AGENDA
1460th Regular Meeting of the
CITY COUNCIL
COUNCIL CHAMBERS
February 13, 2018
7:00 p.m.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL OF COUNCIL

4. APPROVAL OF AGENDA

5. PRESENTATIONS
   A. A resolution recognizing the efforts of Domino’s Pizza, Jim ‘N Nick’s Bar-B-Q, Jimmy John’s, Los Arcos Express, McDonald’s, Mirage Recovery Services, Sam’s Club, and all employees who supported emergency responders and assisted local community members affected by the Walmart shooting on November 1, 2017. [220-GE]

6. AUDIENCE PARTICIPATION

   DURING THIS PORTION OF THE MEETING, ANYONE MAY SPEAK ON ANY SUBJECT WHICH DOES NOT LATER APPEAR ON THE AGENDA AS A PUBLIC HEARING. SPEAKING TIME WILL BE LIMITED TO THREE MINUTES PER INDIVIDUAL/TOPIC WITH A ONE HOUR LIMIT ON THIS SEGMENT OF THE AGENDA. IF YOU WISH TO SPEAK, PLEASE SIGN UP ON THE REGISTER LOCATED INSIDE THE COUNCIL CHAMBERS, PRIOR TO THE MEETING.

7. COUNCIL COMMENTS/COMMUNICATIONS

8. STAFF REPORTS

   None

9. CONSENT CALENDAR

   ITEMS OF A ROUTINE AND NON-CONTROVERSIAL NATURE ARE PLACED ON THE CONSENT CALENDAR TO ALLOW THE CITY COUNCIL TO SPEND ITS TIME AND ENERGY ON THE IMPORTANT ITEMS ON A LENGTHY AGENDA. ANY COUNCILMEMBER MAY REQUEST THAT AN ITEM BE “PULLED” FROM THE CONSENT CALENDAR AND CONSIDERED SEPARATELY. AGENDA ITEMS PULLED FROM THE CONSENT CALENDAR WILL BE PLACED ON THE AGENDA AT THE END OF THE MATTERS LISTED UNDER “BUSINESS - ACTION ITEMS.”

   A. Approval of Minutes - January 23, 2018 Special and Regular City Council Meetings. [220-BC]

   B. A resolution appointing members to the Thornton Arts, Sciences and Humanities Council Board of Directors. [750-BC]
9. CONSENT CALENDAR - Continued
   C. A resolution establishing a Council Ad Hoc Committee related to Campaign Practices. [220-GE]

10. PUBLIC HEARINGS

   IN ORDER TO SCHEDULE THE TIMING AND LENGTH OF PUBLIC HEARINGS FOR THE CONVENIENCE OF THE COUNCIL, THE GENERAL PUBLIC, AND INTERESTED PARTIES, THE FIRST PUBLIC HEARING WILL BEGIN AT OR BEFORE 7:30 P.M., OR AS SOON THEREAFTER AS POSSIBLE. THIS SEGMENT OF THE AGENDA WILL LAST NO MORE THAN TWO HOURS. PROPONENTS AND OPPONENTS WHO WISH TO SPEAK ARE REQUESTED TO SIGN UP, PRIOR TO THE BEGINNING OF THE MEETING, ON THE REGISTER LOCATED INSIDE THE COUNCIL CHAMBERS, AND LIMIT THEIR REMARKS TO THREE MINUTES. GROUPS OF CITIZENS BROUGHT TOGETHER BY A COMMON INTEREST ARE REQUESTED TO CHOOSE A SPOKESPERSON WHOSE TIME TO COMMENT WILL BE EXTENDED TO 10 MINUTES. SPEAKERS MAY BE ASKED TO BE SWORN IN BY THE CITY CLERK IF THEY WISH TO SUBMIT FACTS RATHER THAN OPINIONS.

   None

11. ACTION ITEMS

   A. A resolution approving the 2018 City of Thornton Federal Legislative Priorities. [220-OR]

   B. An ordinance adopting the second amendment to the 2018 Budget amending section one of Ordinance 3450, making appropriations for the City of Thornton, Colorado for the fiscal year 2018 for all funds except that appropriations for certain individual projects shall not lapse at year end but continue until the project is completed or cancelled. (First Reading) [380-BD]

12. ADJOURNMENT

   [Signature]

Agenda prepared by Kristen N. Rosenbaum, City Clerk
for Kevin S. Woods, City Manager
Subject: A resolution recognizing the efforts of Domino's Pizza, Jim 'N Nick's Bar-B-Q, Jimmy John's, Los Arcos Express, McDonald's, Mirage Recovery Services, Sam's Club, and all employees who supported emergency responders and assisted local community members affected by the Walmart shooting on November 1, 2017.

**RECOMMENDATION:**

Staff recommends Alternative No. 1, approval of the resolution, which recognizes these organizations and employees for their support during the Walmart shooting on November 1, 2017.

**BUDGET/STAFF IMPLICATIONS:**

None.

**ALTERNATIVES:**

1. Approve the resolution.
2. Do not approve the resolution.

**BACKGROUND: (ANALYSIS/NEXT STEPS/HISTORY):** (includes previous City Council action)

On the evening of Wednesday, November 1, 2017, a shooting occurred at the Walmart Supercenter in Thornton. The subsequent response included the emergency responders from the Thornton Police, Fire, and other City departments, in addition to responders from twenty-six public safety agencies at the municipal, county, state, and federal levels. The businesses recognized provided food and water to first responders during the response and investigations, and comfort to community members and employees evacuated from the scene.
RESOLUTION

A RESOLUTION RECOGNIZING THE EFFORTS OF DOMINO'S PIZZA, JIM 'N NICK'S BAR-B-Q, JIMMY JOHN'S, LOS ARCOS EXPRESS, MCDONALD'S, MIRAGE RECOVERY SERVICES, SAM'S CLUB, AND ALL EMPLOYEES WHO SUPPORTED EMERGENCY RESPONDERS AND ASSISTED LOCAL COMMUNITY MEMBERS AFFECTED BY THE WALMART SHOOTING ON NOVEMBER 1, 2017.

