



**AGENDA FOR THE  
ENGLEWOOD CITY COUNCIL  
STUDY SESSION  
MONDAY, DECEMBER 6, 2010  
COMMUNITY ROOM  
6:00 P.M.**

- I. **Emergency Medical Transport Fees**  
Fire Chief Mike Pattarozzi, EMS Coordinator Steve Green and members of ADPI Billing will discuss the Emergency Medical Transport Fee billing process.
- II. **Acoma/Broadway Sign**  
Community Development Director Alan White will discuss the sign at Broadway and Acoma Streets.
- III. **Board and Commission Reappointment Discussion**  
City Council will discuss reappointments for Boards, Commissions and Authorities.
- IV. **City Manager's Choice**
  - A. Meeting Reminder - Wastewater Treatment Joint Meeting with Littleton City Council, December 9, 2010.
  - B. Benjamin Franklin Charter School – EMRF Lease Negotiation Support
- V. **City Attorney's Choice**



C I T Y O F E N G L E W O O D  
F I R E D E P A R T M E N T

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**MEMORANDUM**

**TO:** Mayor Woodward, Members of City Council  
**THROUGH:** Gary Sears, City Manager ✓  
**FROM:** Michael Pattarozzi, Fire Chief ✓  
**DATE:** December 1, 2010  
**SUBJECT:** EMS Billing

On May 1, 1989, Council Bill 14 was enacted, approving the billing of non-residents for ambulance transport. Billing began on May 1, 1989 (See attachment 1). On October 17, 1994, Council Bill number 55 was approved by City Council (See attachment 2). This ordinance changed the original ordinance for the billing of ambulance transport fees to all patients, including Englewood residents. This amended bill provided for a 20% subsidy for Englewood residents and established an EMS Billing Committee.

On January 17, 1995, the Assistant Commissioner of the Division of Insurance, Colorado Department of Regulatory Agencies (DI-CDRA), in a letter to the City of Englewood indicated that the waiver of charges might be constituted as a co-payment and that the co-payment of the deductible as a standard practice may be in violation of Section 18-13-119 C.R.S. Although DI-CDRA does not regulate local governments, the letter was intended to make the City aware of the statute (See attachment 3).

On March 6, 2000, Ordinance No. 007-7-11 renumbered former section 1-66-10 as new section 7-7-7. The premise of E.M.C. 7-7-7, Emergency Transport Fees was to guarantee that Englewood residents would not have out-of-pocket expenses associated with an ambulance transport. The 20% subsidy was based on the assumption that insurance would cover 80% of the bill, and that the subsidy would cover the deductible. Since the adoption of the ordinance, the insurance industry and health care have changed significantly. Additionally, the application of the regulations in Section 18-13-119 C.R.S. have all contributed to the ambiguity associated with the administration of the 20% subsidy. Some of the issues that must be addressed are listed below:

- What is the definition of an Englewood resident?
- If a resident's deductible has been satisfied for the year, is the resident still eligible for the 20% subsidy for subsequent transports? If so, does the City issue them a check?

- How will the City determine if a resident's deductible has been met?
- Does the subsidy apply for patients on Medicaid or Medicare?
- Does the 20% subsidy apply to the total bill before payment by insurance?
- What if insurance pays 90% of the bill?
- Should residents be required to request the subsidy? Or should it be applied automatically?
- Can the availability of the subsidy be advertised? If so, how are residents to be informed of the subsidy?
- What if a resident has a co-pay less than the 20% subsidy?

The EMS Billing Committee, as established by the ordinance in 1989, is responsible for reviewing requests for reduction in the amounts owed by both residents and nonresidents due to financial hardship. The committee currently consists of the Deputy Fire Chief, The EMS Coordinator, The Victim Assistance Coordinator and a civilian volunteer. Hardship requests must be made in writing to the committee, which reviews the requests monthly. The application of the 20% subsidy is not the responsibility of the EMS Billing Committee. However, it directly impacts their decisions concerning residents that request a hardship review.

