. Staff for the Colorado Municipal League and Colorado Counties Inc. worked together to prepare amendments to the package of bills to assure that they did not reduce local government revenues.

These tax bills were quite complex and involved various aspects of the state sales and use tax statutes, not simply the exemptions sections. Thus, the form of each bill was slightly different; consequently, the steps required to avoid adverse impact on local governments also varied somewhat. These bills were sponsored in the house by Joint Budget Committee members Reps. Jack Pommer, D-Boulder, and Mark Ferrandino, D-Denver. We very much appreciate the sponsors' willingness to work with us in a constructive and accessible manner. Our efforts were also greatly assisted by representatives of Legislative Legal Services (who draft all of the legislation at the Capitol), as well as tax professionals in the Colorado Department of Revenue.

Bill: HB 10-1189 through HB 10-1195

Sponsors: Rep. Jack Pommer, D-Boulder; Mark Ferrandino, D-Denver

Status: Signed by governor

Position: No position

Lobbyist: Geoff Wilson

Business personal property tax

This year's version of eliminating the business personal property tax came in the form of eliminating the tax from fully depreciated property. The bill provided a four-year phase-out schedule to eliminate 25 percent of the total amount from taxation each year until completely gone in 2014. Cities and towns would have shared in a loss of roughly \$14 million in property tax revenue.

Bill: SB 10-86

Sponsors: Sen. Mark Scheffel, R-Parker; Rep. Kevin Priola, R-Henderson

Status: Postponed Indefinitely

Position: Oppose

Lobbyist: Mark Radtke

Tax policy study

Lawmakers set in motion an independent, nonpartisan comprehensive tax policy study. SJR 10-002 will be the first over-all look at state and local tax policy since 1958. Among other issues, the study is directed to look at the effects of current tax policy on long-term economic growth, providing revenue to adequately finance state and local government services, and how equitable is the tax burden. The study will be conducted by the University of Denver, with a report due in January 2011.

Bill: SJR 10-002

Sponsors: Sen. Rollie Heath, D-Boulder, Rep. Lois Court, D-Denver

Status: Adopted

Position: Support

Lobbyist: Mark Radtke

Transportation

Abandonment of state highways

This year was the third year in a row that CML has defeated a bill that would direct the Colorado Department of Transportation to walk away from its responsibility for state highways in MPO areas. The idea is to force municipalities and counties to take ownership of state highways along the Front Range and in Mesa County — thereby freeing state money to spend on the interstates and rural highways. That concept was defeated in March when HB 10-1088 was postponed indefinitely. The sponsor then picked up the support of the chair of the Joint Budget Committee for a late bill that would require CDOT to conduct a study of the issue. Obviously, someone is going to lose money in this deal or we wouldn't be talking about it, so CML was successful in amending the bill to require that the study only report a scenario that results in no unfunded mandate on local governments.

Bill: HB 10-1405

Sponsors: Rep. Glenn Vaad, R-Mead; Sen. Nancy Spence, R-Aurora

Status: Before governor

Position: Formerly opposed

Lobbyist: Mark Radtke

FASTER

A half dozen bills that reduced the FASTER vehicle registration fees flowing to HUTF were defeated. CML and its FASTER partners supported two of three successful bills that tweak the FASTER vehicle registration late fees. The impact is minimal, as together they will reduce the municipal share of HUTF less than \$150,000.

HB 1212 requires the Department of Revenue to establish rules on when late fees may be waived. Such circumstances as office closures, medical hardships, and acts

of God are among the excuses that would be allowed for clerks to waive the late penalty.

Bill: HB 1212

Sponsors: Rep. Rice, D-Littleton; Sen. Schwartz, D-Snowmass Village

Status: Signed by governor

Position: Support

Lobbyist: Mark Radtke

HB 1211 reduces the penalty for late registration of non-motorized vehicles (trailers) under one ton to \$10.

Bill: HB 1211

Sponsors: Rep. Tyler, Sen. Williams

Status: Before governor

Position: Support

Lobbyist: Mark Radtke

SB 10-198 reduces the penalty for late registration of nonmotorized vehicle (trailers) up to 16,000 pounds, camper trailers, and multi-purpose trailers to \$10.

Bill: SB 10-198

Sponsors: Sen. Bruce Whitehead, D-Durango, Rep. Wes McKinley, D-Walsh

Status: Before governor

Position: Monitor

Lobbyist: Mark Radtke

Highway Users Tax Fund

Protecting the Highway Users Tax Fund from revenue reductions and diversions to the state general fund was a mixed bag this session. CML and its FASTER partners were successful in amending HB 1387 to make the diversion of \$20 million in driver's license fees earmarked for HUTF a two-year temporary action. The bill backed by the Joint Budget Committee was written originally to make that diversion permanent. These same dollars were diverted for one year in the last legislative session. This means that the reduction is already reflected in HUTF monthly disbursements, so municipalities will not see a further reduction in 2011. The League supported temporary diversions both last year and this session to shore up the state general fund during the current fiscal crisis. However, HUTF is wrestling with its own long-term fiscal crisis and cannot afford to permanently lose this significant revenue source.

Bill: HB 10-1387

Sponsors: Rep. Jack Pommer, D-Boulder, Sen. Al White, R-Hayden

Status: Before governor

Position: Formerly opposed

Lobbyist: Mark Radtke

Urban renewal

HB 10-1107 prohibits land assessed as agricultural for inclusion into an urban renewal authority area. The bill does carve out six exceptions brownfield sites; sites that

are at least two-thirds contiguous to urban level development and one half of the area is urban level development; enclaves surrounded by urban level development; agreements to inclusion by all affected taxing entities; land included in URA as of effective date of bill; and manufacturing facilities that includes in-state and out-state product distribution.

Another major change is that any agricultural land that is included in a URA will be assessed at market value rather than at agricultural value, which will decrease the amount of property tax available for tax increment financing. Actions after June 1, 2010 will be governed by the new law.

Bill: HB 10-1107

Sponsors: Rep. Randy Fischer, D-Fort

Collins; Sen. Morgan Carroll, D-Aurora

Status: Signed by governor

Position: Support

Lobbyists: Mark Radtke, Geoff Wilson

Water

At the urging of the City of Walsenburg, Sen. Ken Kester, R-Las Animas, introduced SB 10-181, which made a small but critical amendment to the municipal statutes concerning municipal acquisition of water rights by acquiring the land to which such rights attach. Currently, the law permits municipalities to sell such land, but not to lease it. This omission has not been an impediment to home rule municipalities, whose leasing authority is constitutionally based, but it has caused problems for statutory jurisdictions like Walsenburg. In Walsenburg's case, the City does not want to sell its property, it just wants to lease space on a ridge for some wind turbines. SB-181 permits Walsenburg, and other municipalities that may want to lease rather than sell their property, that option. Sen. Kester went out of his way, by getting "late bill permission" for introduction of SB 181 after the usual deadlines, to help Walsenburg. That is completely in character for Sen. Kester, a long-time friend of the League and former county commissioner with a lot of statutory municipalities in his large southeastern Colorado district. This is Senator Kester's final term in office, due to term limits.

Bill: SB 10-181, Municipal authority to lease land

Sponsors: Sen. Ken Kester, R-Las Animas;

Rep. Wes McKinley, D-Walsh

Status: Before governor

Position: Support

Lobbyist: Geoff Wilson

Workers compensation

While changed dramatically from its introduced form, which would have been very punitive for insurers and self-insured

employers, this legislation would have had dramatic effects on the ability of insurers and employers to utilize surveillance as a means to prevent and deter fraud and abuse. The standard established for an insurer or employer to conduct surveillance and ensure its admissibility in a workers' compensation hearing was vague and confusing. Rather than focus on a few bad apples that may have, as individuals, conducted inappropriate surveillance activities, this bill would have punished all employers and their insurers and would have increased workers compensation costs. The bill was postponed indefinitely in the sponsor's Senate Judiciary Committee.

