AGENDA FOR THE
ENGLEWOOD CITY COUNCIL
STUDY SESSION
MONDAY, FEBRUARY 11, 2013
COMMUNITY ROOM
6:00 P.M.

I. **Use Tax on the BEST Project at Englewood Middle School**
Schools Superintendent Brian Ewert will discuss the Use Tax on the BEST Project at Englewood Middle School.

II. **Legislators**
U.S. Senator Bennet's State Director Rosemary Rodriquez, U.S. Senator Udall's Regional Director Brandon Rattiner, Colorado Representative Daniel Kagan and Colorado Senator Linda Newell will be present to discuss with City Council legislation and issues relating to the City of Englewood.

III. **City Manager's Choice**
- A. Joint Meeting with Littleton - Fire Study Discussion
- B. Set date and time for BID Hearing.
- C. Design Guidelines

IV. **City Attorney's Choice**

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.

Memorandum

City Manager's Office

To: Mayor Penn and Members of City Council

Through: Gary Sears, City Manager

From: Michael Flaherty, Deputy City Manager

Date: February 7, 2013

Subject: State and Federal Legislative Issues – Legislative Study Session

City Council is scheduled to meet with State Representative Daniel Kagan, State Senator Linda Newell and U.S. Senator Udall's Regional Director, Brandon Rattiner, at the February 11 Study Session. This year there are numerous legislative bills pending, particularly at the state level, which could impact the City of Englewood.

Colorado General Assembly

The Colorado Municipal League (CML) is our primary source for analyzing and advocating for or against legislative issues that impact Colorado's cities and towns and their residents. CML has already identified a number of bills that have been introduced in current session of the Colorado General Assembly that they will be monitoring over the course of this session. I have attached a copy of the February 4th CML *Statehouse Report* that outlines several key legislative issues for this session.

CML is currently working with Colorado legislators to better understand the impact of these proposals and lobbying in support or opposition to bills that have been introduced. CML will continue to monitor all bills of interest to municipalities and may establish positions in support or opposition to particular bills as they are introduced.

Not all of the bills that CML is monitoring would have direct impact on Englewood. The role of our staff is to keep City Council informed of those issues that may impact us and, at the direction of City Council, to cooperate with CML and other cities in protecting our interests. Of particular significance to Englewood are the following bills, which are described in more detail in the *Statehouse Report*:

- Senate Bill 13-023: Public immunity claims limit
- Senate Bill 13-025: Mandating collective bargaining with firefighters
- House Bill 13-1090: Mandating new construction prompt pay requirements
- House Bill 13-1093: Mandating new contract bidding requirements
- House Bill 12-1191: Nutrient grant funding program

(Note that the first four of the above bills - Senate Bills 23 and 25 and House Bills 1090 and 1093- each would preempt municipal local control and are opposed by CML. House Bill 1191, which is supported by CML, would provide grant funding to help meet the unfunded mandate created by adoption of numeric nutrient standards adopted by the Water Quality Control Commission.)

CML regularly posts updates on bills of interest to cities and counties on their website: www.cml.org. In addition, CML will conduct their annual Legislative Workshop on Wednesday, February 20 at History Colorado Center at 1200 Broadway in Denver. A registration form is attached, or you may register on-line through the CML website.

Staff will continue to provide periodic updates on General Assembly bills and may from time to time request formal Council position statements on particular bills of significant interest to Englewood. Staff will generally take no position on bills without Council concurrence.

U. S. Congress

The City is a member of the National League of Cities (NLC), which advocates on behalf of its member cities. The emphasis of the NLC is for 2012 is in three areas:

- Protect Municipal Bonds
- Protect Local Revenue/Internet Sales
- Fix the County's Broken Immigration System
- "Fiscal Cliff" implications to local government

Copies of NLC articles related to each of these topics are attached. For additional information, see the NCL website: www.nlc.org. As with state legislative issues, staff will monitor and report on any federal legislation that may impact the City. Those members of Council attending the NLC Conference in March will also have an opportunity to discuss these and other issues with our federal representatives and their staffs.

Attachments:
CML *Statehouse Report*, February 4, 2013
CML Legislative Workshop Registration Form
NCL Articles (4)

If this email does not display properly, please view our online version.
To ensure receipt of our email, please add c to your address book.
Please do not reply to this automatic e-mail.

In this issue ...

- Beer & liquor
- Building codes
- Economic development
- Finance
- Governmental immunity
- Labor
- Municipal courts
- Open records
- Severance tax
- Taxation
- Transportation
- Water
- CML legislative resources

How does it impact you?

Does any of the proposed legislation have a meaningful impact to your community? Login to the CML website as a municipal member and tell your story.

Share with social networks

Update on emergency management mobilization and reimbursement

In the wake of one of Colorado's worst fire seasons, legislators and state and local officials have worked together in a variety of capacities to ensure disaster preparedness is a top priority.

The Lower North Fork Wildfire Commission was one of these entities, and it introduced several bills this session in response to the Lower North Fork wildfire last spring. One of these bills is HB 13-1031, which sought clarify the duties of the Colorado Department of Public Safety (CDPS) in such emergencies. It also established the means by which mobilized governmental entities may seek reimbursement for costs incurred by rendering interjurisdictional disaster assistance.

In its introduced draft, HB 13-1031 was problematic for many local government emergency services. It allowed for the state to commandeer resources from the local governments as well as established a complicated reimbursement process. It was agreed that the state's role in emergency management needed to be addressed, but it was noted that locals are the first on the scene in these situations.

With this in mind, stakeholders convened to find solutions. CML joined Colorado Counties Inc., the Special District Association of Colorado, fire chiefs, sheriffs, emergency managers, representatives from CDPS, and the bill sponsors to successfully draft an amendment amenable to all parties. Not only does it succeed in establishing the state's role in emergency management coordination, it clarifies the important role that local government plays by addressing that our resources remain intact. HB 13-1031 was amended successfully in the House Judiciary Committee on Jan. 31. CML thanks Boulder Office of Emergency Management Director Mike Chard and Boulder County Sheriff Joe Pelle for actively working to ensure a consensus was reached. In addition, we would like to thank the bill sponsors, Reps. Gerou and Levy and Sens. Nicholson and Roberts, as well as CDPS representatives Kevin Klein and Paul Cooke, for their responsiveness to our concerns.

Bill: HB 13-1031, Concerning statewide all-hazards resource mobilization
Sponsors: Rep. Cherie Gerou, R-Evergreen; Rep. Claire Levy, D-Boulder; Sen. Jeanne Nicholson, D-Blackhawk; Sen. Ellen Roberts, R-Durango
Status: House 2nd reading
Position: No position
Lobbyist: Meghan Storrie

Legislative information

Don't forget the links to important legislative information – including the bills CML is tracking – can be found at the end of this email. If you have any questions on legislation, contact either the lobbyist assigned to a bill or Kevin Bommer.

Beer & liquor: Removal of alcohol from on-premises licensed establishment

SB 13-043 amends existing law that creates immunity for limited gaming licensees when a patron removes alcohol from a licensed premise. In statute, the licensee does not commit a violation if alcohol is removed with either an employee stationed at the exit or a specified sign indicating the criminal penalty if alcohol is removed. The Colorado Restaurant Association is proposing to amend the statute to cover all on-premise licensees, although the association also proposes shrinking the size of the required sign. There is no objection to the legislation, and CML expects it to move quickly through the process.

Bill: SB 13-043, Prohibition against knowingly removing alcohol
Sponsors: Sen. Andy Kerr, D-Lakewood; Rep. Bob Gardner, R-Colorado Springs
Status: S. 3rd reading
Position: No position
Lobbyist: Kevin Bommer

Building codes: Fire inspection

SB 13-051 requires a local fire department to inspect annually each medical marijuana optional cultivation premises, each primary caregiver cultivation location, and each marijuana grow building in its jurisdiction. The fire chief may charge a fee of no more than $100 for the inspection. CML is not supportive of mandating that local fire departments do certain inspections. Additionally, the cost of an inspection should not be capped as actual costs may exceed $100. The CML Executive Board voted to oppose the bill on Jan. 31. The bill is scheduled for committee action on Feb. 6.

Click here for CML's position paper.

Bill: SB 13-051, Concerning fire inspection for marijuana cultivation locations
Sponsor: Sen. Randy Baumgardner, R-Cowdrey
Status: S. Judiciary
Position: Oppose
Lobbyist: Meghan Storrie

Building codes: School inspections

HB 13-1133 allows a local building department to do plumbing and electrical inspections in schools - a function currently only done by the state. The International Code Council Colorado Chapter has concerns with the bill in its current form. Specifically, it would like to see language removed from the bill that is deemed too constrictive for local building departments. CML is working with the Rep. Bob Gardner, R-Colorado Springs, to amend the bill. The bill is scheduled for committee action on Feb. 6.

Bill: HB 13-1133, Concerning utilities inspections for public schools
Sponsors: Rep. Bob Gardner, R- Colorado Springs; Sen. Bill Cadman, R- Colorado Springs
Status: H. Local Government
Position: Support
Lobbyist: Meghan Storrie

Economic development: Enterprise zones

The Enterprise Zone Task Force gained consensus on several points during its discussions this past year, and HB 13-1142 embodies those points. The capital investment state tax credit would be capped at $1 million annually per business - with exceptions allowed when granted by the Economic Development Commission. A portion of the savings gained through the cap would be applied to increasing credit amounts for job creation, job training, and health care tax credits. The next review of enterprise zone boundaries would be moved up to 2014. CML plans to monitor this legislation.

Bill: HB 13-1142, Enterprise zone reform

Sponsors: Rep. Dickey Lee Hullinghorst, D-Niwot; Sen. Rollie Heath, D-Boulder
Status: H. Finance
Position: No position
Lobbyist: Mark Radtke

Finance: Business personal property tax 2014 exemption

HB 13-1189 exempts all business personal property purchased in the year 2014 from business personal property tax (BPPT) liability. The property would remain exempt from BPPT for the length of time it is owned by the original purchaser. The fiscal analysis of this bill is not yet available. A similar measure introduced last year would have reduced local government revenue by $102 million statewide. CML, Colorado Counties Inc., and the Special District Association of Colorado worked with the sponsor of last year's bill on a rewrite that all parties could support. That rewrite expanded the ability of local governments to waive up to 100 percent of BPPT for new or expanding businesses at the local discretion.