There are several options for the application of the 20% subsidy. All of them have obvious, and not so obvious, consequences including potentially significant impacts on revenue. Some of them conflict with the regulations as set forth in Section 18-13-119 C.R.S. and, therefore, should be excluded as a matter of course.

The possible options and their potential consequences are listed below.

**OPTION 1:** Reduce the total bill 20%.

- Reduces costs for insurance companies
- Residents with insurance must still meet deductible or co-pay
- Residents without insurance are positively impacted
- No impact on Medicaid/Medicare patients
- May potentially decrease revenues by an estimated \$53,000

**OPTION 2:** Create a separate, lower fee schedule for residents.

- Reduces costs for insurance companies
- Residents must still meet deductible and/or co-pay
- Residents without insurance are positively impacted
- No impact on Medicaid/Medicare patients
- The decrease in revenues would be dependent on the rate established

**OPTION 3:** Apply the 20% subsidy to resident's deductible/co-pay as a standard practice.

- Compliance issues
- What happens when deductible has been met and there are subsequent transports?
- What if insurance pays more than 80%?
- No impact on Medicaid/Medicare patients

- May be considered taxable income
- Restrictions on the advertising of availability
- This option is not systematically feasible, nor can the potential reductions in revenues be calculated

**OPTION 4:** Apply the 20% subsidy to resident's deductible/co-pay only upon request.

- Requests must be reviewed individually
- Compliance issues
- May be considered taxable income
- Restrictions on the advertising of availability
- What if deductible has been met? Or the co-pay is less than 20%?
- This option is not systematically feasible, nor can the potential reductions in revenue be calculated

**OPTION 5:** Do not bill residents.

- Reduced costs for insurance companies
- Compliance issues
- May be treated as taxable income
- Positively impacts residents without insurance
- May potentially decrease revenues by an estimated \$450,000

**OPTION 6:** Do not bill residents without insurance, or for the amount not covered by insurance.

- Compliance issues
- May be treated as taxable income
- Inequality between residents with insurance, Medicaid/Medicare, and residents without insurance
- May potentially decrease revenues by an estimated \$55,000

**OPTION 7:** Eliminate the 20% subsidy.

- Increased costs to residents
- Creates equality between residents and non-residents
- Revenue neutral
- Only reductions for hardship on a case-by-case basis

Attachment #1

BY AUTHORITY

ORDINANCE NO. 19  
SERIES OF 1989

COUNCIL BILL NO. 14  
INTRODUCED BY COUNCIL  
MEMBER KOLTAY

AN ORDINANCE AMENDING TITLE 1, CHAPTER 6F, ENGLEWOOD MUNICIPAL CODE 1985, BY THE ADDITION OF A NEW SECTION 11 RELATING TO EMERGENCY MEDICAL TRANSPORT FEES.

WHEREAS, the Englewood Fire Department is called numerous times during the year for emergency medical transport; and

WHEREAS, Council desires to establish a charge for such service where transport is for nonresidents of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. Title 1, Chapter 6F, Englewood Municipal Code 1985, is hereby amended by adding a new Section 11 to read as follows:

1-6F-11: **EMERGENCY MEDICAL TRANSPORT FEES**

- A. A FEE SHALL BE CHARGED FOR EMERGENCY MEDICAL TRANSPORT PROVIDED TO ANY PERSON WHO IS NOT A RESIDENT OF THE CITY OF ENGLEWOOD. THE FEE ESTABLISHED SHALL BE THE USUAL AND CUSTOMARY CHARGE FOR SUCH SERVICE IN THIS COMMUNITY.
- B. A PERSON WHO IS NOT A RESIDENT AND WHO RECEIVES EMERGENCY MEDICAL TRANSPORT BY THE ENGLEWOOD FIRE DEPARTMENT SHALL BE CHARGED AN EMERGENCY MEDICAL TRANSPORT FEE IN AN AMOUNT SET FOR EACH SUCH SERVICE.
- C. "TRANSPORT" SHALL MEAN THE ACTUAL PHYSICAL TRANSPORT FROM ONE PLACE IN OR NEAR THE CITY TO ANOTHER PLACE BY THE USE OF TRANSPORT EQUIPMENT OF THE CITY OF ENGLEWOOD FIRE DEPARTMENT.
- D. THE CITY MANAGER SHALL PROMULGATE IN WRITING REASONABLE BILLING AND COLLECTION PROCEDURES.
- E. FAILURE TO PAY THE FEE ESTABLISHED SHALL CONSTITUTE A VIOLATION OF THIS SECTION.