WHEREAS, on the evening of Wednesday November 1, 2017 a shooting occurred in the Walmart Supercenter on Grant Street in Thornton; and

WHEREAS, the Thornton Police Department and Fire Department immediately responded and began operations to safely secure the scene, treat the wounded, and provide for the safe evacuation of all employees and customers; and

WHEREAS, the emergency response included public safety resources from twenty-six external agencies at the municipal, county, state, and federal level; and

WHEREAS, the immediate needs of food, water, and shelter for affected community members and Walmart employees was identified by first responders; and

WHEREAS, the response operations, apprehension of the suspect, and incident investigation continued for days requiring food and water resources to sustain over two hundred first responders and investigators; and

WHEREAS, Domino's Pizza, Jim 'N Nick's Bar-B-Q, Jimmy John's, Los Arcos Express, McDonald's, Mirage Recovery Services, Sam's Club, and all their employees, recognized the need and went above and beyond to provide food and water in support of incident operations; and

WHEREAS, all of this would not have been possible without local businesses identifying their capacity to assist during times of emergency; and

WHEREAS, the City Council recognizes the importance of partnerships with local businesses in response to emergencies and disasters in the City; and

WHEREAS, the City Council, on behalf of first responders, City employees, and community members who benefited from the generosity of local businesses wish to show their appreciation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:
That the City Council hereby recognizes the extraordinary efforts of Domino’s Pizza, Jim ‘N Nick’s Bar-B-Q, Jimmy John’s, Los Arcos Express, McDonald’s, Mirage Recovery Services, Sam’s Club, and all employees who supported emergency responders and assisted local community members affected by the Walmart shooting on November 1, 2017.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on _________________, 2018.

CITY OF THORNTON, COLORADO

Heidi K. Williams, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk
### COUNCIL COMMUNICATION

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**Subject:** A Motion approving the Minutes of the January 23, 2018 Special and Regular City Council meetings. [220-BC]

**Recommended by:** Robb Kolstad  
**Presenter(s):** Kristen Rosenbaum, City Clerk  
**Approved by:** Kevin S. Woods

**SYNOPSIS:**

The official Minutes of the January 23, 2018 Special and Regular City Council meetings have been prepared by the City Clerk's Office and are hereby submitted for Council's approval.

**RECOMMENDATION:**

Staff recommends approval of Minutes as requested.

**BUDGET/STAFF IMPLICATIONS:**

None

**ALTERNATIVES:**

1. Approve the minutes as submitted.
2. Approve the minutes with corrections requested by Council.

**BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY):** (includes previous City Council action)

None
MINUTES
THORNTON CITY COUNCIL
SPECIAL MEETING
JANUARY 23, 2018

1. CALL TO ORDER - By Mayor Heidi K. Williams at 6:06 p.m. in the Training Room of the Thornton City Hall.

2. ROLL CALL OF COUNCIL - Those Present were: Mayor Heidi K. Williams, Mayor Pro Tem Jan Kulmann, and Councilmembers Sherry Goodman, Adam Matkowsky, Eric Montoya, Sam Nizam, Jacqueline Phillips, Jessica Sandgren, and Joshua Zygielbaum.

STAFF MEMBERS PRESENT - Kevin Woods, City Manager; Luis Corchado, City Attorney; Robb Kolstad, Assistant City Manager; Joyce Hunt, Assistant City Manager; Maria Ostrom, Finance Director; Brandon Dittman, Attorney for Kissinger & Fellman, P.C.; and Kristen Rosenbaum, City Clerk.

MOTION WAS MADE BY COUNCILMEMBER MONTOYA AND SECONDED BY COUNCILMEMBER ZYGIELBAUM TO RECESS THE MEETING INTO EXECUTIVE SESSION. MOTION PASSED UNANIMOUSLY.

The meeting recessed at 6:08 p.m.

3. ACTION ITEMS

Executive Session pursuant to C.R.S. 24-06-402(4)(b) and (e), conferences with the City Attorney for purposes of receiving legal advice on specific legal questions and determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators regarding the Xcel Energy Franchise Agreement.

The meeting reconvene at 6:19 p.m.

4. ADJOURNMENT

MOTION WAS MADE BY COUNCILMEMBER MATKOWSKY AND SECONDED BY COUNCILMEMBER PHILLIPS TO ADJOURN THE MEETING AT 6:19 P.M. MOTION PASSED UNANIMOUSLY.

Respectfully submitted,

[Signature]

Kristen N. Rosenbaum, City Clerk

ATTEST:

[Signature]

Mayor at time of approval

Approved at the February 13, 2018, City Council meeting.
MINUTES
THORNTON CITY COUNCIL
1459TH REGULAR MEETING
JANUARY 23, 2018

1. CALL TO ORDER – By Mayor Heidi K. Williams at 7:01 p.m. in the Council Chambers of the Thornton City Hall.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL OF COUNCIL - Those Present were: Mayor Heidi K. Williams, Mayor Pro Tem Jan Kulmann, and Councilmembers Sherry Goodman, Adam Matkowsky, Eric Montoya, Sam Nizam, Jacqueline Phillips, Jessica Sandgren, and Joshua Zygielbaum.