Bill: HB 13-1189, BPPT 2014 exemption
Sponsors: Rep. Jared Wright, R-Grand Junction, Sen. Kent Lambert, R-Colorado Springs
Status: H. State, Veterans & Military Affairs
Position: Oppose
Lobbyist: Mark Radtke

Finance: Business personal property tax exemption limit

The existing exemption amount to avoid filing business personal property tax (BPPT) is $7,000. SB 13-136 raises that amount to $25,000, but grants municipalities, counties, and special districts the ability to opt-out of the increased amount and the action to opt-out must be repeated every year. School districts are not included, thereby requiring businesses liable for payment of BPPT under $25,000 to continue to prepare information and pay the tax to school districts. We are awaiting fiscal note analysis to determine the potential loss of revenue to local governments. Municipalities also would have the costs of passing an ordinance each year to opt-out of the requirement.

Bill: SB 13-136, Increase BPPT exemption limit
Sponsors: Sen. Mark Scheffel, R-Parker; Rep. Chris Holbert, R-Parker
Status: H. State, Veterans, & Military Affairs
Position: Oppose
Lobbyist: Mark Radtke

Finance: Business personal property tax expand exemption

The existing $7,000 exemption to avoid filing business personal property tax (BPPT) is not an exemption for businesses that own more than $7,000 in business personal property. Businesses owning business personal property totaling more than $7,000 pay the tax on the complete inventory of business personal property. HB 13-1177 would create the $7,000 figure as an exemption amount for all BPPT taxpayers. We are awaiting the fiscal note analysis of revenue lost to local governments. The amount of lost revenue is critical. Local governments do not have the flexibility to substitute other revenue sources for lost BPPT revenue.

Bill: HB 13-1177, Expand BPPT exemption
Sponsors: Rep. Chris Holbert, R- Parker; Sen. Mark Scheffel, R-Parker
Status: H. Finance
Position: Oppose
Lobbyist: Mark Radtke

Finance: Business personal property tax larger exemption limit

The existing $7,000 exemption to avoid filing business personal property tax (BPPT) would be increased to

$25,000 in both 2015 and 2016, then increase to $50,000 in 2017 and 2018 with the passage of HB 13-1174. The bill also exempts all fully depreciated BPPT. We are awaiting the fiscal note analysis of revenue lost to local governments. Several years ago, CML supported bumping the BPPT exemption to the current $7,000 and absorbing the revenue loss. It was estimated at the time that more than 40,000 small businesses would no longer be liable for BPPT.

Bill: HB 13-1174, Larger increase in BPPT exemption limit
Sponsors: Rep. Lori Saine, R-Dacono; Sen. Cheri Jahn, D-Wheat Ridge
Status: H. Finance
Position: Oppose
Lobbyist: Mark Radtke

Finance: Prompt pay

Accelerated release of construction contract retainage to subcontractors is at the center of HB 13-1090. The bill eliminates the ability to hold retainage until a project is completed and a final acceptance of the project is approved by the owner - in this case the public entity. Retainage is the dollar amount of the construction contract that can be withheld by the building owner until work is completed satisfactorily. Once retainage is released, there is no incentive for the subcontractor to return to correct defects. A compromise was reached with the contractors' community two years ago in separate legislation that included major concessions from local governments, most significantly reducing the amount of retainage that can be held from 10 percent to 5 percent. HB 13-1090 also includes a disincentive for subcontractors to agree on costs for change orders by requiring a cost plus 15 percent payment if the parties cannot agree on a price. A broad range of private and public sector groups are expressing opposition to this measure.

Bill: HB 13-1090, Prompt pay on construction contracts
Sponsors: Rep. Randy Fischer, D-Fort Collins; Sen. Lois Tochtrop, D-Thornton
Status: H. Business, Labor, Economic, & Workforce Development
Position: Oppose
Lobbyist: Mark Radtke

Finance: Purchasing requirements

The aim of HB 13-1093 is to preempt local government purchasing rules with a state imposed system. Sealed bids would be required of any purchase of goods, services, or construction with a value of more than $50,000. The rules would eliminate the ability of local governments to use the request for proposals (RFP) process, which eliminates the ability to award contracts based on "best value" as opposed to "low price bid." The RFP process is used widely to allow for considerations in addition to bid price - such as bidder experience and ability to deliver. The bill requires that disposal of surplus materials be done through a competitive bid process. Many municipalities now dispose of property through public auctions that generally deliver a better price and hence better outcome for taxpayers. We expect to see an amendment rewriting the bill to be offered in committee. CML will continue to oppose the measure as any interference would be a preemption of local control.

Bill: HB 13-1093, Purchasing requirements
Sponsor: Rep. Polly Lawrence, R-Littleton
Status: H. Local Government
Position: Oppose
Lobbyist: Mark Radtke

Governmental immunity: Claim limits

Sen. Bill Cadman, R-Colorado Springs, and Senate President John Morse, D-Colorado Springs, are sponsoring major legislation concerning the Colorado Governmental Immunity Act (CGIA). SB 13-023 would increase the recovery limits in CGIA from the present $150,000 for individual claims to $478,000, and the limit for multiple claims arising from the same act or occurrence from $600,000 to $990,000. The increased limit amounts were arrived at by applying increases in the Denver-Boulder-Greeley Consumer Price Index (CPI) to the individual limit from 1972,

when it was established, and from 1992 for the aggregate limit, when it was last adjusted by the General Assembly. Significantly, SB 13-023 would exclude judgment interest from these caps. The bill also would put in place an automatic escalator for the limits, directing the attorney general to certify new limits every four years, adjusted according to the Denver-Boulder-Greeley CPI. Additionally, bill proponents - the Colorado Trial Lawyers Association (CTLA) - have indicated that they plan to seek amendments to increase the 180-day "notice of claim" period to one year, and to narrow the definition of public employees who are covered by CGIA.

SB 23 would affect *every public entity* in Colorado. The limits have not been increased in some time, which may limit the public sector's ability to argue that no increase is an appropriate course. Public entities have been arguing for a bill addressing only an increase in the caps and possibly (views in the coalition vary) the escalator; the interest exclusion, notice of claim amendments, and other issues should not be part of this bill.

Bill: SB 13-023, Governmental immunity
Sponsors: Sen. Bill Cadman, R-Colorado Springs; Sen. John Morse, D-Colorado Springs
Status: S. Judiciary
Position: Oppose unless amended
Staff: Geoff Wilson

Labor: Prohibit public sector collective bargaining

CML opposes HB 13-1107 for the same reasons we oppose SB 13-025. HB 1107 would prohibit a municipality and other public entities from engaging in collective bargaining with any of their employees. Again, these decisions should be left to citizens and their duly elected local governing bodies. Many Colorado municipalities have made the choice – either by council action or at the ballot box – to have collective bargaining agreements with their employees, and CML will continue to defend the rights of municipalities to make or reject those arrangements free from state mandate. We trust that the proponents of SB 25 will conveniently agree with CML on this bill while continuing to advocate silencing local voters under SB 25.

Bill: HB 13-1107, Prohibit public sector collective bargaining
Sponsor: Rep. Justin Everett, R-Littleton; Sen. Ted Harvey, R-Highlands Ranch
Status: H. State, Veterans, and Military Affairs
Position: Oppose
Lobbyist: Kevin Bommer

Labor: State-mandated collective bargaining for firefighters

The Senate is poised to pass SB 13-025, state-mandated collective bargaining for firefighters, most likely by the end of this week. The bill now has a House sponsor, Rep. Angela Williams, D-Denver, and passage of the bill in the Senate this week could mean introduction in the House by this time next week, if not before.

SB 25 is a state-mandate on local governments that overrides the express will of local voters and silences their voice on fiscal issues for which they will have to foot the bill. Voters in some municipalities have said "yes," and others have said "no." However, it is their choice to make and not the General Assembly's. The bill's proponents continue to try to explain away the disenfranchisement of past and future local voters by stating the bill only mandates a process and not an outcome. However, the proponent's attorney did not dispute his previous claim that the bill overturns the will of local voters but that the state's interest in mandating collective bargaining for local employees was more important. The bottom line is that the Colorado Municipal League sees no reason to doubt the will of the voters now or in the future. We continue to wonder why the proponents are so willing to go around them.

CML urges members to contact their representatives as soon as possible and ask for their "no" votes on this blatant infringement of the legislature into the responsibilities of councils, boards, and the people who elect them.

Click here for CML's position paper on the bill.

Bill: SB 13-025, State-mandated collective bargaining for firefighters
Sponsor: Sen. Lois Tochtrop, D-Thornton; Rep. Angela Williams, D-Denver

Status: Senate 2nd reading
Position: Oppose
Lobbyist: Kevin Bommer

Municipal courts: Fine limits

CML is sponsoring legislation to allow municipal jurisdictions the opportunity to increase their municipal court fines from the current $1,000 to $5,000 to better deter violations. The proposed legislation does not mandate that municipal governments enforce a higher fine - that will remain a municipal decision. The bill was heard in the House Judiciary Committee on Thursday, Jan. 17. The Colorado Criminal Defense Bar raised concerns that a blanket increase in the maximum municipal court fine would lead to the likelihood of more defendants opting for jail time. In addition, there are concerns that these fines would be higher than for many state level misdemeanors. While CML does not believe municipal judges would levy unreasonable fines if the maximum were higher, a compromise was struck. The fee will be raised to $2,650, with an add-in to continue to index the fine for the future via the consumer price index. HB 13-1060 is not currently calendared.

Click here for CML's position paper on the bill as introduced.