Introduced, read in full, and passed on first reading on the 6th day of March, 1989.

Published as a Bill for an Ordinance on the 8th day of March, 1989.

Read by title and passed on final reading on the 1st day of May, 1989.

Published by title as Ordinance No. 19, Series of 1989, on the 4th day of May, 1989.

Attest:

Susan Van Dyke, Mayor

Patricia H. Crow, City Clerk

I, Patricia H. Crow, City Clerk for the City of Englewood, Colorado, hereby certify the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. 19, Series of 1989.

Patricia H. Crow

*Tabled indefinitely 3/20/89  
5-1 (Clayton)*

TABLED INDEFINITELY 3/20/89  
5-1 (CLAYTON)  
MOTION TO RECONSIDER 5/1/89  
7-0

BY AUTHORITY

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 1989

COUNCIL BILL NO. 14  
INTRODUCED BY COUNCIL  
MEMBER *Kaltay*

A BILL FOR

AN ORDINANCE AMENDING TITLE 1, CHAPTER 6F, ENGLEWOOD MUNICIPAL CODE 1985, BY THE ADDITION OF A NEW SECTION 11 RELATING TO EMERGENCY MEDICAL TRANSPORT FEES.

WHEREAS, the Englewood Fire Department is called numerous times during the year for emergency medical transport; and

WHEREAS, Council desires to establish a charge for such service where transport is for nonresidents of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. Title 1, Chapter 6F, Englewood Municipal Code 1985, is hereby amended by adding a new Section 11 to read as follows:

**1-6F-11: EMERGENCY MEDICAL TRANSPORT FEES**

- A. A FEE SHALL BE CHARGED FOR EMERGENCY MEDICAL TRANSPORT PROVIDED TO ANY PERSON WHO IS NOT A RESIDENT OF THE CITY OF ENGLEWOOD. THE FEE ESTABLISHED SHALL BE THE USUAL AND CUSTOMARY CHARGE FOR SUCH SERVICE IN THIS COMMUNITY.
- B. A PERSON WHO IS NOT A RESIDENT AND WHO RECEIVES EMERGENCY MEDICAL TRANSPORT BY THE ENGLEWOOD FIRE DEPARTMENT SHALL BE CHARGED AN EMERGENCY MEDICAL TRANSPORT FEE IN AN AMOUNT SET FOR EACH SUCH SERVICE.
- C. "TRANSPORT" SHALL MEAN THE ACTUAL PHYSICAL TRANSPORT FROM ONE PLACE IN OR NEAR THE CITY TO ANOTHER PLACE BY THE USE OF TRANSPORT EQUIPMENT OF THE CITY OF ENGLEWOOD FIRE DEPARTMENT.
- D. THE CITY MANAGER SHALL PROMULGATE IN WRITING REASONABLE BILLING AND COLLECTION PROCEDURES.
- E. FAILURE TO PAY THE FEE ESTABLISHED SHALL CONSTITUTE A VIOLATION OF THIS SECTION.

Introduced, read in full, and passed on first reading on the 6th day of March, 1989.

Published as a Bill for an Ordinance on the 8th day of March, 1989.

Attest:

Susan Van Dyke, Mayor

Patricia H. Crow, City Clerk

I, Patricia H. Crow, City Clerk of the City of Englewood, Colorado, hereby certify the above is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 6th day of March, 1989.

Patricia H. Crow

Attachment # 2

BY AUTHORITY

ORDINANCE NO. 58  
SERIES OF 1994

COUNCIL BILL NO. 55  
INTRODUCED BY COUNCIL  
MEMBER WIGGINS

AN ORDINANCE AMENDING TITLE 1, CHAPTER 6G, OF THE ENGLEWOOD MUNICIPAL CODE 1985, BY THE ADDITION OF A NEW SECTION 10 RELATING TO EMERGENCY MEDICAL TRANSPORT FEES.