Bill: HB 10-1017, Voluntary agreements affecting rent

Sponsors: Rep. Sal Pace, D-Pueblo; Sen.

Morgan Carroll, D-Aurora

Status: Postponed indefinitely

Position: Oppose

Lobbyist: Kevin Bommer

CML LEGISLATIVE BOX SCORE

2010 Regular Session

Updated May 13, 2010

Check for the latest box score at www.cml.org

Subject

* means with amendments

SUPPORT

SB 22	<i>Pensions – FPPA Defined Benefit Member Contribution.</i> Allows FPPA members to elect to increase member contributions to the statewide defined benefit plan upon approval by employers per FPPA rules. (Kevin Bommer)	Signed by Governor*
SB 25	<i>Water – Water conservation plan requirement.</i> Extends the grant funding for development and implementation of mandatory water conservation plans. (Kevin Bommer)	Before Governor
SB 100	<i>Energy - Cross-Boundary Energy Improvement Districts.</i> Allows renewable energy improvements to cross county boundaries and allows such a district formed by a county to be created in 2 or more counties. (Mark Radtke)	Signed by Governor*
SB 109	<i>Medical Marijuana – Physician/Patient Relationship.</i> Requires a physical exam to take place before a physician can recommend the use of medical marijuana. Requires follow-up visits and that the recommendation become part of the patient's medical record. Prohibits the physician from accepting payment from a caregiver for recommending medical marijuana for a patient. (Mark Radtke)	Before Governor*
SB 110	<i>Transportation – Seatbelts/Child Restraints.</i> Allows law enforcement officers to stop and cite drivers for carrying a child not riding in the proper child seat. (Mark Radtke)	Before Governor*
SB 120	<i>9-1-1 – Inclusion of Prepaid Wireless in the Requirement to Remit 9-1-1 Surcharge.</i> Establishes a 9-1-1 surcharge collected at the point of sale of wireless devices and purchased minutes. Requires the Department of Revenue to collect the surcharge and distribute to local 9-1-1 Authority Boards based on call volume. (Kevin Bommer)	Before Governor*
SB 142	<i>Taxes - Local Sales Tax Appeal Time Limit.</i> Resolves certain disputes related to sales and use tax paid to a local government. (Geoff Wilson)	Signed by Governor*
SB 162	<i>Economic Development – Enterprise Zone Act Modifications.</i> Clarifies that census data will be used to determine eligibility for creation of an enterprise zone and increases the population limitation. Replaces the current process for employer qualification to a pre-certification. (Mark Radtke)	Before Governor*
SB 181	<i>Water – Land leasing.</i> Allows statutory entities to lease land, which it has purchased in order to acquire the water rights. The law currently only permits municipalities to sell such land. (Geoff Wilson)	Before Governor
SCR 001	<i>Fiscal Policy - Fiscal Policy Constitutional Commission.</i> Referred Constitutional amendment for the November ballot. Creates a temporary constitutional commission limited to considering constitutional changes regarding fiscal policy and empowered to bring forward one or more constitutional amendments directly to the 2012 ballot. Needs 2/3 vote in both chambers for passage. (Mark Radtke)	Postponed indefinitely
SCR 003	<i>Initiative Reform - Constitutional Amendment Requirements.</i> Would refer to the fall ballot a question to increase the requirements for approving amendments to the Colorado Constitution. (Mark Radtke)	Postponed indefinitely
SJR 18	<i>Water – Opposing Davis-Bacon wage requirement.</i> Resolution to oppose EPA's interpretation of the 2010 Appropriations Act leading to retroactive application of federal prevailing wages on water/wastewater projects. Urges Congress to take corrective legislative action. (Kevin Bommer)	Postponed indefinitely
HB 1017	<i>Affordable Housing – Voluntary rental agreements and deed restriction.</i> Clarifies that nothing prohibits or restricts voluntarily entering into and enforcing an agreement that controls rent on a private residential housing unit or includes a deed restriction on the property. (Kevin Bommer)	Signed by Governor*

HB 1019	<i>Transportation – Reserved Disabled Parking Enforcement.</i> Allows law enforcement to confiscate handicapped parking tags that are misused or are fraudulent, provides for towing of illegally parked vehicles, and protects a person displaying a handicapped tag from citation in a parking lot that does not provide an accessible payment system. (Mark Radtke)	Before Governor*
HB 1063	<i>Legal notices – Newspaper for Official Notices.</i> Permits the publication of legal notices in “free” newspapers if no “paid-circulation” newspaper is available locally. (Geoff Wilson)	Signed by Governor
HB 1107	<i>Urban Renewal – Greenfields Urban Renewal.</i> Prohibits the inclusion of agricultural lands within Urban Renewal Authorities with specific exceptions. Replaces the current agricultural assessed value of land for tax increment purposes to market value that would increase the TIF base figure. (Mark Radtke)	Signed by Governor*
HB 1143	<i>Land Use/Transportation – Uses at RTD Transfer Facilities.</i> Allows residential development to be included in RTD transfer facilities, subject to local zoning provisions. (Mark Radtke)	Signed by Governor*
HB 1165	<i>Land Use – State Land Board Conveyances to Local Government.</i> Allows the state board of land commissioners to convey land to units of local government if the conveyance would add value to adjoining or nearby state trust property, benefit board operations, or comply with local land use regulations. (Geoff Wilson)	Signed by Governor*
HB 1211	<i>Transportation – Non-motorized Vehicle Registration Fees.</i> Reduces FASTER vehicle late registration penalties for non-motorized trailers to a flat \$10. (Mark Radtke)	S. Receded from Senate position*
HB 1212	<i>Transportation – Registration Late Fees.</i> Directs the Department of Revenue to formulate rules that would allow County Clerks to waive motor vehicle registration late penalties in certain circumstances, such as medical conditions, weather, office and closures.(Mark Radtke)	Signed by Governor*
HB 1276	<i>Transportation – Sale of Railroad Right-of-way for Public Purpose.</i> Clarifies that railroads may sell portions of their right-of-way for use by public passenger rail without an order of abandonment from the federal Surface Transportation Board. (Mark Radtke)	Signed by Governor*
HB 1284	<i>Medical marijuana – State and local licensing.</i> Establishes a framework for state and local licensing of medical marijuana centers, optional premises, and infused product licenses. (Mark Radtke, Kevin Bommer)	Before Governor*
HB 1328	<i>Economic Development - Statewide Improvement District for Energy Efficiency.</i> Allows property owners to borrow funds to construct energy efficiency or alternative energy projects on their home or business from the District, repaid through an assessment on their annual property tax bill. (Mark Radtke)	Before Governor*
HB 1342	<i>Energy – Community Solar Gardens.</i> Directs the PUC to adopt new rules under which standard offers can apply to solar generation facilities that are beneficially owned by 10 or more customers at a shared location, called a “community solar garden.” (Mark Radtke)	Before Governor*

OPPOSE

SB 84	<i>Labor – Peace Officers Bill of Rights.</i> Requires all state and local governments that employ peace officers to provide several guarantees as part of their employment. (Kevin Bommer)	Postponed indefinitely
SB 86	<i>Taxes – Business Personal Property Tax.</i> Eliminates fully depreciated business personal property from the business personal property tax. Establishes a four-year phase out schedule. (Mark Radtke)	Postponed indefinitely
SB 135	<i>9-1-1 – Low Income 9-1-1 Exemption.</i> Exempts customers receiving free wireless telephone service under the federally subsidized “Lifeline” program from paying a 911 charge. (Kevin Bommer)	Postponed indefinitely