Bill: HB 13-1060, Concerning raising the maximum fine levied in municipal court
Sponsor: Rep. Mike McLachlan, D-Durango
Status: H. Judiciary
Position: Support
Lobbyist: Meghan Storrie

Open records: Remote applicants

HB 13-1041 would clarify how public records are produced for citizens who request those records via mail or email. The bill permits the custodian to secure payment of all shipping and research and retrieval fees before sending the requested records to the applicant. Once the payment is received, the custodian has up to three business days to ship the records. If the records are in digital form, no fee may be charged for the transmission of the records, although research and retrieval fees may still apply. The bill is a collaborative effort of the Colorado Press Association, CML, Colorado Counties Inc., Special District Association of Colorado, Colorado Association of School Boards, and the Attorney General's Office, responding to a somewhat notorious situation in which a county clerk declined to ship records to an applicant. The bill was passed out of the Local Government Committee unanimously and subsequently approved by the entire house on second reading.

Bill: HB 13-1041, Open records to remote applicants
Sponsors: Rep. Brittany Pettersen, D-Lakewood; Sen. John Kefalas, D-Ft. Collins
Status: House 3rd reading
Position: Support
Lobbyist: Geoff Wilson

Severance tax: Severance tax holiday for new wells

CML strongly opposes HB 13-1122, which would severely impact the ability of energy-impacted municipalities and counties to keep up with infrastructure needs and associated impacts of energy extraction. As an incentive to drill new wells, a severance tax "holiday" would be given to any new wells drilled after July 2014 and would extend for two years. After the holiday expired, the severance tax would be diverted to higher education. While CML certainly supports higher education, diverting impact revenues is the wrong solution. This bill will be heard in committee on Feb. 11.

Bill: HB 13-1122, Severance tax holiday for new wells
Sponsor: Rep. Ray Scott, R-Grand Junction
Status: H. State, Veterans, and Military Affairs
Position: Oppose
Lobbyist: Kevin Bommer

Taxation: Sales and use - All food exemption

SB 13-045 would have removed "prepared food" from the state sales and use tax base. This would have meant that restaurant, bar, deli, and fast food sales would become tax exempt. Because the state tax base controls what Colorado's statutory cities and towns (as well as counties) may tax, SB 045 could have had a significant negative fiscal impact on these jurisdictions. The "all food" tax exemption bill was killed last week in the Senate State, Veterans & Military Affairs Committee.

Bill: SB 13-045, All food tax exemption
Sponsor: Sen. Owen Hill, R-Colorado Springs
Status: Postponed indefinitely
Position: Oppose unless amended
Lobbyist: Geoff Wilson

Transportation: General fund transfer to HUTF

With HB 13-1116, a $10 million state General Fund annual transfer would be made to the Highway Users Tax Fund (HUTF) if the state's sales tax collections exceed the previous year's collections by 1.5 percent or more. The money would be allocated through the HUTF state-county-municipal formula, and the transfers would continue until provisions of SB 09-228 are triggered. (SB 228 calls for 2 percent of the state's General Fund revenue to be diverted to the Colorado Department of Transportation's portion of HUTF beginning in a year when the state's personal income figure climbs by at least 5 percent.) Municipalities and counties do not share in that transfer.

Bill: HB 13-1116, State general fund revenues to HUTF
Sponsor: Rep. Kevin Priola, R-Henderson
Status: S. Finance
Position: No position
Lobbyist: Mark Radtke

Transportation: Park-N-Ride parking

Currently, the ability to charge for parking at Regional Transportation District (RTD) transit stations is limited. Under the terms of SB 13-027, third parties - private or municipal - would be allowed to manage parking facilities at RTD transit stations and charge for parking. As transit-oriented development projects are constructed, new parking facilities will be required. The measure is aimed at making parking connected to transit-oriented development projects self-supporting.

Bill: SB 13-027, Park-N-Ride parking management
Sponsors: Sen. Nancy Todd, D-Aurora; Rep. Kevin Priola, R-Henderson
Status: S. Transportation
Position: Support
Lobbyist: Mark Radtke

Transportation: Use of local HUTF for transit

Municipalities would be allowed to use their share of Highway Users Tax Fund (HUTF) dollars for transit projects as well as roads and bridges with passage of SB 13-048. While this bill deals only with the municipal and county shares of HUTF, the Colorado Department of Transportation already has the ability to spend a portion of its FASTER related dollars on transit projects. The language granting municipalities and counties this latitude mirrors that given in FASTER. Bicycle and pedestrian lanes are included in this definition.

Bill: SB 13-048, Use of local HUTF for transit
Sponsors: Sen. Nancy Todd, D-Aurora; Rep. Max Tyler, D-Lakewood
Status: S. Transportation

Position: Support
Lobbyist: Mark Radtke

Transportation: Vehicle registration late fees

SB-068 reduces the late fee for motor vehicle registration. Currently, vehicle owners pay a late fee of $25 per month (with a maximum total late fee of $100) for failure to register their vehicle on time. This bill would reduce the late fee to a flat $20. The late fee was instituted with the passage of the FASTER registration fee bill in 2009. CML opposed a similar bill last year on the basis that there should be a meaningful penalty to encourage owners to register their vehicle on time. The primary aim of the late fee is to prompt new residents of the state to register their vehicle in Colorado and begin contributing to the maintenance of state and local roads.

Bill: SB 13-068, Vehicle registration late fees
Sponsor: Sen. Randy Baumgardner, R-Cowdrey
Status: S. Transportation
Position: Oppose
Lobbyist: Mark Radtke

Water: Authorize graywater installation and use

Rep. Randy Fischer, D-Fort Collins, is sponsoring HB 13-1044, which would permit local governments to authorize the use of graywater for specified legal indoor and outdoor applications. Municipalities and counties also would retain exclusive authority to enforce compliance with their graywater use resolutions and ordinances. This legislation has been attempted previously, but is now enjoying strong bipartisan support. The sponsor has spent considerable time working with water law experts and various interest groups and seems to have satisfied previous objections to the legislation. CML is appreciative of the sponsor's inclusion of a local option so that municipalities may consider all of these factors prior to making a decision whether and to what extent to allow graywater installations. The bill passed its first committee and is now in the Appropriations Committee, where it is likely to remain for a while.

Bill: HB 13-1044, Authorize graywater use
Sponsors: Rep. Randy Fischer, D-Fort Collins; Sen. Gail Schwartz, D-Snowmass Village
Status: H. Appropriations
Position: No position
Lobbyist: Kevin Bommer

Water: Nutrient grant funding program

CML applauds Gov. John Hickenlooper and the bill sponsors for helping meet the cost of unfunded mandates created with the adoption of numeric nutrient standards last year by the Water Quality Control Commission. Gov. Hickenlooper's office reviewed the rulemaking and determined that they were necessary to meet federal requirements. While there may be some disagreement on that point, the League appreciates the creation of a grant program with HB 13-1191 and the governor's proposal to put $15 million into it this year. The League would like to see this as an annual appropriation but will address that at a future time.

Bill: HB 13-1191, Nutrient grant program
Sponsors: Rep. Randy Fischer, D-Fort Collins; Sen. Gail Schwartz, D-Snowmass Village
Status: H. Agriculture, Livestock, & Natural Resources
Position: Support
Lobbyist: Kevin Bommer

CML legislative resources

Links to useful information related to the General Assembly and bills that CML is following:

CML Lobbyists
CML 2012-2013 Policy Statement
2012-2013 Legislative Priorities of Colorado Cities & Towns
Legislative advocacy main page

CML box score and bill log
Link to Senate bills followed by CML: Word document or website
Link to House bills followed by CML: Word document or website
Box score of CML support and oppose bills

Senators and representatives by municipality, along with committee rosters
Senators by municipality
Representatives by municipality
Senate and House committees

Colorado Municipal League
1144 Sherman Street | Denver, CO 80203
(p) 303-831-6411 or 866-578-0936 | (f) 303-860-8175
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WEDNESDAY, FEBRUARY 20, 2013
AT THE HISTORY COLORADO CENTER, 1200 BROADWAY, DENVER, CO 80203

CML ANNUAL LEGISLATIVE WORKSHOP

ABOUT

Plan to attend the *CML Annual Legislative Workshop* on Wednesday, **Feb. 20**, at the History Colorado Center, 1200 Broadway, Denver. Municipal officials from across the state will gather at this daylong workshop to discuss key municipal issues before the 2013 General Assembly, the CML legislative program, and what municipal officials can do to influence the legislative process.

Gov. John Hickenlooper has confirmed his attendance to speak to attendees!

CML will host an open-house reception for state legislators and all attendees at the CML offices, 1144 Sherman St., Denver, 4:30-6:30 p.m.

CML MUNIversity

Five Elected Officials' Leadership Training Program (MUNIversity) credits are available for this training.

PARKING

There is limited complimentary parking at the League building (approximately one block from the venue) and garage parking across from the venue at the Cultural Center Garage (enter on 12th from Broadway) for approximately $8 for the day.

LODGING

CML has a discounted room rate at the Warwick Denver Hotel, located at 1776 Grant Street. Hotel rooms, including Wi-Fi, continental breakfast, and overnight valet parking, are $129 plus tax. Courtesy car service within a two-mile radius of the hotel is offered, but it must be requested when checking in; based on availability. For reservations, call 303-861-2000 or visit *www.warwickdenver.com* and use the code: COMUN.

REGISTRATION OR QUESTIONS

For more information or special needs, call 303-831-6411 or 866-578-0936. Return the registration form to CML by Wednesday, **Feb. 6**, or visit *www.cml.org* to register online.