STAFF MEMBERS PRESENT – Kevin Woods, City Manager; Luis Corchado, City Attorney; Joyce Hunt, Assistant City Manager; Robb Kolstad, Assistant City Manager; Jeff Coder, Deputy City Manager for City Development; Brett Henry, Executive Director for Infrastructure; Mike Soderberg, Executive Director for Community Services; Randy Nelson, Executive Director - Police Chief; Gordon Olson, Executive Director - Fire Chief; Maria Ostrom, Finance Director; John Cody, Economic Development Director; Gary Jacobson, Deputy City Attorney; Mark Koleber, Water Supply Director; Todd Barnes, Communications Director; Margaret Braun, Senior Assistant City Attorney; Joyce Gonzales, Paralegal; Kristen Rosenbaum, City Clerk; and Crystal Sergent, Agenda and Licensing Coordinator.

4. APPROVAL OF THE AGENDA

MOTION WAS MADE BY COUNCILMEMBER SANDGREN AND SECONDED BY COUNCILMEMBER ZYGIELBAUM TO APPROVE THE AGENDA AS PRESENTED. MOTION PASSED UNANIMOUSLY.

5. PRESENTATIONS

A. A resolution recognizing Gary G. Jacobson, Deputy City Attorney, on his retirement from the City of Thornton.

COUNCILMEMBER PHILLIPS INTRODUCED, READ IN ITS ENTIRETY, AND MOVED TO APPROVE A RESOLUTION RECOGNIZING GARY G. JACOBSON, DEPUTY CITY ATTORNEY, ON HIS RETIREMENT FROM THE CITY OF THORNTON. MOTION WAS SECONDED BY COUNCILMEMBER MONTOYA AND PASSED UNANIMOUSLY.

Mayor Williams thanked Mr. Jacobson for his dedicated service and presented him with a retirement plaque.

6. AUDIENCE PARTICIPATION

George Horgan, 9130 Fir Drive, addressed Council regarding the revitalization area and the facility at 2211 Eppinger Boulevard.

Mary Payne, 12932 Newport Way, asked that Council take 30 seconds for a moment of silence.
Val Vigil, 9908 Garfield Court, addressed Council regarding a COPS grant application from 2017.

Sandra Wolfe, 8660 Mariposa Street, addressed Council regarding several apartment and townhome complexes that have done renovations and the impacts they have had in those neighborhoods. She also spoke about the positive outcomes from the Adopt-A-Street Program.

Jeremy Rodriguez, from Representative Perlmutter’s Office, 12600 W. Colfax Avenue, updated Council on future events. He answered questions from Council regarding the government shut down.

7. COUNCIL COMMENTS/COMMUNICATIONS

Councilmember Phillips reported on a geese issue and that no decisions have been made about the Active Adult and Teen Centers. She thanked the City for an excellent job snow plowing.

Councilmember Sandgren reported on the Kids First Health Care at Thornton High School and that she went on a tour at the school.

Councilmember Montoya reported he attended the What Home Means to Me event hosted by the Adams County Housing Authority.

Councilmember Kulmann thanked staff for the invitation to the Fire Department Awards Banquet. She reported that the Colorado Women’s Chamber Day at the Capital is on January 31, 2018.

Councilmember Zygielbaum reported on a recent Airport Coordinating Committee meeting he attended. He thanked staff for the job well done snow plowing.

Mayor Williams reported on board and commission vacancies, that she was elected as Chair to the E-470 Board of Directors, and that she was appointed to the Ralston House Board of Directors.

8. STAFF REPORTS


John Cody, Economic Development Director, presented highlights of the fourth quarter Economic Development Report. He answered questions from Council regarding the redevelopment in the Thornton Shopping Center, the STaR Grant Program, the Graffiti Removal Program, the status of the new King Soopers, and which stores will be locating at the outlet mall.

9. CONSENT CALENDAR

MOTION WAS MADE BY COUNCILMEMBER ZYGIELBAUM AND SECONDED BY COUNCILMEMBER MONTOYA TO APPROVE THE CONSENT CALENDAR AS PRESENTED

The City Clerk read into the record the title of the ordinance contained on the Consent Calendar.
MOTION PASSED UNANIMOUSLY.

THE FOLLOWING COUNCIL DOCUMENTS WERE APPROVED ON THE CONSENT CALENDAR:

A. Approval of Minutes – January 2, 2018 Special and January 9, 2018 Regular City Council Meetings.

B. An ordinance adopting the first amendment to the 2018 Budget amending section one of Ordinance 3450, making appropriations for the City of Thornton, Colorado for the fiscal year 2018 for all funds except that appropriations for certain individual projects shall not lapse at year end but continue until the project is completed or cancelled.


E. A resolution amending Council Policy 1.1 of Resolution C.D. No. 2017-274 regarding appointment of City Council representatives to various boards and commissions for 2018 and 2019 to remove the Rangeview Library District Liaison from the list.

F. A resolution approving an intergovernmental agreement between the Town of Windsor, Colorado and the City of Thornton, Colorado declaring certain property owned by the City of Thornton as surplus property and authorizing its disposition.

G. A resolution approving the Curtis Lake Project in accordance with Thornton's payment obligation under the 1986 Agreement with the Water Supply and Storage Company.

10. PUBLIC HEARINGS

None

11. ACTION ITEMS

None

12. ADJOURNMENT

MOTION WAS MADE BY COUNCILMEMBER ZYGIELBAUM AND SECONDED BY COUNCILMEMBER NIZAM TO ADJOURN THE MEETING AT 8:01 P.M. MOTION PASSED UNANIMOUSLY.
Respectfully submitted,

Crystal Sergent
Crystal Sergent, Agenda and Licensing Coordinator

Mayor at time of approval

Approved at the February 13, 2018, City Council meeting.
COUNCIL COMMUNICATION

Meeting Date: February 13, 2018
Agenda Item: 98
Agenda Location: Consent Calendar
Work Plan #: 
Legal Review: ___ 1st Reading ___ 2nd Reading

Subject: A resolution appointing members to the Thornton Arts, Sciences and Humanities Council Board of Directors.