SB 137	<i>Transportation – No Street Use Vehicle Registration.</i> Allows a vehicle owner to “idle” a vehicle through a special registration and halves specific ownership tax for idled vehicles. Vehicle registration fees would be pro rated if vehicle is returned to street use. (Mark Radtke)	Postponed indefinitely
HB 1012	<i>Workers Compensation - Limitation on the Use of Surveillance.</i> Prohibits an insurer or employer from conducting surveillance of an employee the insurer or employer has a reasonable basis to suspect that the employee has committed fraud or made a material misstatement concerning the claim. (Kevin Bommer)	Postponed indefinitely
HB 1088	<i>Transportation – State Highway Abandonment.</i> Requires the Transportation Commission to identify state highways that meet certain criteria and then transfer those state highways from state to local ownership. (Mark Radtke)	Postponed indefinitely
HB 1124	<i>Animal Welfare - Animal Protection Enforcement.</i> Adds new employment requirements for county animal control officers. Requires repayment of care and feeding bond unless a person is found guilty of a cruelty charge or a dog’s “dangerous dog” status is upheld. (Kevin Bommer)	Postponed indefinitely
HB 1162	<i>Contracts – Reduce Construction Contract Retainage.</i> Reduces by half the amount of retainage that municipalities would be able to include in construction contracts. (Mark Radtke)	Postponed indefinitely
HB 1368	<i>Land Use - Subjecting municipal projects to county PUD zoning.</i> Enable counties to block extraterritorial municipal projects and special district projects through use of county PUD power. (Geoff Wilson)	Postponed indefinitely
HCR 1003	<i>Severance Tax – State Rainy Day Fund.</i> Diverts \$25 million in severance tax to a state rainy day fund prior to distribution to Department of Local Affairs and Department of Natural Resources. (Kevin Bommer)	Postponed indefinitely
HCR 1007	<i>Lottery – Transfer of GOCO Funds to State Education Fund.</i> Would refer to the fall ballot a question a question to - in any state fiscal year – allow the transfer of net lottery proceeds to the state education fund if the generally assembly, with a two-thirds vote, declares a fiscal emergency. (Kevin Bommer)	Postponed indefinitely

FORMERLY OPPOSED

SB 98	<i>Parks and Open Space – Allocation of Conservation Trust Fund Monies for Conservation and Weed Management.</i> Transfers approximately one quarter of CTF monies to the Department of Agriculture for conservation district grants and noxious weed management grants. (Kevin Bommer)	Signed by Governor*
HB 1051	<i>Water - Water Efficiency Plans Annual Reporting.</i> Requires annual reporting of water usage and conservation data as part of the state mandate for local water conservation plans. (Kevin Bommer)	Before Governor*
HB 1150	<i>Beer & Liquor – Caterers Alcohol Beverage License.</i> Allows the state and local licensing authorities to issue caterers license to allow caterers to sell alcohol at events they cater, and requires application for a special events permit if a permit would otherwise be required. (Kevin Bommer)	Postponed indefinitely
HB 1170	<i>Beer & Liquor – Alcohol Sales in Luxury Boxes and Sports Venues.</i> Changes the liquor code to clarify that open-containers for onsite consumption are allowed in suites and boxes at sports venues. As introduced, local government facilities would be adversely affected. (Kevin Bommer)	Signed by Governor*
HB 1387	<i>Transportation – HUTF to Finance Drivers License Offices.</i> Budget reduction bill. Permanently diverts a portion of drivers’ license fees from HUTF to drivers’ license offices, impacting approximately \$20 million of state and local transportation project money. (Mark Radtke)	Signed by Governor*
HB 1405	<i>Transportation - State Highway Abandonment Study.</i> Requires the transportation commission or CDOT to study and report which state highways are commuter highways and recommend which to devolve to local responsibility along with recommended changes in funding policies. Amended to prohibit anything that would result in an unfunded mandate. (Mark Radtke)	Before Governor*

EXECUTIVE COMMITTEE

PRESIDENT

Kevin L. Shafer

Executive Director

Milwaukee Metropolitan
Sewerage District
Milwaukee, WI

VICE PRESIDENT

Jeff Theerman

Executive Director

Metropolitan St. Louis
Sewer District
Saint Louis, MO

TREASURER

David R. Williams

Director of Wastewater

East Bay Municipal
Utility District
Oakland, CA

SECRETARY

Suzanne E. Goss

Government Relations Specialist

JEA (Electric, Water & Sewer)
Jacksonville, FL

PAST PRESIDENT

Marian A. Orfeo

Director of Planning

& Coordination

Massachusetts Water
Resources Authority
Boston, MA

EXECUTIVE DIRECTOR

Ken Kirk

May 14, 2010

The Honorable Jim Woodward
3943 South Pearl Street
Englewood, CO 80113

Dear Mayor Woodward:

It gives me great pleasure to inform you that Littleton/Englewood Wastewater Treatment Plant has been recognized by the National Association of Clean Water Agencies (NACWA) for its contribution to the field of environmental protection and wastewater treatment. The Littleton/Englewood Wastewater Treatment Plant was selected to receive a 2010 *National Environmental Achievement Award* for excellence in the Research & Technology category. NACWA's Awards Committee selected the Agency for this honor for its *Denitrification- A Unique Approach* project.

The Littleton/Englewood Wastewater Treatment Plant will be honored at an awards ceremony in San Francisco, CA on July 20, 2010. This event will be held in conjunction with NACWA's 2010 Summer Conference and 40th Annual Meeting, which is July 20-23 at the Fairmont San Francisco.

Please join us in congratulating Littleton/Englewood Wastewater Treatment Plant on the receipt of this prestigious award and on their continued commitment to clean water.

Sincerely,

Philip Friess
Chair, NACWA Awards Committee
Department Head, Technical Services
Sanitation Districts of Los Angeles County

Ken Kirk
NACWA Executive Director

cc: Dennis Stowe, Manager, Littleton/Englewood Wastewater Treatment Plant



May 14, 2010

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The Honorable Mark Udall
317 Hart Senate Office Building
Washington, DC 20510

Dear Senator Udall:

It gives me great pleasure to inform you that Littleton/Englewood Wastewater Treatment Plant has been recognized by the National Association of Clean Water Agencies (NACWA) for its contribution to the field of environmental protection and wastewater treatment. The Littleton/Englewood Wastewater Treatment Plant was selected to receive a 2010 *National Environmental Achievement Award* for excellence in the Research & Technology category. NACWA's Awards Committee selected the Agency for this honor for its *Denitrification- A Unique Approach* project.

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May 14, 2010

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Marian A. Orfeo
*Director of Planning
& Coordination*
Massachusetts Water
Resources Authority
Boston, MA

EXECUTIVE DIRECTOR

Ken Kirk

The Honorable Diana DeGette
2335 Rayburn House Office Building
Washington, DC 20515

Dear Representative DeGette:

It gives me great pleasure to inform you that Littleton/Englewood Wastewater Treatment Plant has been recognized by the National Association of Clean Water Agencies (NACWA) for its contribution to the field of environmental protection and wastewater treatment. The Littleton/Englewood Wastewater Treatment Plant was selected to receive a 2010 *National Environmental Achievement Award* for excellence in the Research & Technology category. NACWA's Awards Committee selected the Agency for this honor for its *Denitrification- A Unique Approach* project.

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Ken Kirk
NACWA Executive Director

cc: Dennis Stowe, Manager, Littleton/Englewood Wastewater Treatment Plant





CITY OF ENGLEWOOD
POLICE DEPARTMENT

MEMORANDUM

TO: City Manager Gary Sears
FROM: Thomas Vandermee, Chief of Police
DATE: May 14, 2010
SUBJECT: Bullock Mortuary Letter of Appreciation

Attached to this memorandum is a letter of appreciation that was sent to the Police Department from Bullock Mortuary, 1375 E. Hampden Ave.

The owners of the mortuary wanted to extend their thanks as well as the thanks of the family of Army Sergeant Grant A Wichmann, United States Army. Sergeant Wichmann was killed in action during Operation Freedom and Bullock Mortuary was retained to provide the funeral services at the Englewood Bible Church located at 3190 S. Grant St.