AGENDA

8:00 Registration and continental breakfast

8:30 **Welcome** by Ed Nichols, History Colorado Center president

8:45 **The State of Colorado Cities & Towns**

9:00 Opening session: **2013 General Assembly: What municipal officials can expect**
Presenters: CML advocacy team

10:15 Morning break

10:30 Concurrent sessions
Session 1: **Amendment 64: Implementation and local issues**
Session 2: **Oil & gas: Lawmaking and rulemaking — What's hot**

Noon Lunch: **Legislative leadership panel**
All members of the Legislature's leadership have been invited to review 2013 Statehouse activity of municipal concern

1:45 General session: **The state of state-municipal relations**
Presenter: Gov. John Hickenlooper

2:30 General session: **Federal issues**
Presenter: Carolyn Coleman, director, Office of Federal Relations, National League of Cities

3:30 Self-tour of the History Colorado Center
(all attendees are invited)

4:30 **League Open House**

SPONSORSHIP

Want to demonstrate your support more fully? Think about sponsoring this premier event; sponsorship is only $850. Sponsors receive an exhibit table, verbal recognition at the workshop luncheon, acknowledgement in the CML Newsletter, and one free registration. Contact Lisa White at or 303-831-6411 for details. (CML Associate Members only benefit!)

REGISTRATION FORM — CML ANNUAL LEGISLATIVE WORKSHOP — WEDNESDAY, FEB. 20

Please submit a separate form for each participant. This form may be copied. Return by Wednesday, Feb. 6 — add a $30 late fee if received after that date.

Name _____

Title _____ Representing _____

Phone _____ Fax _____

Email _____

Address _____

City, State, ZIP _____

☐ Vegetarian meal ☐ Gluten-free meal ☐ I plan to attend the League's Open House ☐ I plan on touring the History Colorado Center

Registration fees:*
☐ $110 (CML municipal/associate members if received by Feb. 6)
☐ $225 (all nonmembers if received by Feb. 6)
☐ $140 (CML municipal/associate members if received after Feb. 6)
☐ $255 (all nonmembers if received after Feb. 6)

☐ Check enclosed ☐ Visa ☐ MasterCard

Visa/MC # _____ Exp. date _____

Name on card _____ Signature _____

Registration is available online at *www.cml.org*. Or you can mail or fax this form and send payment to CML, 1144 Sherman St., Denver, CO 80203-2207; fax 303-860-8175. Make check payable to Colorado Municipal League.

** Registrations may be canceled up to seven days prior to the scheduled event. Canceled registrations received prior to this time will be refunded, less a $30 processing fee. Cancellations less than seven days prior to the event cannot be accepted; however, attendee substitutions can be made anytime. If you fail to attend the event, you are still responsible for payment.* ***Your registration will not be final until payment is received.***

NATIONAL LEAGUE of CITIES | Legislative Issue Brief

Protect Municipal Bonds

NLC calls on the federal government not to limit in any way the income tax exemption for municipal bonds.

As the Administration and Congress look for revenue to reduce the deficit and fund programs, the federal income tax exemption provided to interest paid on state and municipal bonds (debt) is under threat. In addition to increasing taxes, revenue can be raised by expanding what is subject to being taxed (broadening the base); in this case, interest paid on bonds issued by local governments currently not taxed would be included as income.

This exemption has been in place since the federal income tax was instituted in 1913. It is the primary financing mechanism for state and local infrastructure projects, with three-quarters of the infrastructure projects in the U.S. built by state and local governments, and with over $3.7 Trillion in outstanding tax-exempt bonds, issued by 30,000 separate government units. Local governments save an average of 25 percent to 30 percent on interest costs with tax-exempt municipal bonds as compared to taxable bonds. This is true because investors are willing to accept lower interest on tax-exempt bonds in conjunction with the tax benefit. If the federal income tax exemption is eliminated or limited, states and localities will pay more to finance projects, leading to less infrastructure investment, fewer jobs, and greater burdens on citizens who will have to pay higher taxes and fees.

The need for infrastructure investment—and the jobs that come with it—is acute. Much of this need must be met by states, counties, and cities. Tax-exempt municipal bonds are the primary tools for doing so.

Tax Exempt Bonds Facts and Figures

- With the current tax exemption, cites can issue bonds with interest payments 2 percentage points lower than on taxable bonds.
- The tax- exemption has been in place since the first federal income tax was implemented in 1913 and has financed trillions of dollars of public investment.
- Tax-exempt bond issuance has remained stable compared to GDP over the past 10 years, averaging around 14.8 percent, and has actually declined since the 1980s. Compared to other sector, municipal debt issuance has been the most stable and fiscally responsible.
- Local government financing needs for infrastructure are increasing, not decreasing. For instance, the American Society of Civil Engineers reports that $2.2. trillion is required over the next five years to meet physical infrastructure needs.
- Over $3.7 trillion in outstanding tax-exempt bonds have been issued by 30,000 separate governmental units.

Request for Congress and the Administration

→ Tax-exempt bonds are how local governments finance infrastructure projects—they have been around for more than 100 years and they provide essential funding for localities.

→ Three-quarters of all public infrastructure projects in the U.S. are built by states and localities paid for with tax exempt bonds.

→ If the tax exemption is eliminated or reduced, hometowns will pay more to finance projects, leading to fewer projects and jobs, or will have to raise taxes.

NATIONAL LEAGUE of CITIES | Legislative Issue Brief

Protect Local Revenues

NLC calls on the federal government to enact legislation to level the playing-field between e-commerce and brick-and-mortar retailers by giving state and local governments the authority to collect sales taxes on remote sales.

While the internet creates exciting new marketplaces, it has also put traditional retail outlets at an unfair disadvantage because of outdated and inequitable tax and regulatory environments. The Supreme Court's decision in *Quill Corp. v. North Dakota*, 504 U.S. 298 (1992), left state and local governments unable to adequately enforce their existing sales tax laws on sales by out-of-state catalog and online sellers. The Court, however, explicitly stated that Congress had the constitutional authority to enact legislation overruling its decision. Thus, if Congress acts upon its authority to regulate interstate commerce, state and local governments could collect taxes owed on Internet and mail order sales amounting to $23 billion.

In recent years, Main Street retailers have become local showcases for remote purchases by customers who believe they get a discount by not paying sales tax. On the contrary, these consumers are required to pay the applicable sales tax for their online purchases. While the brick-and-mortar retailer collects the sales tax at the time of purchase in a store, right now the responsibility shifts to the internet customer who is supposed to pay the sales tax when filing their annual state tax returns. However, most taxpayers are not aware of this responsibility and state and localities do not have the resources to enforce payment. This puts main street retailers at a five to ten percent competitive price disadvantage to remote sellers. Congress should provide state and local governments the option to collect the sales tax already owed under current law.

Online Sales Tax Facts and Figures

- Collecting sales taxes on online sales will generate $23 billion for state and local governments that can be invested in job creation and economic recovery efforts.
- Main Street retailers in the 45 states with a sales tax are required by law to collect tax on virtually all of their sales. The same applies to online merchants selling to customers in their own states. With the rapid growth of the Internet, local stores are facing increasing competition from large out-of-state online sellers who easily undercut them on pricing because of low overhead and high volume.

Request for Congress and the Administration

→ NLC calls on Congress and the Administration to give states and local governments the flexibility to collect the taxes owed to them on remote online purchases – not raising existing taxes or imposing new ones.

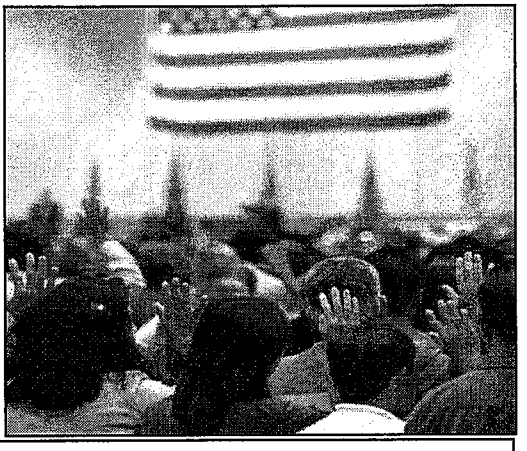
→ These are sales taxes already owed and that should be collected so they can support the delivery of basis services, like infrastructure and public safety, without increasing the federal deficit.

NATIONAL LEAGUE of CITIES | Legislative Issue Brief

Fix the Nation's Broken Immigration System

NLC calls on the federal government to adopt a strong and consistent national immigration policy that balances national security needs with renewed efforts to grow the nation's workforce, stimulate economy recovery, and remain competitive in the 21st century global marketplace.

America's immigration system is failing our cities and our economic future. Local governments are caught in the middle of the national debate with no control over the regulation of immigration but with the responsibility for integrating immigrants into our communities and providing the services necessary for stable neighborhoods. Municipal leaders join with civic and business leaders to highlight the economic necessity of comprehensive immigration reform.



It is time for Congress to acknowledge the economic vitality that immigration brings to this nation and adopt a reform policy that supports secure borders and a path to citizenship for the millions of immigrants currently contributing to our local and national economies. Comprehensive reform will provide cities and towns with the support needed to integrate immigrants into their communities and allow them to make both cultural and economic contributions to the nation.

Immigration Reform Facts and Figures

- Passing the DREAM Act would add $329 billion to the U.S. economy, create 1.4 million new jobs by 2030 and result in an additional $5.6 billion in state and federal household income tax revenue (*Partnership for a New American Economy, Center for American Progress*)
- Immigrant business owners contribute more than $775 billion dollars in revenue to our annual Gross Domestic Product and employ 1 out of every 10 American workers at privately-owned companies across the country. (*Partnership for a New American Economy*)
- Despite accounting for just 12.9 percent of the U.S. population, immigrants started 28 percent of all new U.S. businesses in 2011. (*Partnership for a New American Economy*)
- In the 25 largest metropolitan areas combined, foreign-born workers are responsible for 20 percent of economic output and make up 20 percent of the population. *(Keystone Research Center)*

Request for Congress and the Administration

→ Immigration has been a source of innovation and economic growth throughout the nation's history.

→ The debate in states across the nation and in the courts demonstrates the urgent need for comprehensive immigration reform at the federal level.

→ Congress' failure to act is harming communities. It is imperative that Washington act now to pass comprehensive immigration reform.

Message from America's Cities & Counties to Congress: Do Your Job

Local elected officials have been at turns appalled, stunned, and dismayed, at what is passing for "serious debate and negotiation" among our federal counterparts charged with pulling the nation back from the fiscal cliff. With few resources at hand to navigate the Great Recession, city and county leaders have compromised and found common ground to right size local government while maintaining key investments in the future of our communities.