WHEREAS, the Fire division of the Englewood Safety Services Department is called numerous times during the year for emergency medical transport; and

WHEREAS, the Englewood City Council desires to establish a charge for such service where transport is for residents and non-residents of the City of Englewood;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ENGLEWOOD, COLORADO, THAT:

Section 1. The Englewood City Council hereby approves amending Title 1, Chapter 6G, of the Englewood Municipal Code which shall read as follows:

1-6-G-10: **EMERGENCY MEDICAL TRANSPORT FEES:**

- A. A FEE SHALL BE CHARGED FOR ANY PERSON TRANSPORTED BY THE ENGLEWOOD FIRE DIVISION. THE FEE ESTABLISHED SHALL BE THE USUAL AND CUSTOMARY CHARGE FOR SUCH SERVICE IN THIS COMMUNITY. THE CITY SHALL CONTRIBUTE A TWENTY PERCENT (20%) SUBSIDY TO ENGLEWOOD RESIDENTS.
- B. "TRANSPORT" SHALL MEAN THE ACTUAL PHYSICAL TRANSPORT FROM ONE PLACE IN OR NEAR THE CITY TO ANOTHER PLACE BY THE USE OF TRANSPORT EQUIPMENT OF THE ENGLEWOOD FIRE DEPARTMENT.
- C. THE CITY MANAGER SHALL CAUSE TO HAVE PROMULGATED IN WRITING REASONABLE BILLING AND COLLECTION PROCEDURES.
- D. AN AMBULANCE BILLING REVIEW PANEL, CONSISTING OF MEMBERS OF THE COMMUNITY AND CITY STAFF, SHALL BE ESTABLISHED BY THE CITY MANAGER TO HEAR APPEALS AND PROTESTS, AND TO MAKE ADJUSTMENTS TO TRANSPORT FEE BILLINGS WHEN DEEMED REASONABLE AND APPROPRIATE. UNLESS OTHERWISE DETERMINED, FAILURE TO PAY THE FEE ESTABLISHED SHALL CONSTITUTE A VIOLATION OF THIS SECTION.
- E. THE EFFECTIVE DATE FOR IMPLEMENTATION OF THIS ORDINANCE WILL BE JANUARY 1, 1995.

Introduced, read in full, and passed on first reading on the 17th day of October, 1994.

Published as a Bill for an Ordinance on the 20th day of October, 1994.

Read by title, amended and passed on final reading on the 7th day of November, 1994.

Published as amended as Ordinance No. 58, Series of 1994, on the 10th day of November, 1994.

ATTEST:  
1/1/94

  
\_\_\_\_\_  
Sheri Gulley, Mayor

\_\_\_\_\_  
Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance amended and passed on final reading and published by title as Ordinance No. 58, Series of 1994.

\_\_\_\_\_  
Loucrishia A. Ellis

Attachment #3

# STATE OF COLORADO

DIVISION OF INSURANCE  
DEPARTMENT OF REGULATORY AGENCIES  
1560 Broadway, Suite 850  
Denver, CO 80202  
Phone: (303) 894-7499  
FAX: (303) 894-7455



Roy Romer  
Governor

Joseph A. Garcia  
Executive Director

Jack Ehnes  
Commissioner of  
Insurance

January 17, 1995

Mr. Daniel L. Brotzman  
Assistant City Attorney  
City of Englewood  
3400 S. Elati Street  
Englewood, CO 80110-2304



Re: City of Englewood Ambulance Service Ordinance

Dear Mr. Brotzman:

I have reviewed your letter of January 12, 1995, to Paul Spangler of our office, in which you state that the City of Englewood and its collection agency checked with me prior to the enactment of the above ordinance and that the subsidy provision "was approved". Please be advised that this statement is incorrect. First, I have not spoken with anyone from the City of Englewood regarding this matter. More importantly, neither I nor anyone else from this office has "approved" the action taken by the City of Englewood.