As the services were being prepared information was received that members of the Westboro Baptist Church were going to conduct a protest at the church during the funeral. Westboro Baptist Church is a nationally known group that engages in protests at the funeral services of fallen military personnel. Their message is that the deaths are Gods punishment against mankind for homosexual activity. The protests are extremely disturbing for the families and have resulted in physical confrontations.

Sergeant Michael O'Connor was assigned to put together an operational plan for providing security during the funeral and also traffic assistance for the expected 200-300 vehicles that would be in the funeral procession from the church to Ft. Logan National Cemetery.

The security concerns did not materialize as the Westboro group did not appear. The traffic assistance required seventeen police officers and Code Enforcement Officers to provide traffic control at all of the major intersections along the procession route.

The procession went extremely well with no adverse traffic events.

I present this letter from Bullocks as an information item for you and City Council due to the significance of the event. I have already extended my own appreciation to all of the Police Department personnel that were involved in this assignment.

Bullock Mortuary

1375 E. Hampden Avenue
Englewood, Colorado 80113
(303) 789-2535
Fax (303) 762-8235
www.Bullockmortuary.com

Thomas E. Vandermee
Chief of Police, Englewood

Please accept this letter as a sincere appreciation for all of your assistance in helping with the funeral procession for Sgt. Grant A. Wichmann, United States Army, who was killed during operation freedom. Although the city of Englewood might appear as a large city by population, it is very rewarding to know that we still have that small community feeling and willing to go over and above the call of duty when needed. The entire Wichmann family was overwhelmed by the Englewood Police Department's willing to help out in the most difficult time of their lives. When I called and talked to Sgt. O'Connell to explain the situation, he made mention that the department was understaffed at that time due to various other commitments but he would "do what he can to help out". The Englewood Police Dept. covered not only each and every intersection, but had every detail covered from Englewood Bible Church to Fort Logan National Cemetery! We, being a family owned and operated mortuary in Englewood for 60 years, have never been so impressed and proud to be involved and a part of a community as great as Englewood.

Again, on behalf of the Wichmann family and the Bullock Mortuary, Thank you so very much for all of your assistance and coordination of details in helping with the funeral procession of Sgt. Grant A. Wichmann.

Sincerely,
Gus Goldsmith

Dave Goldsmith

MEMORANDUM



TO: Gary Sears, City Manager

THROUGH: Rick Kahm, Director of Public Works

FROM: David Henderson, Engineering/Capital Projects Administrator

DATE: May 20, 2010

SUBJECT: PROJECT UPDATES –Concrete Utility Program 2010, Community Garden, RTD Light Rail Platform Expansion, Street Maintenance Projects 2010, Pirates Cove Repairs, **Golf Course Clubhouse Basement Remodel**, CityCenter Site Development, Englewood McLellan Reservoir Foundation, Air Quality/Energy Savings Projects)

CONCRETE UTILITY PROGRAM 2010

Staff continued marking concrete for the 2010 removal and replacement project. Work is expected to begin on June 1st.

COMMUNITY GARDEN

The community garden grand opening was held on Saturday, May 15th.

RTD LIGHT RAIL PLATFORM EXPANSION

RTD's contractor has completed improvements to the Englewood Light Rail Station. The station will now accommodate four cars rather than the current three.

STREET MAINTENANCE PROJECTS 2010

Crack pouring is substantially complete and will resume in the fall. Street Division and Parks crews are cleaning the Broadway medians.

PIRATES COVE REPAIRS

Re-plastering of the Leisure Pool continued and will be complete this week. The Lazy River has been filled. Staff continues to investigate leaks around the Competition Pool.

GOLF COURSE CLUBHOUSE BASEMENT REMODEL

Staff is in the process of reviewing bids to remodel the basement under the Golf Course Clubhouse. The remodel is necessary to accommodate electric golf carts. Improvements will include additional electrical service for 63 carts, mechanical system improvements to vent battery gases, and changes to the cart storage layout.

CITYCENTER SITE DEVELOPMENT

Alexan East and West Parcels

438 residential units. Alexan's occupancy level for January, 2009 is 94.7%. Commercial uses: Mile High Coffee, Let It Bead, Curves for Women, State Farm, Cuttin' It Loose, Jackson Hewitt Tax Service, Foothills Physical Therapy, and Creative Perspectives.

Parkway Retail / Office Buildings

Commercial uses: The International House of Pancakes (IHOP), Qdoba, GNC, Supercuts, Nails Center, CityCenter Dental Group, MMB Hearing, Tableaux Interior Design, Englewood Eyecare, Collective Licensing Int'l, Inc., M.P. Hayutin, LLC, CityCenter Wine and Spirits, Quizno's, Miller/Weingarten, Air Walk, "Insurance Company of the West", Printwear Express, and Fred Astaire Dance Studio, and Wellness Treatment Center.

Bally's Building

Tenants include Bally's, "Blondies Fire House Pub and Restaurant", and MaxFour.

Retail South of the Parkway

Tenants: Petco, Ross, Payless Shoes, Coldstone Creamery, Noodles, Sports Authority, and Office Depot.

Gold Mine Pad

Tenants include: Jamba Juice, Tokyo Joe's, and Mega Wraps, and Browncow.

CityCenter Site

EEFI continues project management of all infrastructure on the site. Staff is monitoring the security, sweeping, snow removal, and day porter services performed under the Common Area Maintenance.

Removal and replacement of sub-standard concrete should be complete this week.

Bradley Station Environmental

EEFI's environmental consultants prepared an Executive Summary Report (dated July 28, 2008). Updates will be provided as additional information is received.

ENGLEWOOD MCLELLAN RESERVOIR FOUNDATION (EMRF)

PA-84 West

The lease with TT of Denver has been executed and deposit has been made with the title company. EMRF continues to receive \$10,000 monthly draws against the deposit. Site plans have been delivered for review by EMRF and Douglas County. Construction is anticipated to begin in early summer.

PA-85 (RTD site)

RTD has paid the final billing in the amount of \$591,836.86. Finance has deposited this money in the LTAR fund.

AIR QUALITY/ENERGY SAVING PROJECTS

Flex Fuel Program

Thirty-four of our fleet vehicles are running on E-85 ethanol fuel. All new replacement vehicles (less than ¾ ton) will be compatible with E-85. Approximately 50 Flex Fuel vehicles will be in our fleet within two years. Currently, the cost of E-85 fuel is approx. \$0.90 less than regular unleaded gasoline.

Diesel Retrofit

Nineteen of our older diesel powered vehicles have been retrofitted to meet current air quality standards. The Regional Air Quality Council approved a grant covering 100% of the cost (approximately \$20,000) to retrofit our heavy equipment. Parts are expected to be delivered by the end of May and the units will be converted by the end of July. Englewood will be one of the few municipalities in Colorado to meet the 2007 emissions standards for off-road vehicles.

Hybrid Vehicle Purchase

Delivery of two 2010 GMC Hybrid Sierra Pickups is expected this month and will be utilized within the Englewood Utilities Department.

"Green" Programs

We continue to work with our vendors to expand the Green product line as it becomes available. 90% of our custodial paper supplies are from recycled sources.

Energy Saving Projects

In 2001, the Public Works Traffic Division began an ongoing program to convert traffic signals from incandescent lamps to Light-Emitting-Diode (LED) bulbs. To date, 80% of our City maintained signals have been converted. LED traffic signals use 90% less energy than incandescent lamps, last 5 times longer, and provide better visibility.

Memorandum

To: Mayor Jim Woodward and City Council
From: Frank Grygléwicz, Director of Finance and Administrative Services
Date: May 18, 2010
Re: Question Asked at the May 17, 2010 Study Session

Council member Wilson questioned about the \$200,000 appropriation for the Humane Society listed on page 26 of the Comprehensive Annual Financial Report (CAFR). The Council approved supplemental appropriations of \$100,000 each with Resolutions 42 and 82, Series of 2009. The City only spent \$100,000 of these funds.