After several fiscally difficult years, cities and counties are beginning to show modest economic recoveries. The largest challenge now before us is to convince our federal representatives that "punting" on sequestration means punting cities and counties over the cliff."

America's cities and counties have already borne more than their share of cuts to the federal budget. As former Senator Pete Domenici (R-NM), now at the Bipartisan Policy Center, noted in Congressional testimony last summer: "So far Congress has imposed virtually 100% of deficit reduction on less than 37 percent of the budget."

We are that 37 percent -- and this cannot continue.

Falling off the so-called fiscal cliff by allowing deep, across-the-board cuts is not an option.

We understand the need for fiscal responsibility and the tough choices required to address the deficit. After all, such hard work fuels our metropolitan areas and their suburbs, which represent over 90 percent of the nation's GDP, nearly 90 percent of all wage and salary income, 86 percent of the nation's employment, and 94 percent of future economic growth.

In difficult economic times, we think we should continue nurturing those areas that demonstrate such encouraging growth.

But the budget cuts, mandated by the Budget Control Act of 2011, would do the exact opposite, cutting deep into the economic muscle of cities and counties: slashing state and local education investment by 36 percent; cutting investment in housing and community development by 28 percent; taking 18 percent from spending on health and the environment; and reducing public safety and disaster response investment by 5 percent.

In a final, absurd flourish, the Act proposes lopping off 10 percent from workforce development funds that would help train Americans to compete, and, win, in the new global marketplace.

Americans are still reeling from a slow recovery and the top focus must be on job creation. Cities and counties are working with businesses and the private sector to forge economic partnerships locally. But it is not enough. A more aggressive answer to jobs creation is needed.

In our view, Congress must do the following things:

1) Congress must take immediate action to steer America away from the looming fiscal cliff, to make sure that we do not face another credit downgrade. Such clarity on the federal budget also offers greater certainty and encouragement to private investment, which, in turn, improves productivity, expands opportunity for innovation, and leads to greater economic growth.

2) As part of the deficit package, Congress must ensure that necessary federal investments are made in metro infrastructure, energy independence, research, education and public safety so that economic growth can continue and further strengthen America's global competitiveness and future fiscal health.

3) Congress must devise a balanced approach to cutting the deficit, combining more rational spending cuts with additional revenues from sources like tax code reform. Every bi-partisan commission that has studied the deficit has concluded that additional revenues must be part of the solution.

4) Key economic development tools must be continued such as Community Development Block Grants, workforce training, water modernization and the tax exemption for municipal bonds, which support state and local financing of infrastructure projects.

5) Congress should pass the bi-partisan Marketplace Fairness Act, which would allow for the collection of sales taxes on internet commerce – which could provide states and cities with an estimated $23 billion annually.

6) Congress should protect Medicaid which states and counties help finance in partnership with the federal government to provide health care for more than 60 million low income children, families, frail elders and blind and disabled Americans. Cuts or caps to the federal contribution are not "entitlement reform," but only shifts health care costs to state and local taxpayers.

On their behalf, the U.S. Conference of Mayors, the National League of Cities and the National Association of Counties – all bipartisan organizations representing America's local communities -- have each sent letters to Congressional leaders urging a balanced approach to deficit reduction and are today calling on Congress and the White House to make smart cuts and continue to invest in America's cities and counties to drive growth and create jobs.

Mayor Michael Nutter, Philadelphia, Pa., USCM President

Mayor Marie Lopez Rogers, Avondale, Ariz., NLC President

Commissioner Chris Rodgers, Douglas County, Neb., NACo President

Effort to dissolve the South Broadway Englewood Business Improvement District (BID) in it's entirety

CRS § 31-25-1225 – Dissolution Procedure

February 4, 2013	Initiated process for dissolution of the BID by filing a Petition with the City Clerk's Office.
City Council Study Session **February 11, 2013** Council to set Public Hearing date [Suggested date: March 18, 2013]	As soon as possible after the filing of the petition, the governing body shall set the public hearing (not less than 20 days nor more than 40 days thereafter). [CRS § 31-25-1206] 20th day – February 24, 2013 40th day – March 16, 2013 [Computation of time: CRS § 31-10-103 – "...if the time for any act to be done or the last day of any period is a Saturday, Sunday, or a legal holiday, the period is extended to include the next day which is not a Saturday, Sunday, or legal holiday."] City Council must set a Public Hearing to hear protests against or objections to the dissolution of the BID.
Mail out notice Publication of Hearing Notice	Mail out the notice of the public hearing, as described in CRS § 31-25-1206. The notice shall be mailed by first class mail to each property owner within the service area and boundaries of the proposed district at his last-known address, as disclosed by the tax records of the county. The City Clerk will send the same notice to the Englewood Herald and Web.
Regular City Council Meeting **March 18, 2013**	**Public Hearing** CRS § 31-25-1207 (2) "The findings of the governing body upon the question of the genuineness of the signatures and all matters of fact incident to such determination shall be final and conclusive."
Regular City Council Meeting **April 1, 2013** **Regular City Council Meeting** **April 15, 2013**	**<u>If necessary</u>:** Council Bill to dissolve the BID Ordinance on final reading to dissolve the BID [Note: The ordinance will be effective 12:01 a.m., May 18, 2013.]
	A Certified copy of the ordinance must be filed at the Arapahoe County Clerk and Recorders Office. Upon such filing, the dissolution shall be complete. However, no district shall be dissolved until it has satisfied or paid in full all of its outstanding indebtedness, obligations, and liabilities or until funds are on deposit and available.

Nancy Fritz

From: Dan Brotzman
Sent: Wednesday, February 06, 2013 3:10 PM
To: Lou Ellis; Gary Sears; Frank Gryglewicz; Alan White; Nancy Reid; Nancy Fritz; Leigh Ann Hoffhines
Subject: FW: FW: BID Dissolution Procedure

Wow, that was fast.

From: Darren Hollingsworth
Sent: Wednesday, February 06, 2013 2:48 PM
To: Lou Ellis
Cc: Dan Brotzman; Michael Flaherty; Alan White; Frank Gryglewicz; Leigh Ann Hoffhines
Subject: FW: FW: BID Dissolution Procedure

FYI --

From: Acoustic Music Revival [
Sent: Wednesday, February 06, 2013 2:32 PM
To: ; _____ _____, Gary Oxman; _____ _____ ; Council; Darren Hollingsworth; _____
Cc: _____
Subject: Fwd: FW: BID Dissolution Procedure

Board Members: We have had another petition delivered via City Council Meeting on Monday by Dominique Cook. I have spoken to Larry Berkowitz, our lawyer, and he forwarded me the message from Dan Brotzman, Englewood City Attorney, that details the procedure from this point. I have forwarded that to you with this email.
I am sure that Dominique and Dave have decided to beat us to the punch as far as rounding up support from the merchants.
We will need to decide if we want to fight the petition, which will mean getting after it to round up support. If that is our decision Larry will help us figure out what to do. Think about this from your personal perspectives and decide what you as individuals can and will do.
The City Council asked me to thank all of our board, past and present, for all the hard work we have done. They seem to support the BID 100% which may allow us a little breathing room.
The next full board meeting will be at 8:30 at Frame de Art on Feb. 20 (unless we meet somewhere else). Everyone needs to be there for this. I have asked Mr.
Berkowitz to attend if we all decide that is what we want. I will get around to visit with you all, as soon as I get my car problems sorted out.
Bob Laughlin, president SBEBID

--- Begin forwarded message:

From: "Berkowitz, Larry W." <
To: < _____
Subject: FW: BID Dissolution Procedure
Date: Wed, 6 Feb 2013 14:07:29 -0700

Larry W. Berkowitz
Spencer Fane & Grimshaw LLP
1700 Lincoln St., Suite 3800
Denver, CO 80203-4538
303-839-3991; 303-839-3838 Fax
Please note my new Email:

From: Dan Brotzman |
Sent: Wednesday, February 06, 2013 1:56 PM
To: Berkowitz, Larry W.
Subject: FW: BID Dissolution Procedure

From: Dan Brotzman
Sent: Wednesday, February 06, 2013 1:53 PM
To: Lou Ellis
Cc: Gary Sears; Frank Gryglewicz; Alan White; Nancy Reid; Nancy Fritz; Leigh Ann Hoffhines
Subject: BID Dissolution Procedure

Dissolution of the BID is governed by CRS 31-25-1225:

§ 31-25-1225. Dissolution procedure

Any district organized pursuant to this part 12 may be dissolved after notice is given, publication is made, and a hearing is held in the manner prescribed by sections 31-25-1206 and 31-25-1207. The dissolution of the district may be initiated by filing in the office of the clerk of the governing body either a petition signed by the persons described in section 31-25-1205(2) or, in the case of a district which has not filed an operating plan and budget as required by section 31-25-1211 for two years, a resolution of the governing body. After hearing any protests against or objections to dissolution and if the governing body determines that it is for the best interests of all concerned to dissolve the district, it shall so provide by an effective ordinance, a certified copy of which shall be filed in the office of the county clerk and recorder in each of the counties in which the district or any part thereof is located. Upon such filing, the dissolution shall be complete. However, no district shall be dissolved until it has satisfied or paid in full all of its outstanding indebtedness, obligations, and liabilities or until funds are on deposit and available therefor. Notwithstanding any other provision of this section, upon petition of persons who own real or personal property in the service area of the proposed district having a valuation for assessment of not less than fifty percent, or such greater amount as the governing body may provide by ordinance, of the valuation for assessment of all real and personal property in the service area of the proposed district and who own at least fifty percent, or such greater amount as the governing body may provide by ordinance, of the acreage in the proposed district, the district shall be prohibited from incurring any new or increased financial obligations, shall impose its existing taxes, fees, and assessments solely to meet any existing financial obligations, and shall be dissolved as soon as the district has no outstanding financial obligations.