Recommended by: Robb Kolstad
Approved by: Kevin S. Woods
Presenter(s): Kristen Rosenbaum, City Clerk

SYNOPSIS:

This resolution appoints Lisa Amidon to the Thornton Arts, Sciences and Humanities Council (TASHCO) Board of Directors for a four-year term which began March 1, 2015 and ends March 1, 2019 and Roberta Ayala for a four-year term which began March 1, 2016 and ends March 1, 2020.

RECOMMENDATION:

Staff recommends Alternative No. 1, approval of the resolution appointing Lisa Amidon and Roberta Ayala to the TASHCO Board of Directors.

BUDGET/STAFF IMPLICATIONS:

None

ALTERNATIVES:

1. Approve the resolution as recommended.
2. Do not approve the resolution.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

The TASHCO Board of Directors interviewed Lisa Amidon and Roberta Ayala on January 8, 2018 and unanimously recommended that both individuals be appointed to the Board.

On January 23, 2018, City Council directed staff to prepare a resolution appointing Ms. Amidon and Ms. Ayala to the Board.

The current residency composition of the Board is:

Ward 1: 2
Ward 2: 2
Ward 3: 3
Ward 4: 4
RESOLUTION

A RESOLUTION APPOINTING MEMBERS TO THE THORNTON ARTS, SCIENCES AND HUMANITIES COUNCIL BOARD OF DIRECTORS.

WHEREAS, vacancies exist on the Thornton Arts, Sciences and Humanities Council (TASHCO) Board of Directors; and

WHEREAS, on January 8, 2018, the TASHCO Board of Directors interviewed Lisa Amidon and Roberta Ayala and unanimously recommended appointment of both individuals; and

WHEREAS, City Council has determined that Ms. Amidon and Ms. Ayala are highly qualified and will be committed to effectively serving on the TASHCO Board of Directors.

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

1. That Lisa Amidon is hereby appointed to the Board of Directors of the Thornton Arts, Sciences and Humanities Council for a four-year term which began March 1, 2015 and ends March 1, 2019.

2. That Roberta Ayala is hereby appointed to the Board of Directors of the Thornton Arts, Sciences and Humanities Council for a four-year term which began March 1, 2016 and ends March 1, 2020.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on ________________, 2018.

CITY OF THORNTON, COLORADO

______________________________
Heidi K. Williams, Mayor

ATTEST:

______________________________
Kristen N. Rosenbaum, City Clerk
SYNOPSIS:

This resolution establishes a Council Ad Hoc Committee related to Campaign Practices. City Council expressed a desire to form the ad hoc committee to research and discuss the proposed topics and generate policy considerations to be presented to the balance of City Council. It is proposed that the work of the Ad Hoc Committee will end with the reporting of recommendations to the City Council in the third quarter of 2018 so that the necessary changes can be implemented prior to publication of the 2019 Candidate Guidelines. Membership on the Council Campaign Practices Ad Hoc Committee will be Councilmembers Goodman, Matkowsky, Nizam, and Sandgren.

RECOMMENDATION:

Staff recommends Alternative No. 1, approval of the resolution establishing a Council Campaign Practices Ad Hoc Committee.

BUDGET/STAFF IMPLICATIONS:

None.

ALTERNATIVES:

1. Approve the resolution as recommended.
2. Do not approve the resolution.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

Section 2-87 of the City Code allows City Council to establish, by resolution, ad hoc committees and requires that City Council assign duties to the ad hoc committee.

At the January 30, 2018 Planning Session, Council gave direction to bring forward a resolution establishing a Campaign Practices Ad Hoc Committee with the following charge:

The City Council recognizes the need to foster fair and ethical campaigning practices.

The City Council desires to establish a Campaign Practices Ad Hoc Committee to review these key areas and provide a recommendation of potential changes to the entire Council in the third quarter of 2018:
• Consider a policy clarifying guidelines for the use of City photos by third parties including for campaigning purposes.
• Review the materials provided to Candidates as it relates to campaign signs and recommend improvements to clarify those rules and regulations for future candidates.
RESOLUTION

A RESOLUTION ESTABLISHING A COUNCIL AD HOC COMMITTEE RELATED TO CAMPAIGN PRACTICES.

WHEREAS, Section 2-87 of the City Code allows City Council to establish, by resolution, ad hoc committees and requires that City Council assign duties to the ad hoc committee; and

WHEREAS, City Council recognizes the need to foster fair and ethical campaigning practices; and

WHEREAS, City Council desires to establish a Council ad hoc committee tasked with considering a policy clarifying guidelines for the use of City photos by third parties including for campaigning purposes. The ad hoc committee will also review the materials provided to Candidates as it relates to campaign signs and recommend improvements to clarify those rules and regulations for future candidates; and

WHEREAS, the purpose of the ad hoc committee is to research and discuss the proposed topics and generate potential changes to be presented to the balance of City Council; and

WHEREAS, the work of the Council Ad Hoc Committee will end with the reporting of recommendations to the City Council in the third quarter of 2018.

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

1. The Campaign Practices Ad Hoc Committee is hereby established.

2. The Campaign Practices Ad Hoc Committee is hereby tasked with considering a policy clarifying guidelines for the use of City photos by third parties including for campaigning purposes.