My involvement with the issues raised by the Englewood ordinance has been limited to a conversation I had with a woman from a billing agency which provides billing services for several cities in the metropolitan area. I was advised by this person that one of the cities the agency services, the City of Denver, was proposing to waive the collection of amounts over and above what an insurance company might pay for ambulance services after any deductible or coinsurance amounts were paid by the insured. The charges to be waived were for amounts in excess of what the insurer considered reasonable and customary. It was my opinion that an arrangement of this nature probably would not be in violation of section 18-13-119, C.R.S. because it would not eliminate the need for actual payment of a required copayment or deductible.

I have not spoken with anyone regarding the City of Englewood ordinance. The effect of this ordinance may be to eliminate the need for actual payment of a required copayment or deductible in violation of section 18-13-119, C.R.S. The Division of Insurance would not pursue enforcement action in this situation since the statute is a criminal statute and this office does not regulate cities. We do wish, however, to make sure you are aware of the prohibitions of this statute.

**18-13-119. Health care providers - abuse of health insurance.**

(1) The general assembly hereby finds, determines, and declares that:

(a) Business practices that have the effect of eliminating the need for actual payment by the recipient of health care of required copayments and deductibles in health benefit plans interfere with contractual obligations entered into between the insured and the insurer relating to such payments;

(b) Such interference is not in the public interest when it is conducted as a regular business practice because it has the effect of increasing health care costs by removing the incentive that copayments and deductibles create in making the consumer a cost-conscious purchaser of health care; and

(c) Advertising of such practices may aggravate the adverse financial and other impacts upon recipients of health care.

(2) Therefore, the general assembly declares that such business practices are illegal and that violation thereof or the advertising thereof shall be grounds for disciplinary actions. The general assembly further declares that nothing contained in this section shall be construed to otherwise prohibit advertising by health care providers.

(3) Except as otherwise provided in subsections (5) and (6) of this section, if the effect is to eliminate the need for payment by the patient of any required deductible or copayment applicable in the patient's health benefit plan, a person who provides health care commits abuse of health insurance if he knowingly:

(a) Accepts from any third-party payor, as payment in full for services rendered, the amount the third-party payor covers; or

(b) Submits a fee to a third-party payor which is higher than the fee he has agreed to accept from the insured patient with the understanding of waiving the required deductible or copayment.

(4) Abuse of health insurance is a class 1 petty offense.

(5) (a) Reimbursements made pursuant to articles 4 and 15 of title 26, C.R.S., federal medicare laws for inpatient hospitalization, and mental health services purchased in accordance with article 66 of title 27, C.R.S., are exempt from the provisions of this section.

(b) Health care services are exempt from the provisions of this section if such health care services are provided:

(I) In accordance with a contract or agreement between an employer and an employee or employees and the contract includes, as a part of an employee's salary or employment benefits, terms that authorize a practice that would otherwise be prohibited by subsection (3) of this section; or

(II) In accordance with a contract or agreement between a town, city, city and county, or municipality or a special health assurance district pursuant to section 31-15-302 (1), C.R.S., under terms that authorize a practice that would otherwise be prohibited by subsection (3) of this section.

(6) (a) The waiver of any required deductible or copayment for charitable purposes is exempt from the provisions of subsection (3) of this section if:

(I) The person who provides the health care determines that the services are necessary for the immediate health and welfare of the patient; and

(II) The waiver is made on a case-by-case basis and the person who provides the health care determines that payment of the deductible or copayment would create a substantial financial hardship for the patient; and

(III) The waiver is not a regular business practice of the person who provides the health care.

(b) Any person who provides health care and who waives the deductible or copayment for more than one-fourth of his patients during any calendar year, excluding patients covered by subsection (5) of this section, or who advertises through newspapers, magazines, circulars, direct mail, directories, radio, television, or otherwise that he will accept from any third-party payor, as payment in full for services rendered, the amount the third-party payor covers shall be presumed to be engaged in waiving the deductible or copayment as a regular business practice.

(7) Repealed.