A petition to dissolve the South Broadway Englewood Business Improvement District was filed with the City Clerk and President of the BID on February 4, 2013.

- The City Manager/Finance Director should contact the BID representatives regarding indebtedness, both as to outstanding payments and the prohibition of new or increased financial obligations.

- Hearing Date

The governing body, as soon as possible after the filing of the petition, shall fix by order the place and time, not less than twenty days nor more than forty days thereafter, for a hearing thereon. The date needs to be coordinated with the City Manager's Office for the Regular Council Agenda.

- Notice of Hearing

Thereupon, the clerk of the governing body shall cause notice by publication.

The clerk shall also cause a copy of said notice to be mailed by first-class mail to each property owner within the service area and boundaries of the proposed district at his last-known address, as disclosed by the tax records of the county or counties in which the municipality is located. (The later form of notice and the criteria from CRS 31-25-1207 are critical to the mathematical test listed below and must be coordinated with the Finance Director and Community Development Department)

(1) On the date fixed for such hearing or at any adjournment thereof, the governing body shall ascertain, from the tax rolls of the county or counties in which the district is located, the total valuation for assessment of the taxable real and personal property in the service area and the classification of taxable property. If it appears that said petition is not signed in conformity with this part 12, the governing body shall dismiss the petition and adjudge the cost against those executing the bond or depositing the cash filed to pay such costs. Nothing in this section shall prevent the filing of a subsequent petition for a similar district.

- Hearing Criteria

Test 1 (Mathematical)

Notwithstanding any other provision of this section, upon petition of persons who own real or personal property in the service area of the proposed district having a valuation for assessment of not less than fifty percent , of the valuation for assessment of all real and personal property in the service area of the proposed district and who own at least fifty percent of the acreage in the proposed district, the district shall be prohibited from incurring any new or increased financial obligations, shall impose its existing taxes, fees, and assessments solely to meet any existing financial obligations, and shall be dissolved as soon as the district has no outstanding financial obligations.

Test 2 (Objective)

After hearing any protests against or objections to dissolution and if the governing body determines that it is for the best interests of all concerned to dissolve the district.

- Ordinance - 1st Reading, if necessary, would be at the next regularly scheduled Council Meeting after the public hearing. Once the Ordinance is complete, Ordinance is file with the Arapahoe County Clerk and Recorder.

Grimshaw & Harring PC is now Spencer Fane & Grimshaw LLP
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Spencer Fane & Grimshaw LLP

MEMORANDUM

TO: Mayor Penn and City Council Members

FROM: Loucrishia A. Ellis, City Clerl

DATE: February 6, 2013

SUBJECT: Petition filed by Dominique G. Cook requesting dissolution of the BID

In accordance with State Statute, dissolution of the BID has been initiated by the filing of the petition with the Office of the City Clerk.

The City Clerk's Office will be responsible for determining sufficiency of the Petitions.

Upon determination of sufficiency, Council must set a Public Hearing to hear protests against or objections to the dissolution of the BID.

That Public Hearing must be scheduled not less than 20 days nor more than 40 days after the filing of the petition.

The City Clerk will publish notice of the Public Hearing and cause a copy of the notice to be mailed, by first-class mail, to each property owner within the service area and boundaries of the district.

Attachment: Copy of Petition

cc: Gary Sears, City Manager
Mike Flaherty, Deputy City Manager
Dan Brotzman, City Attorney
Frank Gryglewicz, Director of Finance and Administrative Services

February 4, 2013

RECEIVED
CITY OF ENGLEWOOD, CO
FEB 4 2013
OFFICE OF
THE CITY CLERK

To be delivered via hand-delivery on February ~~5~~ 4, 2013

Loucrishia A. Ellis, City Clerk
1000 Englewood Parkway, 3rd Floor
Englewood, Colorado 80110

RE: PETITION TO DISSOLVE IN ITS ENTIRETY THE SOUTH BROADWAY ENGLEWOOD BUSINESS IMPROVEMENT DISTRICT

Dear Ms. Ellis:

Pursuant to C.R.S. 31-25-1225 (Dissolution Procedure) and any other applicable law relating to Business Improvement Districts, please find attached a copy of the petition of persons who own real property in the South Broadway Business Improvement District (the "**District**") in favor of dissolving the District in its entirety effective immediately (the "**Petition**"). The Petition has been executed in counterparts and signatures continue to be submitted. Therefore, the below numbers are subject to increase.

A petition to dissolve a district is successful upon a petition of persons who own real property in the district having a valuation for assessment of not less than fifty percent of the acreage in the district (C.R.S. 31-25-1225).

The total Special Assessment for this District is $105,212.26. The signatures attached represent **$60,160.63** of the Special Assessment, which is **57.18%** of the total Special Assessment. This total is well over the required fifty percent of the acreage in the District.

Therefore, we specifically demand that the District be "prohibited from incurring any new or increased financial obligations, shall impose its existing taxes, fees, and assessments solely to meet any existing financial obligations which are documented and have been previously signed in writing, and shall be dissolved as soon as the District has no financial obligations" (C.R.S. 31-23-1225).

The original petition is at the office of Cook & Cook, P.C., 2700 South Broadway, Suite 300, Englewood, Colorado 80113. Please direct all comments or questions to Dominique G. Cook, Esq. at 303-905-1279 or

Please confirm in writing to the office of Cook & Cook, P.C. that the Office of the Clerk and the City of Englewood will take the necessary steps to dissolve the District.

Thank you for your time.

Sincerely

Dominique G. Cook

cc: City Council Members via City Council Meeting on February 4, 2013
~~Ted Vasilas, VP~~ of the South Broadway Englewood Business Improvement District on February ~~5~~ 4, 2013
Bob Laughlin, President

TOTAL SIGNATURES FOR THE DISSOLUTION OF THE SOUTH BROADWAY ENGLEWOOD BUSINESS IMPROVEMENT DISTRICT

PAGE 1	**5391.46**
PAGE 2	**3833.67**
PAGE 3	**10719.9**
PAGE 4	**4687.14**
PAGE 5	**5058.58**
PAGE 6	**6996.5**
PAGE 7	**4004.59**
PAGE 8	**1178.66**
PAGE 9	**4512.84**
PAGE 10	**428.83**
PAGE 11	**2393.03**
PAGE 12	**2500.14**
PAGE 13	**4489.06**
PAGE 14	**3966.23**
TOTAL	**60160.63**

MEMORANDUM
COMMUNITY DEVELOPMENT

TO: Mayor and City Council

THROUGH: Gary Sears, City Manager

FROM: Alan White, Community Development Director

DATE: February 11, 2013

SUBJECT: Design Standards

The issue of design standards was raised by Council at the February 4, 2013 Council meeting. While the City has many design standards dealing with streets, sidewalks, parking, landscaping and other site features, the concern is about design standards for buildings. Section 16-6-10 of the UDC establishes design guidelines and standards for both residential and large retail buildings (larger than 20,000 square feet) as well as additional site features such as loading areas. Section 16-6-10 is attached. Standards are mandatory; guidelines are not mandatory but serve to establish general objectives to be achieved with the standards.

The section allows an applicant for a PUD to establish different standards than those contained in the UDC in order to address the particular neighborhood context of the PUD. Staff ensures that the standards are at least equal to or more stringent than those in the UDC. If an applicant chooses not to create PUD-specific design guidelines, the guidelines contained within the UDC are used in the site plan and building permit review processes. Kent Place is a recent example of a PUD with minimal design standards and the UDC standards were applied to both the retail and residential structures. The Flood Middle School and Martin Plastics PUDs each created their own design standards that reflect the unique locations and environs of those projects.

The design standards and guidelines are intended to assure quality development in the City by providing variety and visual interest in exterior building design, ensuring compatibility with existing and desirable built patterns and materials, emphasizing human scale details at the street level, and creating a pedestrian-oriented streetscape.

16-6-10: Design Standards and Guidelines.

A. *General Purpose.* This Section's design standards and guidelines are intended to assure quality new development in the City of Englewood that provides variety and visual interest in exterior building design, is compatible with existing and desirable built patterns and materials, provides human scale detailing at the street level, and contributes to pedestrian-oriented streetscapes.

B. *Residential Design Standards.*

1. General Purpose. These residential design standards and guidelines are intended to ensure that infill, redevelopment, and renovation within Englewood's residential neighborhoods respond to the established character and variations within each neighborhood by utilizing complementary building design, setbacks, and massing.

2. Applicability.

a. *Applicable Zone Districts.* These residential design standards shall apply in the following zone districts:

(1) R-1-A;

(2) R-1-B;

(3) R-1-C;

(4) R-2-A;

(5) R-2-B;

(6) MU-R-3-A; and

(7) MU-R-3-B.

b. *Applicable Development.*

(1) Within the zone districts listed in subsection 2(a) above, these residential design standards shall apply to development of a new residential dwelling, or to the substantial expansion or alteration of an existing residential dwelling.

(2) For purposes of this subsection only, "substantial expansion or alteration" shall mean construction that is equal to or greater than fifteen percent (15%) of the principal dwelling's existing gross floor area (including attached garages, but not including detached garages), or five hundred (500) square feet, whichever is greater.

3. Review Process. These residential design standards shall be applied during the normal process for residential Zoning Site Plan review, as stated in Section 16-2-

9 EMC.

4. Alternative Compliance.

a. *Applicability and Criteria.* At the applicant's request, the City Manager or designee may approve an alternative approach to compliance with all or part of this Section's residential design standards. Alternative compliance is intended to apply in unusual circumstances that might arise where an alternative approach would provide a result that is equal to or superior to that provided by an approach fully complying with the standards in this Section. Economic factors or considerations shall not be a basis for granting alternative compliance. The City Manager or designee may accept alternative compliance with the residential standards in this Section if:

(1) The configuration of the lot or other existing physical condition of the lot makes the application of these standards impractical; and/or

(2) The proposed alternative is consistent with the general purpose of these residential standards and accomplishes the intent of the subject design standard(s) equally well or better than an approach that fully complies with the standard(s).

b. *Applicable Procedure.* The City shall process a request for alternative compliance as an Administrative Adjustment according to the procedures stated in Section 16-2-17 EMC. However, instead of the review criteria for Administrative Adjustments stated in Section 16-2-17.F. EMC, the review criteria in subsection 4(a) above shall apply to all requests for alternative compliance with these residential design standards.