I have attached copies of the Resolutions for your review.

Attachments

RESOLUTION NO. 42
SERIES OF 2009

A RESOLUTION APPROVING A SUPPLEMENTAL APPROPRIATION TO THE 2009 BUDGET TO PARTICIPATE IN THE CUSTODIAN CERTIFICATE PROCESS FOR THE COLORADO HUMANE SOCIETY (CHS).

WHEREAS, the City of Englewood is required by City Charter to ensure that expenditures do not exceed legally adopted appropriations; and

WHEREAS, the 2009 Budget was submitted and approved by the Englewood City Council on October 24, 2008; and

WHEREAS, a Custodian has received court approval to issue a "Request for Proposals" for a party to assume permanent management control of the CHS; and

WHEREAS, in order to assure input into the selection of the management for this vital service including the operation of the animal shelter, the cities of Englewood and Littleton wish to appropriate \$100,000.00 each to help defray the outstanding obligations of the CHS; and

WHEREAS, this guarantee would support the City's grant of standing in the process.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The Budget for the City of Englewood, Colorado, is hereby amended for the year 2009, as follows:

2009 SUPPLEMENTAL APPROPRIATION

GENERAL FUND

SOURCE OF FUNDS:

Unreserved/Undesignated Fund Balance \$100,000

USE OF FUNDS:

Colorado Humane Society Guarantee \$100,000

Section 2. The City Manager and the Director of Finance and Administrative Services are hereby authorized to make the above changes to the 2009 Budget for the City of Englewood.

Section 3. The funds are being appropriated, but they will not be spent without the City Manager finding a suitable party to run the facility.

ADOPTED AND APPROVED this 15th day of June, 2009.

ATTEST:

James K. Woodward, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. 42, Series of 2009.

Loucrishia A. Ellis, City Clerk

COUNCIL COMMUNICATION

Date: June 15, 2009	Agenda Item: 11 c i	Subject: Resolution for a Supplemental Appropriation to pay a portion of the outstanding obligations of the Colorado Humane Society
Initiated By: Finance and Administrative Services Department		Staff Source: Frank Gryglewicz, Director

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

Council discussed this supplemental appropriation and the issues surrounding it at the June 8, 2009 Study Session and determined City staff should take the necessary actions required to pay the outstanding obligations of the Colorado Humane Society.

RECOMMENDED ACTION

Staff recommends Council approve the attached resolution authorizing a supplemental appropriation in the amount of \$100,000 to help pay the outstanding obligations of the Colorado Humane Society.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

In December of 2008, the Colorado Attorney General filed a motion with the District Court to install a custodian to manage the operations of the Colorado Humane Society (CHS). The motion was granted and the Court appointed the Waverton Group as custodian. Over the past five months, the custodian has managed the operations of the CHS with the intent of recruiting and installing a new board of directors able and willing to continue operating the shelter.

The custodian received approval from the Court to issue a request for proposal (RFP) for permanent management of the CHS. One of the requirements of the RFP is satisfying outstanding obligations, including the Waverton Group. The obligations total approximately \$200,000.

The RFP was issued May 29, 2009; a deadline for submissions is June 30, 2009. The estimated date operations will be turned over to a new operator is August 1, 2009. The Court will most likely not allow any proposal to be accepted that does not include payment of the outstanding obligations so it is imperative the obligations be satisfied so a new operator can take over the shelter. Discussions have taken place between the City of Englewood and the City of Littleton regarding sharing the payment of the outstanding obligations.

The City of Littleton has authorized funding of \$100,000 to help offset the outstanding obligations of the CHS. City of Englewood staff request the City Council authorize funding \$100,000 as well.

SOURCES AND USES OF FUNDS:

GENERAL FUND:

SOURCE OF FUNDS:

Unreserved/Undesignated Fund Balance \$100,000

USE OF FUNDS:

Colorado Humane Society Guarantee \$100,000

FINANCIAL IMPACT

The General Fund's Unreserved/Undesignated fund balance will be reduced by \$100,000.

LIST OF ATTACHMENTS

Proposed Resolution

RESOLUTION NO. 82
SERIES OF 2009

A RESOLUTION APPROVING A SUPPLEMENTAL APPROPRIATION TO THE 2009 BUDGET FOR THE HUMANE SOCIETY OF SOUTH PLATTE VALLEY.

WHEREAS, the City of Englewood is required by City Charter to ensure that expenditures do not exceed legally adopted appropriations; and

WHEREAS, the 2009 Budget was submitted and approved by the Englewood City Council on October 24, 2008; and

WHEREAS, the City Council of the City of Englewood authorized an appropriation of \$100,000 for the Colorado Humane Society Guarantee to pay the outstanding obligations of the Colorado Humane Society by the passage of Resolution No. 42, Series of 2009; and

WHEREAS, this supplemental appropriation to the 2009 Budget is needed for a \$100,000 contribution to the Humane Society of South Platte Valley; and

WHEREAS, this expenditure could not be foreseen and therefore was not included in the 2009 Budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, AS FOLLOWS:

Section 1. The Budget for the City of Englewood, Colorado, is hereby amended for the year ending 2009, as follows:

GENERAL FUND

SOURCE OF FUNDS:

Contingency \$100,000

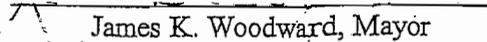
USE OF FUNDS:

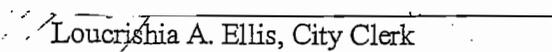
Contribution to the Humane Society of South Platte Valley \$100,000

Section 2. The City Manager and the Director of Finance and Administrative Services are hereby authorized to make the above changes to the 2009 Budget for the City of Englewood.

ADOPTED AND APPROVED this 2nd day of November, 2009.

ATTEST: 


James K. Woodward, Mayor


Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the above is a true copy of Resolution No. 82, Series of 2009.

Loucrishia A. Ellis, City Clerk

COUNCIL COMMUNICATION

Date: November 2, 2009	Agenda Item: 11 c iii	Subject: Resolution for a Supplemental Appropriation for Humane Society of South Platte Valley
Initiated By: Finance and Administrative Services Department		Staff Source: Frank Gryglewicz, Director

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

Council discussed a supplemental appropriation for the Colorado Humane Society and the issues surrounding it at the June 8, 2009 Study Session and determined City staff should take the necessary actions required to pay the outstanding obligations of the Colorado Humane Society. City Council appropriated \$100,000 for the Colorado Humane Society Guarantee on June 16, 2009. The funds were put into contingency but not used.

RECOMMENDED ACTION

Staff recommends Council approve the attached Supplemental Resolution for a \$100,000 for capital contribution to the Humane Society of South Platte Valley.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

In December of 2008, the District Court removed the management of the Colorado Humane Society and placed the operations of the shelter that serves the cities of Englewood and Littleton under the control of a custodian. The Court and the custodian have worked with the two cities to provide for continued operations of the shelter with the intention of transferring operations of the shelter to permanent management. However, due to financial and legal constraints, the transfer of CHS to new management has not been accomplished. Mr. Fisher has established a new non-profit organization, the Humane Society of South Platte Valley for purposes of operating an animal shelter and related services for the benefit of the cities of Englewood and Littleton and their respective communities. During the City Council Study Session of October 19, 2009, Mr. Fisher presented a proposal to Council for operation of a new animal shelter and a request for capital funding to help offset the costs of providing a facility suitable for the continued housing and care of impounded animals and related services.

SOURCES AND USES OF FUNDS:

GENERAL FUND:

SOURCE OF FUNDS:

Contingency \$100,000

USE OF FUNDS:

Capital Contribution to the Humane Society of South Platte Valley \$100,000

FINANCIAL IMPACT

The General Fund's Unreserved/Undesignated fund balance will be not change as the \$100,000 was previously appropriated in Contingency for the Colorado Humane Society.