3. The Campaign Practices Ad Hoc Committee is hereby also tasked with reviewing the materials provided to Candidates as it relates to campaign signs and recommending improvements to clarify those rules and regulations for future candidates.

4. The work of the Committee shall end upon presenting its recommendations in the third quarter of 2018.
PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on ________________, 2018.

CITY OF THORNTON, COLORADO

Heidi K. Williams, Mayor

ATTEST:

Kristen N. Rosenbaum, City Clerk
COUNCIL COMMUNICATION

Meeting Date: February 13, 2018

Subject: A resolution approving the 2018 City of Thornton Federal Legislative Priorities.

Recommended by: Robb Kolstad
Approved by: Kevin S. Woods
Presenter(s): Kevin Forgett, Senior Management Analyst

SYNOPSIS:

This resolution sets forth the City Council’s federal legislative priorities on issues that impact the City of Thornton in the areas of water quality, stormwater regulations, transit and transportation, community development and housing, local sales tax on internet sales (e-commerce), internet access tax, municipal bond interest, public safety, and airport noise.

RECOMMENDATION:

Staff recommends Alternative No. 1, approval of the resolution because it provides general direction to the City’s Lobbyist, City staff, and Congressional delegation representing the City of Thornton during the Congressional Session in 2018.

BUDGET/STAFF IMPLICATIONS:

None.

ALTERNATIVES:

1. Approve the resolution adopting the 2018 Federal Legislative Priorities.
2. Do not formally adopt a 2018 Federal Legislative Agenda and just focus on State Legislative issues.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

On February 6, 2018, the City Council reviewed the draft 2018 Federal Legislative Agenda in advance of the March 7-9, 2018 lobbying trip to Washington, D.C.
RESOLUTION

A RESOLUTION APPROVING THE 2018 CITY OF THORNTON FEDERAL LEGISLATIVE PRIORITIES.

WHEREAS, during the 2018 Congressional Session, the City Council desires to provide input to the Senators and Representatives who represent Thornton constituents pertaining to the development of laws and funding of programs that will have an effect on the City’s ability to provide a wide variety of services to its constituents as authorized through its Charter; and

WHEREAS, the 2018 Federal Legislative Priorities is the document that sets forth the City Council’s policy position on public policy areas of concern to the City and direction for the City’s federal lobbyist related to proposed legislation as well as funding for programs in these policy areas; and

WHEREAS, during the 2018 Congressional Session, proposed legislation and other actions will be monitored by the City’s federal lobbyist and brought forward for further consideration and/or action by City Council.

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

That the City of Thornton 2018 Federal Legislative Priorities as set forth in Exhibit A attached hereto and incorporated herein is hereby approved.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Thornton, Colorado, on __________________, 2018.

CITY OF THORNTON, COLORADO

__________________________
Heidi K. Williams, Mayor

ATTEST:

__________________________
Kristen N. Rosenbaum, City Clerk
EXHIBIT A
CITY OF THORNTON, COLORADO
2018 FEDERAL LEGISLATIVE PRIORITIES

Water Quality – 2018

Background
- The City currently draws the majority of the water to serve its 140,000 drinking water customers from the South Platte River, which is impacted by upstream discharges from wastewater treatment plants and storm discharges.
- Though the City meets all Safe Drinking Water Act (SDWA) requirements, we have significant concerns about our ability to meet them in the future due to:
  - continuing degradation of the South Platter River from increases in treated wastewater effluent discharges (also referred to as nutrient loading);
  - reduced dilution of water in the river because of increased upstream withdrawals of clean water; and
  - increased storm sewer discharges due to expanding populations and development.
- In addition to these factors, which impact the quality of our drinking water, the City continues to see an increase in the growth of algae in our water supply lakes which is due to nutrient loading as well as warmer seasonal temperatures and Colorado’s abundance of high altitude sunshine. Excessive algae growth results in significant taste and odor complaints and the occasional development of harmful algal blooms.
- Because of all of these factors, Thornton has made and continues to make substantial high-cost improvements to its treatment systems to address these water quality impacts and to meet the primary and secondary SDWA requirements.

Areas of Specific Concern
- The City has tried for many years to bring together other jurisdictions, wastewater treatment operators, and state officials to develop a coordinated effort to address water quality at a regional level. Unfortunately, we have been unable to generate interest in a regional rather than an individual approach to comply with the SDWA and/or Clean Water Act provisions. While Thornton was able to draft a scope of work concept for a modified Western Rivers Water Quality Study, we were unsuccessful in moving the concept forward with the various entities. The City continues to look to the federal government for leadership on this issue.
- Thornton continues to support the rescission of the 2015 Clean Water Act Rule defining what qualifies as Waters of the US and reverting back to the regulatory framework that existed before the 2015 change. Any new attempt to redefine what constitutes a “Waters of The US” needs to be mindful of unintended consequences. The 2015 Waters of the US (WOTUS) definition was overly broad and Thornton was on the record expressing concern for it increasing costs and imposing unnecessary regulatory burdens on the City’s ability to provide safe drinking water to its citizens.

Thornton Approach to Address Concerns
- Thornton participates in the American Water Works Association Regulatory Affairs Committee to be a part of a national voice on current and future regulations and actions by the Environmental Protection Agency (EPA) and Federal Government.
- At the state level, Thornton is advocating for support of measures that protect water quality and enable flexibility in the regulatory framework to allow for more cost effective water quality improvements using collaborative local approaches.
- At the state and regional level, Thornton participates in the Barr-Milton Watershed Association, Colorado Water Quality Forum, Standley Lake Water Quality Intergovernmental Agreement (WOIGA), and various other stakeholder activities to coordinate water quality emergency response and mitigation.