5. Front Lot Coverage

a. *Maximum Front Lot Coverage.*

(1) Lots With Rear Alley Access.

(a) *General Rule.* The maximum front lot coverage shall be twenty-five percent (25%). The remainder of the front lot shall be landscaped according to the standards stated in Section 16-6-7 EMC. See Section 16-6-1.A EMC for rules of measurement regarding front lot coverage.

(b) *Incentive for Front Porches.* The maximum front lot coverage may be increased to thirty-five percent (35%) when the dwelling includes a front porch that meets the following criteria:

(1) The front porch is covered but not enclosed; and

(2) The front porch has a minimum gross area of sixty (60) square feet, and a minimum dimension of five feet (5').

(2) Lots Without Rear Alley Access. The maximum front lot coverage shall be forty-five percent (45%). The remainder of the front lot shall be landscaped according to the standards stated in Section 16-6-7 EMC.

6. Residential Garage Placement and Design.

a. *Intent.* Locating the garage to the rear or side of the home, as is typical in many parts of the City's residential districts, allows the architectural details of the home and front yard to define the character of the street. Recent residential development has introduced designs where garages, and often driveways, dominate the public street. To protect the established character in many residential neighborhoods, garage placement and scale should be carefully considered to minimize visual impacts upon the street and surrounding development.

b. *Garage Placement and Design--Garages on Front Building Facade.*

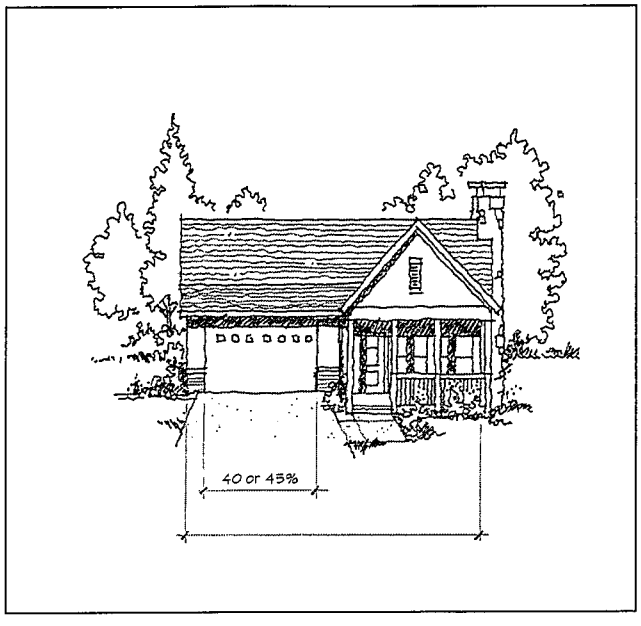
(1) Applicability. This subsection shall apply to garages that are attached to the front facade of the principal dwelling structure.

(2) Maximum Length of Garage Door as Percentage of Total Facade Length. Street-facing garage doors shall not comprise more than the following percentage of the total length of the front facade of the principal dwelling structure:

Lot Width	Maximum Total Cumulative Width of Street- Facing Garage Doors as % of Front Building Facade Length
Less than or equal to 50 Feet	40%
More than 50 Feet	45%

For purposes of this provision, the width of the street-facing garage door(s) shall be measured as the linear distance between the outer edges of the door(s), including any support or wall area between two (2) or more garage doors that is less than three feet (3') wide. Where two (2) or more street-facing garage doors are located on the front facade of the building, but are separated by more than three feet (3') of support or wall area, the width of each garage door, not including the separating wall area, shall be added together to determine the numerator for this formula.

Figure 16-6-(12)



Commentary to Figure 16-6(12) [above]: This figure illustrates an acceptable attached garage design for the front facade of a one-unit dwelling, wherein the width of the garage door, measured edge to edge, does not exceed forty percent (40%) or forty-five percent (45%) of the entire length of the building's front facade.

(3) Design Standards for Side-Loaded Garages. Side-loaded garages shall have architectural details or windows on the sidewall of the garage facing the street that are consistent with the features of the living portion of the dwelling.

Figure 16-6(13)

Commentary to Figure 16-6(13) [above]: This figure illustrates an acceptable design and level of detail for the street-facing side wall of an

attached side-loaded garage.

(4) Guidelines for Garages on Corner Lots. It is strongly encouraged that one-unit dwellings on corner lots be built with garages (either attached or detached) that are accessed from the alley or the longer side lot line.

7. Articulation of Street-Facing Building Facades.

a. *Intent.* This subsection's standards are intended to provide variety and visual interest in the exterior design and massing of residential buildings, and to respect prevalent neighborhood design patterns that generally provide a rich variety of approaches to articulating building planes. Tall, boxy forms should be avoided, as should long expanses of blank wall visible from public ways.

b. *Applicability.* This subsection's articulation standards shall apply to all dwelling types subject to these residential standards, and specifically only to such dwellings' elevations that face a public street, but not including elevations that face only a public alley.

c. *Articulation of Wall Surface Required.* All building elevations that face a public street shall employ varied articulation of wall surfaces, when such surfaces exceed twenty-five feet (25') in length (including any attached garages). For every twenty-five (25) linear feet, wall surfaces shall be articulated through use of three (3) or more of the following techniques:

(1) A change in texture or material, provided all exterior wall textures and material are consistent with the overall architectural style of the dwelling;

(2) Use of offsets, reveals, insets, bays, or other similar architectural features;

(3) Use of balconies, overhangs, or covered patios;

(4) Variations in rooflines, such as a gable or dormer;

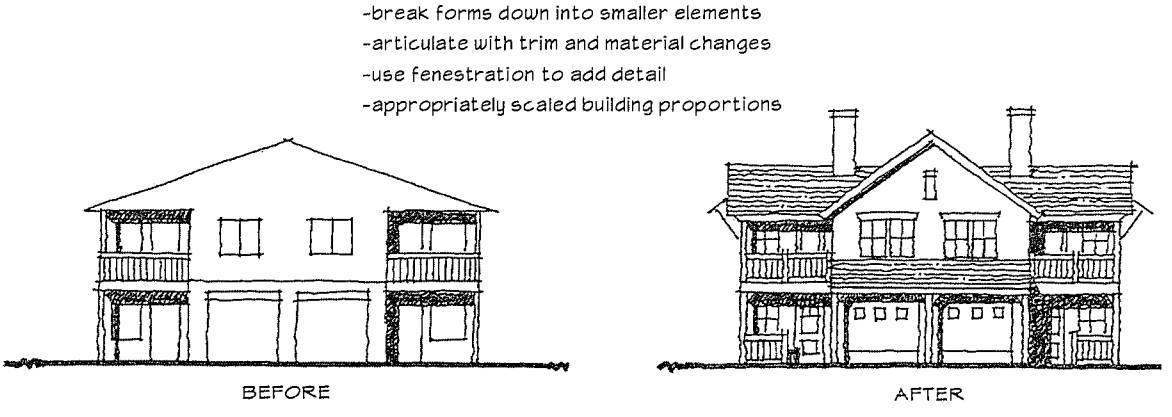
(5) Window placement, provided windows are similar in size, shape, and orientation as those found on most of the dwellings on the same block;

(6) Use of exterior trim; or

(7) Incorporation of stoops or front porches related to entrances.

Figure 16-6(14)

Commentary to Figure 16-6(14) [above]: The house to the left in this figure incorporated a level of street-facing building facade articulation that complies with the standard of Section 16-6-10.B.7(c), while the house on the right presents an unacceptable, unarticulated facade to the street that does not comply with the standard..



Commentary to Figure 16-6(15) [above]: This figure illustrates how a house design that at first does not comply with the street-facing façade articulation standard in Section 16-6-10.B.7(c), can be redesigned to comply with the standard without significantly changing the basic layout, size, or massing of the house.

C. *Special Building and Site Design Standards Applicable in the MU-R-3 Zone Districts.*

1. New high-density residential and office projects should be sensitive to the character of adjacent development. The siting of vertical structures should respect the topographic features of the land.

2. High-density residential and office development should be located on land parcels of sufficient size to ensure proper site design and identity and to warrant the installation of desirable amenities.

3. Where possible, the view of the mountains should be preserved and buildings oriented in such a way as to maximize the occupant views of the mountains.

D. *Reserved.*

E. *Design Standards and Guidelines for Large Retail Buildings.*

1. Purpose. This Section is intended to set standards for retail development with community-wide or regional impacts to ensure that the proposed development fits with the expectations and needs of the community, and to encourage retail development that contributes to Englewood as a unique place by reflecting and adding appropriately to its physical character. These standards and guidelines require a basic level of architectural variety, compatible scale, pedestrian, and bicycle access, and mitigation of negative impacts. The standards are by no means intended to limit creativity; it is the City's hope that they will serve as a useful tool for design professionals engaged in site-specific design in context with surrounding environment.

2. Application and Procedure.

a. These standards and guidelines apply to all new projects that include development of one (1) or more large retail buildings, as defined in Chapter 16-11 EMC, as a use-by-right or within a Planned Unit Development without equal or more stringent retail design standards and guidelines. "Standards" are mandatory. "Guidelines" are not mandatory, but are provided in order to educate planners, design consultants, developers, and City staff about the design objectives described herein. The standards and guidelines are intended to be used as a design aid by developers proposing large retail buildings in use-by-right zone districts or in Planned Unit Development zone districts that may be proposing retail development without appropriate design standards. This Section is also intended to be used as an evaluation tool by the City in the review processes.

b. The City is empowered to grant exceptions to the mandatory standards under the following circumstances:

(1) The strict application of the standard would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the owner of the affected property; or

(2) The alternative site planning and building design approach meets the design objectives as stated in the standard, equally well or better than would compliance with the standard; and

(3) In either of the forgoing circumstances, the exceptions may be granted without substantial detriment to the public good.