**Source:** L. 85: Entire section added, p. 680, § 1, effective July 1. L. 2001: (5)(b) amended, p. 1164, § 12, effective June 5. L. 2002: (7) added, p. 384, § 1, effective April 25. L. 2006: (7) repealed, p. 1493, § 22, effective June 1. L. 2010: (5)(a) amended, (SB 10-175), ch. 188, p. 787, § 33, effective April 29.

**Cross references:** For the legislative declaration contained in the 2001 act amending subsection (5)(b), see section 1 of chapter 300, Session Laws of Colorado 2001.

#### ANNOTATION

**Law reviews.** For article, "Professional Courtesy Discounts Under Siege-Part I", see 28 Colo. Law. 51 (December 1999).

**This section is constitutional** because the legislature may regulate or ban entirely commercial speech related to illegal activity since such speech does not rise to the level of a fundamental right. Parrish v. Lamm, 758 P.2d 1356 (Colo. 1988).



# M E M O R A N D U M

## COMMUNITY DEVELOPMENT

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TO: Mayor and City Council

THRU: Gary Sears, City Manager

FROM: Alan White, Community Development Director ✓

DATE: December 6, 2010

RE: Acoma/Broadway Sign

After the study session on November 15, 2010 concerning the alternative to the Broadway median signs as presented by Mile High Outdoor Advertising, staff began investigating options for the regulatory framework under which this sign could be permitted. The sign code currently allows signs with a maximum height of 25 feet and a maximum sign area of 125 square feet along Broadway. Third party signs are prohibited – any sign can advertise only the business located on the property where the sign is located. New billboards are prohibited.

Options are outlined below. Pros and cons of each option are discussed briefly.

### **Option 1 – Rules Don't Apply to City**

Through a request for proposal process, the City would contract with a sign company to build the sign on City-owned property. The City owns the sign and the sign company manages the advertising and maintenance on the sign. The sign company pays the City for the right to sell and display advertising on the sign, either as a lease payment or a percentage of advertising revenue received by the sign company. The City allows the sign by taking the position that the sign regulations don't apply to a City-owned sign on City property.

This option establishes a precedent some may perceive as questionable and sends a conflicting message. If the City expects developers and businesses to comply with development rules and regulations, the City should comply with the same regulations. No sign code amendment would be needed under this option.

### **Option 2a – Revise Sign Code to Allow Billboards**

Revise the sign code to permit third party signs (off premises signs) and ground signs (the type of sign being proposed) that can exceed 25 feet in height and/or 125 square feet in size. The increased size and height would be permitted only for ground signs and not other types of signs like wall, window, canopy or marquee signs.

This option potentially opens up every one of our major street corridors to visual clutter by allowing large, third party signs. Such signs and locations would be highly desirable to sign companies and the regulations would have to address how multiple sign applications for the same location would be handled. The regulations would need to address what happens to sign permits when ground leases expire. Does the sign company or the landowner own the “right” to the sign permit? Some locations may not be City-owned property and would not generate any revenue for the City.

### **Option 2b – Revise Sign Code to Create Billboard District(s)**

Revise the sign code to permit third party ground signs, but only in selected areas of the City. These would be the only areas where signs exceeding 25 feet in height and/or 125 square feet in size would be allowed. The number of such signs could be limited to one or two per district or area.

This option also opens up street corridors to third party signage, but the areas and number of signs would be limited. This option would also need to address potential multiple sign applications for the same location and the expiration of ground leases for the signs. As with Option 2a, some locations may not generate revenue for the City.

### **Option 3 – Create Special Legislation for Oversized Signs on City Property**

Revise the sign code to add a section authorizing City Council to approve any sign on City-owned property that deviates from the size and height requirements of the code. Approval would be through a lease or license agreement. In order to give all interested sign companies an equal opportunity to provide such a sign, the City would want to issue a request for proposal. A variation of this option would be to issue an RFP for a City-owned sign, managed and maintained by the sign company.

This option limits the location of any sign to City-owned property and gives Council the authority to impose any restrictions on the number of signs, size, height and content. This option also could address using EURA or EEF property for such a sign.