Federal Request
- Prevent relaxation of water quality standards that protect human and aquatic health.
### Water Quality – 2018 – Continued

- Congress and EPA should explore ways to empower regional collaboration and integration of the Clean Water and Safe Drinking Water Acts.
- Congress and the EPA should support the states (including financially) in implementing its “Drinking Water Plan” released in 2016.
- If Congress decreases the EPA’s role and authority to implement and enforce environmental regulation and shift this responsibility to the states, they should also shift sufficient funding to enable states to protect the environment.
- Continue to work with state and local governments, before, during, and after adding criteria pollutants to the federal Clean Water Act list.

### Water Quality Rocky Flats Site – 2018

**Background – Rocky Flats Site**

- The Rocky Flats Site was cleaned up and closed in 2006 and the Department of Energy (DOE) took over responsibility for its long-term care.
- There are currently five dams that remain on the Rocky Flats site that were previously operated to help manage surface water runoff to avoid contamination during the period when nuclear weapons components were being manufactured.
- Pursuant to a 2010 Environmental Assessment and a 2011 Adaptive Management Plan, some of these dams were breached and others are being operated in a flow-through condition. Although breaching of the remaining dams has been delayed to the 2018-2020 timeframe, they are being operated in a flow-through condition, which means surface water that was previously impounded by the dams is now moving freely past them.
- Thornton owns water rights on Big Dry Creek that are used to irrigate the City’s golf course.
- Any contaminated water released off Rocky Flats property into Walnut Creek would flow into Big Dry Creek and potentially carry contamination to the City’s golf course and further down Big Dry Creek as it runs through Thornton’s northern growth area.
- The City doesn’t believe that sufficient time has passed since regulatory closure in 2006 to adequately evaluate the effectiveness of the mitigation that has been put in place on the Rocky Flats site. Prior to a significant storm event in 2013, there was little rainfall and virtually no flows to measure at the sampling points. 2015 saw another round of significant rainfall in the summer period that would reinforce concerns about stormwater runoff from the Rocky Flats Site. In addition, measurements for Uranium in the Walnut Creek Drainage and Trichloroethylene in a monitoring well in the Woman Creek Drainage well above the applicable standards would indicate that the site may need continued cleanup activities at DOE’s expense.
- As a member of Rocky Flats Stewardship Council and Woman Creek Reservoir Authority, we support the concerns of the partner communities that are adjacent to the Rocky Flats site.

**Federal Request**

- Continued support from the Congressional delegation on monitoring and addressing water quality issues that arise at the Rocky Flats site. The potential harm to the public from exposure to/ingestion of plutonium and americium pollutants has not dissipated just because the plant is closed. That is why the protections need to remain in place. The DOE has an obligation to ensure that Rocky Flats doesn’t adversely impact the local communities in the future and must continue to be held responsible and accountable for the site.
- Delay breaching until a thorough analysis based on sufficient data from rain events can determine impact.
Stormwater Regulations – 2018

City of Thornton, Colorado – Stormwater Regulations

Background
- EPA Proposed National Stormwater Rule:
  - In early 2014, the EPA indicated that the agency was going to refocus resources in light of continuous delays in proposing the national stormwater rule that would have, among other items, expanded the area subject to federal stormwater regulations focusing on integrating urbanizing areas located beyond the limits of currently regulated areas into existing Municipal Separate Storm Sewer System (MS4) programs.
  - One of the concerns that was expressed is that there were discrepancies that existed between the EPA’s focus on numeric, measurable targets for stormwater and the Clean Water Act’s call for reducing pollutants to the maximum extent practicable.
  - At the beginning of 2014, the EPA announced a new program vision for Total Maximum Daily Loads (TMDLs) that focuses on improving how states establish and prioritize impaired waters and is supposed to provide states with more flexibility and allow them to tailor their program to meet specific needs and goals.
  - The EPA finalized the rule, effective January 1, 2017, which now provides flexibility for cities and the permitting authority to manage stormwater pollution on a location-by-location basis, without being mandated by numeric permit requirements. The Procedural Approach allows for the Permitting Authority to incorporate an additional review and public comment on MS4 permitting including TMDLs.
- Waters of the United States (WOTUS) proposed EPA rule:
  - In November 2014, the comment period closed on the EPA and US Army Corps of Engineers’ (US Corp) proposed WOTUS rule, which sought to clarify whether various waters and wetlands are subject to their jurisdiction under the Clean Water Act.
  - Prior to closing of the comment period, the City submitted comments on the proposed rule expressing concern that the proposed rule could be interpreted to classify the City’s reservoirs located along the South Platte River as “jurisdictional” and thus under the purview of the EPA and US Corp.
  - The revised rule was published in June of 2015 but it did not specifically address these types of reservoirs, which are part of a pre-treatment process and used in a municipal water supply system.
  - Colorado joined twelve other Western states in a District Court lawsuit to vacate the EPA WOTUS rules in 2015 to which the District Court concurred.
  - In October 2015, the U.S. Court of Appeals, 6th Circuit, issued a nationwide stay against the enforcement of the regulation pending resolution of the challenges in various district courts.
  - On February 28, 2017, the President of the United States issued an Executive Order directing EPA and Department of the Army to review and rescind or revise the 2015 Rule. EPA, Department of Army, and the Army Corps of Engineers are in the process of reviewing the 2015 rule and considering a revised definition of “waters of the United States” consistent with the Executive Order.
  - On January 22, 2018, the U.S. Supreme Court ruled that the 2015 6th Circuit Court ruling was not appropriate arguing that the challenge to WOTUS should have originated in District Court instead. This ruling places the nationwide stay of WOTUS in question, possibly reverting the stay back to the original 13 states to challenge the rule (to include Colorado).