3. Aesthetic Character.

a. *Facades and Exterior Walls.*

(1) Guideline. Facades should be articulated to reduce the massive scale and the uniform, impersonal appearances of large retail buildings and provide visual interest that will be consistent with the community's identity, character, and scale. The intent is to encourage a more human scale that Englewood residents will be able to identify with their community.

(2) Standard.

(a) Facades greater than seventy-five feet (75') in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent (3%) of the length of the facade and extending at least twenty percent (20%) of the length of the facade. No uninterrupted length of any facade shall exceed seventy-five (75) horizontal feet.

(b) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than forty percent (40%) of their horizontal length.

b. *Smaller Retail Stores.*

(1) Guideline. The presence of smaller retail stores gives a large building a "friendlier" appearance by creating variety, breaking up large expanses, and expanding the range of the site's activities. Windows and window displays of such stores should be used to contribute to the visual interest of exterior facades. The standards presented in this Section are directed toward those situations where additional, smaller stores, with separate, exterior customer entrances are located in large retail buildings.

2) Standard. Where principal large retail buildings contain additional, separately owned stores that occupy less than twenty thousand (20,000) square feet of gross floor area, with separate, exterior customer entrances:

(a) The street level facade of such stores shall be transparent between the height of three feet (3') and eight feet (8') above the walkway grade for no less than sixty percent (60%) of the horizontal length of the building facade of such additional stores.

(b) Windows shall be recessed or be extended and should include visually prominent sills, bays, or other such forms of framing.

c. *Detail Features.*

(1) Guidelines. Large retail buildings should have architectural features and patterns that provide visual interest at the scale of the pedestrian, reduce massive aesthetic effects, and recognize local character. The elements in the following standard should be integral parts of the building fabric, and not superficially applied trim or graphics, or paint.

(2) Standard. Building facades shall include a repeating pattern that shall include at least three (3) of the elements listed below. At least one (1) of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than thirty feet (30'), either horizontally or vertically.

(a) Color change;

(b) Texture change;

(c) Material module change;

(d) Expression of architectural or structural bay through a change in plane no less than twelve inches (12") in width, such as an offset, reveal, or projecting rib.

d. *Roofs.*

(1) Guideline. Variations in roof lines should be used to add interest to, and reduce the massive scale of, large retail buildings. Roof features should complement the character of adjoining neighborhoods.

(2) Standard. Roofs shall have one (1) of the following features as appropriate to roof type:

(a) Parapets concealing flat roofs and rooftop equipment such as HVAC units from public view. The average height of such parapets shall not exceed fifteen percent (15%) of the height of the supporting wall and such parapets shall not at any point exceed one-third (1/3) of the height of the supporting wall. Such parapets shall

feature three-dimensional (3-D) cornice treatment. HVAC equipment shall be concealed from public view through the use of parapets or other similar screening devices. HVAC equipment shall be painted to blend with the roof color.

(b) Overhanging eaves, extending no less than three feet (3') past the supporting walls.

(c) Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot (1') of vertical rise for every three feet (3') of horizontal run and less than or equal to one foot (1') of vertical rise for every one foot (1') of horizontal run.

(d) Three (3) or more roof slope planes.

e. *Materials and Colors.*

(1) Guideline. Exterior building materials and colors comprise a significant part of the visual impact of a large retail building. Therefore, they should be aesthetically pleasing and compatible with materials and colors used in adjoining neighborhoods.

(2) Standard.

(a) Predominant exterior building materials shall be high-quality materials. These include:

(1) Brick

(2) Sandstone

(3) Stucco

(4) Other native stone

(5) Tinted, textured, concrete masonry units

(b) Facade colors shall be low reflectance, subtle, neutral, or earth tone colors. The use of high intensity colors, metallic colors, black, or fluorescent colors is prohibited.

(c) Roof materials shall be of high-quality materials. These include, without limitation:

(1) Metal

(2) Concrete

(3) Tile

(d) Building trim and accent areas may feature brighter colors, including primary colors.

(e) Predominant exterior building materials shall not include prefabricated steel panels.

f. *Entryways.*

(1) Guidelines. Entryway design elements and variations should give orientation and aesthetically pleasing character to the large retail building. The standards identify desirable entryway design features.

(2) Standard. Each principal large retail building on a site shall have clearly defined, highly visible customer entrances featuring no less than three (3) of the following:

(a) Canopies or porticos

(b) Overhangs

(c) Recesses/projections

(d) Arcades

(e) Raised corniced parapets over the door

(f) Peaked roof forms

(g) Arches

(h) Outdoor patios

(i) Display windows

(j) Architectural details such as tile work and moldings that are integrated into the building structure and design

(k) Integral planters or wing walls that incorporate landscaped areas and/or places for sitting

Where additional stores will be located in the principal large retail building, each such store shall have at least one (1) exterior customer entrance, which shall conform to the above requirements.

g. *Back and Side Facades.*

1. Guideline. All facades of a large retail building that are visible from adjoining properties and/or public streets should contribute

to the pleasing scale features of the building and encourage community integration by featuring characteristics similar to the front facade.

2. Standard. All large retail building facades that are visible from adjoining properties, light rail and/or public streets shall comply with the requirements of facades and exterior walls section of these design standards and guidelines.

b. *Back and Sides.*

(1) Guideline. The rear or sides of large retail buildings often present an unattractive view of blank walls, loading areas, storage areas, HVAC units, garbage receptacles, and other such features. Architectural and landscaping features should mitigate these impacts.

(2) Standard. The City may allow the placement of screening walls closer to the street than the minimum required building setback, provided the building facade is in compliance with standards set forth within the "Facades and Exterior Walls" standards in subsection 3(a) above.

c. *Outdoor Storage, Trash Collection, and Loading Areas.*

(1) Guideline. Loading areas and outdoor storage areas exert visual and noise impacts on surrounding neighborhoods. These areas, when visible from adjoining properties and/or public streets, should be screened, recessed, or enclosed. While screens and recesses can effectively mitigate these impacts, the selection of inappropriate screening materials can exacerbate the problem. Appropriate locations for loading and outdoor storage areas include areas between buildings, where more than one (1) building is located on a site and such buildings are not more than forty feet (40') apart, or on those sides of buildings that do not have customer entrances.

(2) Standard.

(a) Areas for outdoor storage, truck parking, trash collection or compaction, loading, or other such uses shall be screened from abutting streets.

(b) Loading docks, truck parking, outdoor storage, utility meters, HVAC equipment, trash collection, trash compaction, and other service functions shall be incorporated into the overall design of the large retail building and the screening or landscaping so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public streets, and no attention is attracted to the

functions by the use of screening materials that are different from or inferior to the principal materials of the building and landscape.

(c) Non-enclosed areas for the storage and sale of any inventory shall be permanently defined and screened with walls and/or fences. Materials, colors, and design of screening walls and/or fences and the cover shall conform to those used as predominant materials and colors on the large retail building. If such areas are to be covered, then the covering shall conform to those used as predominant materials and colors on the building.

d. *Delivery/Loading Operations.*

(1) Guideline. Delivery and loading operations should not disturb adjoining neighborhoods, or other uses.

(2) Standard. No delivery, loading, trash removal or compaction, parking area cleaning, or other such similar operations shall be permitted between the hours of eleven o'clock (11:00) P.M. and seven o'clock (7:00) A.M. unless the applicant submits evidence that sound barriers between all areas for such operations effectively reduce noise emissions to a level of forty-five (45) decibels, as measured at the lot line of any adjoining property.

e. *Pedestrian Flows.*

(1) Guideline. Pedestrian accessibility opens auto-oriented developments to the neighborhood, thereby reducing traffic impacts and enabling the development to project a friendlier, more inviting image. This Section sets forth standards for public sidewalks and internal pedestrian circulation systems that can provide user-friendly pedestrian access as well as pedestrian safety, shelter, and convenience within a development that includes a large retail building.

(2) Standard.

(a) Sidewalks at least six feet (6') in width shall be provided along all sides of the lot that abut a public street.

(b) Continuous internal pedestrian walkways, no less than six feet (6') in width, shall be provided from the public sidewalk or right-of-way to the principal customer entrance of all principal buildings on the site. At a minimum, walkways shall connect focal points of pedestrian activity such as, but not limited to, transit stops, street crossings, building and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers, or

other such materials for no less than fifty percent (50%) of its length.

(c) Sidewalks, no less than six feet (6') in width, shall be provided along the full length of the building along any facade featuring a customer entrance, and along any facade abutting public parking areas.

(d) Internal pedestrian walkways provided in conformance with subsection 2(b) above shall provide weather protection features such as awnings or arcades within thirty feet (30') of all customer entrances.

(e) All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways.

f. *Central Features and Community Spaces.*

(1) Guideline. Buildings should offer attractive and inviting pedestrian scale features, spaces, and amenities. Entrances and parking lots should be configured to be functional and inviting with walkways conveniently tied to logical destinations. Bus stops and drop-off/pick-up points should be considered as integral parts of the configuration. Pedestrian ways should be anchored by special design features such as towers, arcades, porticos, pedestrian light fixtures, bollards, planter walls, and other architectural elements that define circulation ways and outdoor spaces. Examples of outdoor spaces are plazas, patios, courtyards, and window shopping areas. The features and spaces should enhance the building and the center as integral parts of the community fabric.

(2) Standard. Each development subject to these standards shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following:

(a) Patio/seating area,

(b) Pedestrian plaza with benches,

(c) Transportation center,

(d) Window shopping walkway,

(e) Outdoor playground area,

(f) Kiosk area,

(g) Clock tower,

(h) Water feature,

(i) Public art, or

(j) Other such deliberately shaped area and/or a focal feature or amenity that adequately enhances such community and public spaces.

Any such areas shall have direct access to the public sidewalk network and such features shall be constructed of materials that are similar in durability to the principal materials of the building and landscaping.

(Ord. 04-5)