### **Option 4 – Allow Billboards With a Conditional Use Permit**

Revise the sign code to allow billboards under the conditional use process. Approval of a conditional use for a billboard would require a hearing in front of the Planning and Zoning Commission. Conditions can be placed on the sign as part of the approval. Variations of this option could include allowing billboards by conditional use only in selected areas of the City, like Option 2b. Another variation could include establishing billboard-specific spacing or other standards such as maximum height and size. Still another variation could include creating a whole new approval process for billboards.

Approval of the sign is by Planning and Zoning Commission, not City Council, unless the decision or conditions are appealed. This option potentially opens up every one of our major street corridors to visual clutter by allowing large, third party signs, although there is some limited control by requiring the conditional use review. No other prohibited signs currently are

allowed through an alternative process such as the conditional use. Some locations may not be City-owned property and would not generate any revenue for the City.

### **Variance**

The type of sign being proposed is essentially a billboard and a third party sign which are prohibited by the sign code. Under normal circumstances, variances could be requested for a permitted sign that exceeds the height or size limitations of the code. A variance to allow a prohibited sign is tantamount to a use variance which is prohibited by the code. This procedure is not an option.

### **Process**

All of the options except Option 1 would require an amendment to Section 16-6-3 (Signs) of the Unified Development Code. This process involves the following steps:

1. Planning and Zoning Commission Public Hearing (10 days notice required)
2. Planning and Zoning Commission Findings of Fact (2 weeks after hearing)
3. 1<sup>st</sup> reading of Ordinance to amend UDC (approximately 4 weeks after P&Z Findings of Fact approved)
4. City Council Public Hearing (2 weeks after 1<sup>st</sup> reading)
5. 2<sup>nd</sup> reading of Ordinance to amend UDC (2 weeks after public hearing)
6. Ordinance is effective (30 days following publication – approximately 5 weeks)

The timeline shown is an optimistic minimum of 17 weeks or a little over four months to accomplish an amendment to the UDC. This does not include the time to prepare the ordinance or a study session with P&Z prior to initiating the process. Other agenda items or hearings, holidays, requested study sessions, and hearing continuances can extend the timeline. Our experience is that a more realistic minimum timeline is closer to six months.



## **MEMORANDUM**

**TO:** Mayor Woodward and Members of City Council  
**THROUGH:** Gary Sears, City Manager  
**FROM:** Sue Carlton Smith, Executive Assistant  
**DATE:** December 2, 2010  
**SUBJECT:** Board and Commission Reappointments

At the Study Session on Monday, December 6, 2010, City Council will be discussing board and commission members who are interested in reapplying for another term with their current board or commission. No interviews will be held this evening.

Attached is a list of board and commission vacancies, applications, a summary sheet, worksheets, and an updated Roster.

All Chairs have been contacted regarding the board and commission members who are reapplying for another term.

Urban Renewal Authority Chair James Weeks responded in an e-mail that "At Mayor Woodward's request, I am writing to offer my recommendation for the re-appointment of Mr. Roth and Ms. Townley. I feel that Mr. Roth's experience on the board and Ms. Townley's enthusiasm as a new member are incredibly helpful to the service the Authority offers to the City of Englewood. Please let me know if I may be of further assistance."

Planning and Zoning Commission Chair Chad Knoth called and left a message stating that Ron Fish and Don Roth were very productive members and encouraged City Council to reappoint them.

Police Officers Pension Board Chair Norm Wood stopped by to inform City Council that Jim Phelps is a very informed and pleasant member, attends regularly and has performed exceptionally for the number of years he has been a member. Chair Wood encourages his reappointment.

Board of Adjustment and Appeals Chair Carson Green, Firefighters Pension Board Chair Keith Lockwood, Keep Englewood Beautiful Chair Susan Bayless and Transportation Advisory Committee Chair David Anderson have not responded at this time. We will forward any communications from them to you by Monday, December 6<sup>th</sup>.