Federal Request
- Support exemption of municipal water reservoirs from WOTUS regulations.
- Continue to monitor the finalized stormwater rule as to its application and implementation.
Background

- Transit:
  - In December 2013, the Regional Transportation District (RTD) signed the contract with Regional Rail Partners to construct the first phase of the North Metro Rail Line from Denver Union Station (DUS) to the 124th Station. Coordination and design began in 2014 and construction commenced in 2015 with completion slated for sometime in 2020.
  - The Record of Decision for the proposed North Metro Corridor project was rescinded by the Federal Transit Administration effective the notification in the Federal Register dated October 31, 2014.
  - RTD indicated in October 2016 that completion of the North Metro Rail Line to 162nd Avenue will not occur until after 2040.
  - The Colorado Department of Transportation (CDOT) is currently studying a high-speed rail system and the Federal Railroad Administration (FRA) has requested it be revised to show a connection to Denver Union Station. The original plan had the high speed rail interconnecting with the RTD commuter rail system at Thornton’s 162nd Station, then going around E-470 to Denver International Airport (DIA), and then down to the Lone Tree Station and south to Colorado Springs. The City is concerned that bringing the high-speed rail to 162nd Avenue and down to DUS through the North Metro Line would not save time for the traveler nor be cost effective. The City’s preference is to have the high-speed rail connection at 162nd Avenue, which would allow people to get to DUS via the North Metro Line.
  - The State Legislature has a commission looking at Front Range rail from Pueblo to Fort Collins.

- Interstate 25:
  - I-25 is the major north/south corridor in Colorado and is a designated freight corridor in the state.
  - Studies have been completed for the I-25 Corridor from Denver Union Station to Fort Collins, including the North I-25 Environmental Impact Statement and the I-25 Planning, Environmental, and Linkage (PEL) Study that identify significant improvements that are needed now and in the future.
  - The North I-25 Coalition, which includes the City, has requested the North I-25 Corridor Project (Denver to Fort Collins) improvements be built.
  - Interim improvements to add managed lanes from Denver Union Station to 120th Avenue are complete and the next section of interim improvements from 120th Avenue to E-470 is under construction; however, the next phase to extend the lanes to State Highway 7 and improving the interchange at State Highway 7 requires additional funding.
  - CDOT currently has a consultant working on the environmental assessment on I-25 between US 36 and Highway 7 for the improvements recommended in the I-25 PEL Study with 30 percent plans being developed between US 36 and Thornton Parkway (general lane up to Thornton Parkway, auxiliary lanes between interchanges, replacement of 88th Avenue bridge, widening of inside shoulder to meet federal highway standards). In addition, CDOT conducted a road safety audit on this section with one of the possible action items to reduce crashes is to implement the plans now under design. CDOT also has a consultant working on final plans for I-25 from E-470 to the Weld County Line but there are no funds to build either of these sections of I-25.

- Transportation:
  - Fixing America’s Surface Transportation (FAST), the transportation funding legislation, became law on December 4, 2015 (Public Law No: 114-94) providing $305 billion in authority over five years instead of six, which has been the norm.
  - The US Department of Transportation (USDOT) is writing regulations to implement the FAST Act.
  - FAST is funded primarily out of the Highway Trust Fund, which receives its revenues primarily from federal fuel, which rates haven’t changed since 1993, and other taxes on transportation-related items. FAST is also funded by transfers out of the General Fund ($70 billion) which is significantly higher than previous funding programs.
### Transit and Transportation – 2018 – Continued

- While the appropriations funding coming from the Highway Trust Fund are fairly predictable, appropriations from the general fund are less certain and thus funding problems could occur in the future.
- The overall increase in funding for Colorado totals about $250 million over the five-year life of the Act and there are other features that could benefit the state such as highway freight improvement projects (I-25).
- Congress will be considering Infrastructure legislation in 2018 that will include all modes of transportation and telecommunications.

#### Federal Request
- **Support** fully funded FAST appropriations, and find a long-term funding mechanism that puts funding for transit and transportation on sound footing and allows Colorado to compete with fund requests from the east and west coasts.
- **Support** funding and financing to build the North I-25 Corridor Project, which would include a new multimodal interchange at I-25 and State Highway 7 and general purpose lanes between US 36 and Thornton Parkway, and managed lanes from E-470 to State Highway 7 and improvements north to Fort Collins.
- **Support** regulations that enable Colorado to compete for funds and financing for transportation projects and do not create a burden on state and local governments.
- **Ensure** that any additional infrastructure proposals provide resources to the City’s needs.

### Community Development and Housing – 2018

#### Background
- **Redevelopment and Revitalization:**
  - City Council is committed to redevelopment and revitalization in original Thornton, specifically the residential and commercial neighborhoods along Washington Street and Huron generally south of 104th Avenue.
  - The South Thornton Revitalization Subarea Plan (StaR Plan) was developed in 2011 and establishes the long-term goals and strategies to revitalize both residential and commercial neighborhoods in original south Thornton, east and west of I-25.
  - Thornton created a new South Thornton Urban Renewal Project Area in late 2012 as one of the steps toward developing a funding mechanism to implement the commercial goals identified in the StaR Plan.
  - In collaboration with HealthOne-North Suburban Medical Center, a “Thornton Health Care District” is in the process of being established within the South Thornton Renewal Project Area with the intention of attracting considerable private investment through the development of additional medical and professional office facilities and supporting residential development.