LIST OF ATTACHMENTS

Proposed Resolution

Englewood Police Department Summary Report

For Period April 1, 2010 through April 30, 2010



TYPE OF INCIDENT	April 2010	April 2009	YTD 2010	YTD 2009
PATROL AND TRAFFIC				
Total Activities	5,993	6,005	24,436	24,249
Officer Initiated Activities	3,241	3,026	14,044	12,928
Misdemeanor Arrests	163	131	682	531
Felony Arrests	17	17	70	65
Warrant Arrests	42	48	199	199
DUI Arrests	27	25	108	80
Hazardous Summonses	350	316	1,634	1,445
Laser Summonses	371	556	1,817	2,900

INVESTIGATIONS				
Case Filings	19	21	77	77
Summons	8	2	20	11
Deactivated (no additional leads)	34	23	145	129
Unfounded	4	3	19	22
Victim Failure to Prosecute	3	4	19	17
Other Jurisdiction	3	1	18	20
Located Missing Person/Runaway	2	5	17	15
Non Criminal Death Investigations	10	7	24	26
Prosecution Declined by District Attorney	1	1	4	5
TOTAL	84	67	343	322

NEIGHBORHOOD SERVICES				
Impact Team				
Projects initiated	20	no data	92	no data
Residential	18	no data	65	no data
Business	2	no data	27	no data
Projects Cleared	10	no data	59	no data
Community Contacts	20	no data	106	no data
Residential	4	no data	28	no data
Business	16	no data	78	no data
Community Events	6	no data	19	no data
Code Enforcement				
Cases Opened	378	663	1,853	2,225
Notices of Violation	153	325	1,041	1,137
Postings	53	45	240	190
Summons	8	10	62	54
Patrol Referrals	54	81	155	198
TOTAL	646	1,124	3,351	3,804
Traffic Bureau				
High Accident Locations - Summons	172	335	960	1,555
School Zone - Summons	20	19	83	139
Citizen Complaint	19	14	174	132
Other	9	6	26	29
TOTAL	220	374	1,243	1,855
Community Relations				
Community Events/Activities	12	9	38	31
Persons in Attendance	196	151	640	435

ENGLEWOOD POLICE DEPARTMENT SUMMARY REI

For Period April 1, 2010 through April 30, 2010



TYPE OF INCIDENT	April 2010	April 2009	YTD 2010	YTD 2009
COMMUNICATIONS/RECORDS				
<i>Reported Part I Crimes</i>				
Murder/Manslaughter	0	0	0	0
Rape	0	1	3	5
Robbery	1	1	7	8
Assault (includes all assaults)	34	35	121	129
Burglary	27	24	81	62
Theft	126	114	412	448
Auto Theft	17	22	53	68
Arson	0	0	0	5
Reported Part I Crimes TOTAL	205	197	677	725
Calls for Service TOTAL	3,663	3,544	14,251	14,302

VICTIM ASSISTANCE RESPONSE	April 2010	April 2009	YTD 2010	YTD 2009
Incidents with victim assistance provided	77	78	280	283
People served relative to incidents	111	124	395	413
Domestic Violence victims	29	11	78	75

**CITY OF ENGLEWOOD
2010 CALENDAR OF EVENTS**



Mon., May 24	6:00 p.m.	Community Meeting, Malley Center
Mon., May 31		City Hall Closed – Memorial Day
Wed., June 2	4:00 p.m.	Englewood Housing Authority, 3460 S. Sherman #203, Board Room
	5:45 p.m.	Cultural Arts Commission, City Council Conference Room
	Cancelled	Liquor Licensing
Mon., June 7	6:00 p.m.	Executive Session, City Council Conference Room
	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., June 8	5:00 p.m.	Water and Sewer Board, Community Dev. Conference Room
	6:30 p.m.	Keep Englewood Beautiful, City Council Conference Room
	7:00 p.m.	Library Board, Library Board Room
	7:00 p.m.	Planning & Zoning, Council Chambers
Wed., June 9	6:30 p.m.	Urban Renewal Authority, Community Development Conference Room
	7:00 p.m.	Board of Adjustment and Appeals, Council Chambers
Thurs., June 10	11:30 a.m.	Alliance for Commerce, City Council Conference Room
	5:30 p.m.	Parks and Recreation Commission, Cushing Park, Pavilion #1, 795 West Eastman Avenue
Mon., June 14	6:00 p.m.	Board & Commission Interviews, Council Conference Room
Wed., June 16	7:00 p.m.	Liquor Licensing, Council Chambers
Mon., June 21	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., June 22	7:00 p.m.	Planning & Zoning, Council Chambers
Mon., June 28	6:00 p.m.	Study Session, Community Room

Sun., July 4		Library Closed — Independence Day
Mon., July 5		City Hall Closed — Independence Day (Observed) Library Open
Tues., July 6	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Wed., July 7	4:00 p.m.	Englewood Housing Authority, 3460 S. Sherman #203, Board Room
	5:45 p.m.	Cultural Arts Commission, Council Conference Room
	7:00 p.m.	Liquor Licensing, Council Chambers
	7:00 p.m.	Planning & Zoning, CD Conference Room
Thurs., July 8	11:30 a.m.	Alliance for Commerce, Council Conference Room
	5:30 p.m.	Parks and Recreation Commission, Pirates Cove
	6:30 p.m.	Transportation Advisory Committee, Council Conference Room
Mon., July 12	6:00 p.m.	Study Session, Community Room
Tues., July 13	5:00 p.m.	Water and Sewer Board, Community Development Conference Room
	6:30 p.m.	Keep Englewood Beautiful, Council Conference Room
	7:00 p.m.	Library Board, Library Board Room
Wed., July 14	6:30 p.m.	Urban Renewal Authority, Community Development Conference Room
	7:00 p.m.	Board of Adjustment and Appeals, Council Chambers
Mon., July 19	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., July 20	7:00 p.m.	Planning & Zoning, Council Chambers
Wed., Jul. 21	6:30 p.m.	Code Enforcement Advisory Committee, Council Conference Room
	7:00 p.m.	Liquor Licensing, Council Chambers
Mon., July 26	6:00 p.m.	Study Session, Community Room

ENGLEWOOD CITY COUNCIL
TENTATIVE STUDY SESSION TOPICS



- May 31** **Memorial Day Holiday – No Meeting Scheduled**
- June 7** **Regular Meeting**
 Executive Session – Negotiations – Tentative
 Executive Session – Litigation
 Medical District Small Area Phase II
- June 14** **Study Session**
 Board & Commission Interviews
- June 21** **Regular Meeting**
 Executive Session – Negotiations - Tentative
 Financial Report
- June 28** **Study Session**
 Cities of Service
- July 6** **Regular Meeting (Tuesday)**
- July 12** **Study Session**
 Sign Code
 Broadway Signage
- July 19** **Regular Meeting**
 Financial Report & 6 month update
 Phone System Update
- July 26** **Study Session**
- July 28** **Tentative Breakfast Meeting with Littleton City Council @ WWTP**
- August 2** **Regular Meeting**
- August 9** **Study Session**
 Board/Commission Appreciation Night @ Pirates Cove
- August 16** **Regular Meeting**
 Financial Report
- August 23** **Study Session**
 Community Meeting – WWTP
- August 30** **No Meeting Scheduled – 5th Monday**

September 7	Regular Meeting – Tuesday
September 13	Study Session
September 20	Regular Meeting Financial Report
September 25	Saturday Budget Workshop - tentative
September 27	Study Session
October 4	Regular Meeting
October 11	Study Session
October 18	Regular Meeting Financial Report
October 25	Study Session
November 1	Regular Meeting
November 8	Study Session
November 15	Regular Meeting Financial Report
November 22	Study Session
November 29	No Meeting Scheduled – 5 th Monday
December 6	Regular Meeting Aid To Other Agencies Board/Commission Reappointments
December 13	Study Session Financial Report
December 20	Regular Meeting Holiday Dinner

FUTURE STUDY SESSION TOPICS

Historic Preservation
 Unrelated Persons per Household
 Flood Plain District
 July 4th Sponsorships
 Inclusive Cities

ALLIANCE FOR COMMERCE IN ENGLEWOOD

April 8, 2010

I. CALL TO ORDER

The regular meeting of the Alliance for Commerce in Englewood (ACE) was called to order at 11:40 a.m. in the City Council Conference Room of the Englewood Civic Center, Chair Lonborg presiding.