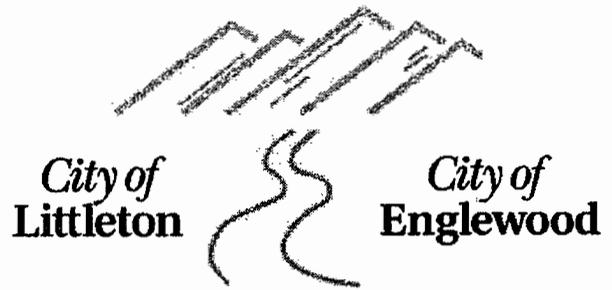
Page 2  
December 2, 2010

Also attached is the memorandum to all board, commission and authority members concerning the interview process and deadlines. This memorandum was distributed on October 22, 2010 and included in the Council Newsletter packet.

If you need additional information, please call me at 303-762-2311.

**LITTLETON/ENGLEWOOD  
WASTEWATER TREATMENT PLANT**

2900 S. Platte River Drive  
Englewood, Colorado 80110  
(303) 762-2600  
FAX 762-2620



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**AGENDA  
FOR THE JOINT  
STUDY SESSION  
ENGLEWOOD CITY COUNCIL  
AND LITTLETON CITY COUNCIL  
THURSDAY, DECEMBER 9, 2010, 7:30 a.m.  
BREAKFAST MEETING  
LITTLETON/ENGLEWOOD WASTEWATER TREATMENT PLANT  
2900 SOUTH PLATTE RIVER DRIVE**

- I. Gather for Breakfast**
- II. Introductions**
- III. Management Objectives**
  - a. Regulatory and Permit Compliance
  - b. Odor Prevention and Control
  - c. Public and Worker Health and Safety
  - d. Life Cycle Cost
- IV. Awards**
  - a. Rocky Mountain Water Environment Association
  - b. National Association of Clean Water Agencies
  - c. American Council of Engineering Companies

**V. Permit**

- a. New Permit and Conditions
- b. Compliance History
- c. Compliance Advisory

**VI. Regulatory Outlook**

- a. Recent Hearings
  - i. Temperature
  - ii. Nonylphenol
- b. Future issues
  - i. Nutrients
  - ii. Pharmaceuticals and Personal Care Products
  - iii. Barr Lake and Milton Reservoir Watershed Association

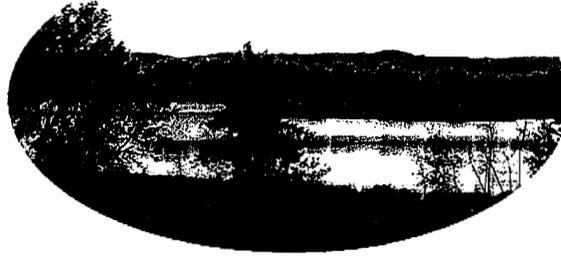
**VII. Projects**

- a. Disinfection
- b. Infrastructure
- c. Energy Conservation

**VIII. Closing**

**Facility Tours available on request.**

**Please note: If you have a disability and need auxiliary aids or services, please notify the City of Englewood, 303-762-2407, at least 48 hours in advance of when services are needed. Thank you.**



***Englewood McLellan Reservoir Foundation***

**To:** Mayor Woodward and City Council Members

**Through:** Gary Sears, City Manager

**From:** Michael Flaherty, Deputy City Manager, on behalf of the Englewood McLellan Reservoir Foundation (EMRF)

**Date:** December 2, 2010

**Subject:** Benjamin Franklin Charter School

A resolution supporting negotiations by the Englewood McLellan Reservoir Foundation (EMRF) with the Benjamin Franklin Charter School is on the City Council Regular Meeting Agenda for Monday, December 6, 2010.

During the Executive Session of November 22, 2010, EMRF Directors discussed the basic terms of the Letter of Interest submitted to EMRF by the Franklin Charter School. Based on that discussion, EMRF made recommendations for changes of the Franklin Letter of Interest on which lease discussions would be conducted. Without going into details that were discussed in Executive Session, I can report that the financial terms proposed by EMRF to the Franklin School have initially been accepted by and will be the basis for future negotiations.

cc: EMRF Board Members  
Dan Brotzman, City Attorney