Present: Lonborg, Schalk, Champion, Calonder, Sarconi

Absent: McDermott, Vasilas

Also present: Joe Jefferson, City Council Liaison
Jim Woodward, Mayor
Rosemarie Cavral

Staff present: Alan White, Community Development Director
Darren Hollingsworth, Economic Development Coordinator
John Voboril, Planner
Michael Flaherty, Deputy City Manager

APPROVAL OF MINUTES

March 11, 2010



Chair Lonborg stated that the Minutes of March 11, 2010 were to be considered for approval. It was determined there was a quorum. Chair Lonborg asked if there were any changes or adjustments to the Minutes. There were none.

Schalk moved:

Champion seconded: THE MINUTES OF MARCH 11, 2010 BE APPROVED AS WRITTEN.

The motion carried unanimously.



Since this was Mr. Calonder's first meeting, Chair Lonborg asked everyone to introduce themselves.

II. ACE BUSINESS

MURALS



Chair Lonborg asked if Staff had pulled from other communities what they are doing in regards to murals. Director White said yes, the information is included in the packet. Director White summarized what was in the table. In a majority of the cities looked at murals are exempt from the sign code in one of two ways: (1) Through a definition of what a sign is or (2) In a statement of applicability. For the most part, cities are not regulating murals as a sign as long as they contain no communication as to a product, business or a

service being provided. There are a few jurisdictions that regulate size, location and approval process.

Mr. Schalk said he would like to see more art in Englewood and fight graffiti in the process. Chair Lonborg asked if murals are considered art or signs in Englewood. Director White said under the current regulations murals are allowed only along South Broadway, are treated as signs, can be on only one wall of the building (not the front) and cannot exceed 125 square feet. Enforcement is currently suspended due to a moratorium.

Chair Lonborg said in looking at the table of other jurisdictions the one thing that seems standard is a mural is considered a sign if it has a logo and a work of art if it doesn't. She stated ACE's goal is to recommend to the Planning and Zoning Commission as to what would be best in the interest of the businesses in Englewood.

Several members felt that if regulations are relaxed people will not go crazy. If a lot of restrictions are put on murals it doesn't open up the door for creativity. Why stifle creativity when Englewood could be the most liberal, artistic community in Colorado.

Mr. Champion said as long as it's artistic he doesn't see that there's a problem with the business representing what it does.

Ms. Sarconi said she felt a mural, as long as it does not have any type of verbiage on it or logo, should be able to represent what the business does.

Downtown Denver murals were discussed. Mr. Jefferson said in his mind it is very difficult to regulate the content, it is really how big, location on building, etc.

Chair Lonborg said ACE needs to determine if something is a sign or a mural. Mr. Schalk said he would hate to see restrictions put on the sign part of a mural. The sign is hopefully helping that business sell product and distinguish what that business does.

Chair Lonborg asked Mr. Schalk if he was advocating that murals be allowed and to contain product endorsements, logos, etc. and they be considered a mural and not a sign. Mr. Schalk said yes.

Chair Lonborg asked if anyone would like to make motion.

Schalk moved:

Champion seconded: TO RECOMMEND TO THE PLANNING AND ZONING COMMISSION THAT THE CITY ALLOW MURALS AND THEY BE ALLOWED TO CONTAIN PRODUCT ENDORSEMENTS, LOGOS, ETC. AND THAT THEY NOT BE CONSIDERED A SIGN.

The motion carried 4 to 1.

The discussion moved to size, placement, etc. of signs. Mr. Schalk referenced a costume store on Broadway whose front façade is decorated. Ms. Mello said she is not sure she would want that look in downtown Englewood. Mr. Champion noted most downtown Englewood businesses would have no choice but to place a mural on the front of their building. Several members stated they had a problem with murals being located on the front of the store. Discussion ensued. The mural discussion will continue at a later date.

Ms. Sarconi exited the meeting as 12:30.

MEDICAL DISTRICT AND DOWNTOWN PUBLIC IMPROVEMENT FINANCING STUDY UPDATE



Mr. Voboril stated the financing study comes out of the Downtown and Medical District Small Area Planning process that began in 2006. The main strategy is to promote economic development in those two areas through zoning reform and public improvements. Through the public improvements Staff is trying to create a more positive public image that will attract new shoppers, residents, patients and new businesses to both downtown medical district areas. The two main corridors being focused on are Broadway and Old Hampden Avenue. In 2009 Britina Design Group was hired to help with the process. Several open houses were held to gain the public's preferences of what the improvements should look like. Improvements included new sidewalks, benches, street trees, better lighting and art. Britina laid out a series of steps for the City in order to get the public improvements in place. The first step Staff chose to work on was how do we pay for the improvements. Staff is currently working on the public improvement's financing study. Progressive Urban Management Associates (PUMA) has been hired to assist City Staff. Mr. Voboril outlined the steps that will be taken in the study. The study process is on-going and will not be completed for 6 to 8 months. Mr. Voboril will send ACE members a copy of the Britina study.

Chair Lonborg thanked Mr. Voboril for his presentation.

III. COMMENTS & EVENTS

CHAMBER OF COMMERCE



Ms. Mello said the dining guide is complete and will be distributed to businesses in the next few weeks. The Hat Affair Gala was held last week and was a big success. The Chamber has been putting out a newsletter for the last three months to all members. She had an example to show everyone. She noted if anyone wishes to receive it to send her their information. The next After Hours will be held at Vectra Bank on the 20th from 5 to 7.

BID COMMENTS



Mr. Vasilas was not present. Chair Lonborg asked if anyone else had anything from the BID. Mr. Schalk said he sent out an email several days ago to everyone on the BID. As you know they are working on a website presence, which leads us to events. He said one of the issues he has brought up before with the City is how can we unify all the City events; we have a

lot of small events. He cited Louisville as an example. They have a unified website that brings all the events together, brings business together and brings the city together. He doesn't feel like there is a unified front for Englewood. There should be a unified place where people can go to see what is happening in Englewood. At this point everyone is doing their own little thing. In unity we can be powerful; being separated we are just smaller pieces of a puzzle that are not unified and together. He would like ACE to try to figure out a way to bring all the events under one umbrella to hopefully be able to market and promote Englewood on a unified basis. We need to find a way to have events be sustainable, make money and attract both the businesses, residents and neighboring communities.

Chair Lonborg said she echoes the same thoughts and feels the Chamber should be that umbrella organization. She said she spoke to Mr. Penn about that last year. She asked that this issue be placed on the May agenda. She asked Staff to put together a list of events to be held in the next 9 months or so.

It was noted that Englewood Days will not be held this year.

ACE MEMBERS



Chair Lonborg welcomed Ms. Cavral and ACE's newest member, Mr. Calonder.

STAFF COMMENTS



Mr. Hollingsworth noted three new businesses that are coming to Englewood:

1. A new bakery/cafe at Broadway and Bates
2. Pete's Cafe in the 3400 Block of South Broadway
3. Copper Pot restaurant at 508 E Hampden Ave

Ms. Mello noted the Spicy Pickle restaurant has closed.

Mr. Hollingsworth passed out a map of the Arapahoe County Enterprise Zone. He said the state legislature is looking at a matter that impacts Englewood in a very significant way. HB1396 is looking to do away with the tax breaks offered through the Enterprise Zone, which are substantial. Englewood administers the zone for the cities of Sheridan, Englewood and Littleton. Last year 56 businesses in Englewood claimed tax credits in the amount of \$1.6 million. This is one of our primary resources for economic development to help retain businesses, to help businesses stay and grow and also when a new business is looking to move in. Chair Lonborg said she would ask the hospital's lobbyist to help.

Upcoming ACE business will include building codes for older and historic structures and unifying events in the City.

No further business was brought forth for consideration. The meeting was adjourned at 1:10 p.m.

The next meeting is scheduled for May 13, 2010.

Barbara Krecklow, Recording Secretary

**CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION
REGULAR MEETING
May 4, 2010**

I. CALL TO ORDER

The regular meeting of the City Planning and Zoning Commission was called to order at 7:04 p.m. in the City Council Conference Room of the Englewood Civic Center, Chair Knoth presiding.

Present: Bleile, Roth, King, Welker, Knoth, Brick

Absent: Fish, Calonder, Krieger, Kinton (alternate)

Staff: Alan White, Community Development Director
Tricia Langon, Senior Planner
John Voboril, Planner
Nancy Reid, Assistant City Attorney

II. APPROVAL OF MINUTES

April 20, 2010



Roth moved:

Bleile seconded: TO APPROVE THE APRIL 20, 2010 MINUTES

Chair Knoth asked if there were any modifications or corrections.

There were none.

AYES: Bleile, Roth, Welker, Knoth, King, Brick

NAYS: None

ABSTAIN: None

ABSENT: Fish, Calonder, Krieger

Motion carried.

III. STUDY SESSION

Medical District Phase II Stakeholder Meetings Update



Stakeholder meetings were held on April 1st, 15th and 27th. Mr. Voboril briefly reviewed what took place at each meeting and the comments from those who attended.

Sub-area 3:

There were several property investors at the meetings who were very interested in doing some type of development. Also, there were a number of people in the audience who lived close to the area that voiced concerns, but did realize that it's primarily an area that has apartment buildings and rental homes. They didn't want to be an area of change in the sense of medical district zoning. They would rather keep larger uses, such as a hospital, out, but did realize and recognize that some reforms could be helpful. They liked the idea of reduced height requirements from 60 feet to something that is more in line with what is there today and were interested in potentially increasing the number of units on certain lots to attract better housing. Office use was acceptable as long as they are smaller such as a clinic, dental office and doctor's office.

Sub-area 5:

There were not as many attendees from Sub-area 5 as the other areas. There were investors who were very interested in increasing the intensity of the allowed uses such as the number of units per lot size. They were also interested in adding office and retail as allowed uses throughout the area. Mr. Bleile reminded everyone that retail use in this area would involve a zoning change. Sub-area 5 would like change, just not too much.

Sub-area 2:

Attendees were very skeptical. They would like to eliminate hospital and office use; they don't want change. Two comments were received from owners who could not attend and they favored change for their area on Logan Street. Adjusting the boundary of Subarea 2 was discussed as well as down zoning; several commissioners felt down zoning was not an option.

Mr. Bleile asked if anyone attending the meeting expressed gratitude that in the current government environment today, not many governments reach out and say "what do you want to see". Staff, Community Development and the Planning and Zoning Commission has put a lot of time and effort into this process and the public has really been silent, conspicuously absent until it suits them. The Commission has been discussing this issue for a very long time and the folks that wanted to have their voices heard, it was an exemplary example of the City going out to reach the citizens, but at the same time those of us who actually looked at the business case of this particular area, the fact of the matter is the neighborhoods need to thrive. Right now that neighborhood is not exactly thriving; it may be subsisting, but certainly not thriving.

Mr. Brick commended Mr. Voboril on doing a great job. He stated he likes reaching out to the public, but financially it is almost impossible, but Staff has reached out in this process. At this point it's up to the community.

Mr. Voboril said Staff needs to do their best to try to make the residents as happy as they can, but it will never be 100%.

Mr. Welker asked how many properties south of Girard were rentals. Mr. Voboril said 11; 10 were not. Mr. Welker noted that is not counting the multi-family properties.

Mr. Roth said the current zoning in this area is zoned for change. Mr. Welker said the only thing current zoning excludes is non-residential. He said he believes the bottom one-third of Sub-area 2 should be included in the area of change.

Mr. King asked if you can build multi-family on Grant Street today. Mr. Voboril said yes, that is zoned R-3-B. Sherman Street north of Eastman is R-2-B and Grant Street north of Eastman is R-1-C. Mr. Voboril said Sub-area 2 has been zoned R-3-B since 1955.

Mr. Bleile said he can certainly appreciate somebody who has lived in the area for 30, 35 or 45 years, but for Englewood to thrive and be a community you want to read about in the planning magazines, people need to have the leadership skill to say this is the vision that I think would be best for the overall City. We don't want to offend people, but at the same time the Commission needs to take the opportunity at this time to do something with that particular area knowing what medical "stuff" is going to be in 5, 10 or 15 years from now. Do we want to miss out on that or do we want to retain that single character that's going to be a non-growth area for the next 20 years.

Mr. Welker said with the economy being what it is, the City is probably at least five years away from any pressure to make changes.

Mr. Brick noted the Commissioner's visions are in Roadmap Englewood; maybe we should revisit those visions publicly in those neighborhoods.

Mr. Voboril reviewed the proposed amendments. Mr. Voboril will take the Commission's feedback and rework the amendments to bring back to the Commission at a later date. Mr. Voboril will be taking this issue to City Council Study Session on June 7th.

Sign Code Amendments



Ms. Langon stated Staff attended the April 26th City Council Study Session to discuss banners, murals, new technologies, portable/temporary signs, South Broadway Sign Area and signs in the public right-of-way. The Department feels that the Code itself for permanent signage is not really broken; what is a concern to the business community is temporary signage.

Also discussed with Council was another method of preparing Sign Code amendments based on the "Street Graphics" model. She distributed information on how the "Street Graphics" concept works. Mr. Bleile asked if this concept would simplify the sign code. Ms. Langon said it depends on how you use it.

Chair Knoth said the biggest issue with banners and temporary signs is enforcement. Will this concept be easier to enforce? Ms. Langon said that is a policy determination by City Council as to how they want enforcement done. It will be discussed at a future study session with Council.

Director White said one of the reasons Staff and City Council likes this model is because we believe it is easy to enforce. Some signs may require permits, more discussion is needed.

Mr. Bleile stated he liked the concept and it provides great flexibility. Mr. Welker agreed, but said there does need to be limits.

Ms. Langon stated as she writes the code changes she'll be using a concept of street graphics. The Commission's past work on the sign code will be incorporated into the new concept. Ms. Langon noted there are still areas that will need more discussion.

Mr. Roth asked the Commissioners to take a look at a new LED sign at Broadway and Chenango to see if it is something the Commission would like to see more of. Ms. Langon said the current sign code allows a sign to flash no more than once every two seconds. Director White noted the South Broadway Sign Area allows flashing and blinking signs.

IV. PUBLIC FORUM



There was no public present.

V. DIRECTOR'S CHOICE



Director White had nothing further to report.

VI. STAFF'S CHOICE



Future Meeting: May 18: Landscape Amendments Update

Ms. Langon noted on August 7th DRCOG will be hosting a planning commissioner workshop. Several commissioners attended last year's session. She will provide more information as it becomes available.

Ms. Langon provided an update on Buy-back, Second-hand, Thrift and Consignment Uses in MU-B-1. She informed the Commission there may be changes to the amendments based on the discussion at First Reading of the proposed amendments at City Council.

VII. ATTORNEY'S CHOICE

 Ms. Reid had nothing further to report.

VIII. COMMISSIONER'S CHOICE

 There were no further comments.

The meeting adjourned at 8:55 p.m.

Barbara Krecklow, Recording Secretary