#### Affordable Housing:
- Thornton is lacking more than 3,000 rental-housing units for those earning $35,000 a year or less and over half of the households in Adams County are cost burdened, spending more than the recommended 30 percent of their income each month on housing costs.
- The City works with the County to have HOME Investment Partnerships Program (HOME) funds awarded to building new affordable housing. However, the amount of federal subsidies for affordable housing developments and renovations continues to shrink as the construction costs increase. HOME funds can be used to build, buy, and/or rehabilitate affordable housing for rent or homeownership or provide direct rental assistance to low-income people.
Community Development and Housing – 2018 – Continued

- Community Development Block Grant (CDBG):
  - Thornton has been utilizing CDBG funds since 1986. The City became an entitlement City on March 1, 2010 and begin receiving CDBG funds directly from the Department of Housing of Urban Development (HUD). The City receives approximately $600,000 annually. Since 2010, The City has been able to impact 30,695 residents through the projects it has funded with CDBG funds.
  - The City would like to be able to contribute more of its CDBG allocation towards the construction of affordable housing. However, currently, CDBG can only fund site preparation of new affordable housing and cannot fund architectural or engineering design, or the cost to construct new housing.
  - The federal budget proposals have recently included significant reductions in CDBG funding. As pressure mounts to find off-sets in discretionary funding to support entitlement programs, the City is concerned CDBG funds will once again be a target.

Federal Request
- Assist the City in identifying federal funding opportunities to provide resources for blight remediation, environmental cleanup, and to redevelop and revitalize developmentally challenged areas such as original Thornton to create jobs and new businesses.
- Support funding for the CDBG program and encourage funding for 2018 and 2019 Fiscal Years to stay the same or increase.
- Support allowing CDBG funds to be used for construction costs of affordable housing.
- Continue to support Low Income Housing Tax Credits and the tax-advantaged status of Private Activity Bonds.
- Support deregulation of Community Development Block Grant funds, so that CDBG can be used to fund architectural or engineering design or construction of affordable housing and not just site preparation.
- Oppose federal legislation that would limit the City’s ability to utilize important redevelopment and revitalization tools such as eminent domain.

Local Sales Tax on Internet Sales – 2018

- Background
  - The primary revenue sources for municipalities are local sales and use taxes. In Colorado, home rule municipalities such as the City of Thornton (and all but a handful of cities) set local tax rates and collect their own taxes as well as determine their own tax bases.
  - Sales and use taxes are the primary revenue source that fund public services and improvements and keep municipal property taxes relatively low.
  - Currently, for most purchases that are made on the internet, the local sales and use tax is not collected; yet if that same purchase were made locally, the local sales and use tax would be collected. This is an issue of fairness. Comparable businesses that sell the same things are not being treated the same.
  - The Internet Tax Freedom Act of 1998 prohibited new taxes on Internet access fees but did NOT prohibit states from imposing taxes on transactions conducted over the Internet. If the out-of-state retailer doesn’t have a physical location or physical representative in the state, the state cannot require the retailer to collect their sales tax. If the retailer does not collect the sales tax, the purchaser has the obligation to pay.
  - The State of Colorado signed an agreement with Amazon who began collecting state sales taxes on purchases starting February 1, 2016. The City of Thornton recently did the same thing and Amazon began collecting City sales tax for deliveries into the City April 1, 2016.
- National Proposals:
### Local Sales Tax on Internet Sales – 2018 – Continued

- Several national proposals to address the issue of sales and use taxes on internet purchases would require a state administered uniform base in order to receive internet sales and use taxes.
- In April of 2017, Senator Enzi re-introduced the Marketplace Fairness Act (S.976).
- In May of 2017, Congresswoman Kristi Noe, (R-SD) introduced the Remote Transactions Parity Act (“RTPA” (H.R. 2193) which would establish an interstate system for the collection of internet sales taxes similar to the Marketplace Fairness Act. The Marketplace Fairness Act/RTPA would have authorized a state to collect local sales tax on internet sales with the adoption of certain simplification requirements.
  - **State Proposal:**
    - The Colorado Legislature passed **HB 13-1295** entitled “Concerning the implementation of the minimum simplification requirements of the proposed Federal ‘Marketplace Fairness Act of 2013’ in order for the State to be authorized by the Federal Government to require remote sellers to collect sales tax on taxable sales made within the State”. The State legislation goes into effect either upon the effective date of the law, July 1, 2014, or the effective date of the “Marketplace Fairness Act of 2013”, whichever is later.

**Federal Request**
- **Support passage of a Marketplace Fairness Act or Remote Transactions Parity Act, or inclusion of this provision as part of an overall tax reform.** The intent of these bills is to level the playing field for our local retailers who are maintaining a brick-and-mortar store and trying to compete effectively with nationwide internet retailers. They do that by allowing states to collect local sales tax on internet sales within local jurisdictions.

### Local Sales Tax on Internet Access – 2018

**Background**
- The Internet Tax Freedom Act of 1998 (extended eight times since enactment) bars federal, state and local governments from taxing Internet access and from imposing discriminatory internet-only taxes.
- This “moratorium” included a related grandfathering provision, with a separate sunset date, that stated the moratorium does not apply to a tax on internet access that was generally imposed and actually enforced prior to October 1, 1998 if certain requirements were met.
- Thornton is one of the entities included in the grandfathering provision and is allowed to tax internet access charges because it was charging sales tax on internet access prior to October 1, 1998.
- This internet access tax provides approximately $3 million in annual sales tax revenues to the General Fund, which funds general governmental services.
- In January 2015, Representative Bob Goodlatte (R-VA) introduced the **Permanent Internet Tax Freedom Act** (H.R. 235) which would make permanent the current provision that keeps in place the moratorium on internet access tax and would also sunset the grandfathering provision.
  - The result of this bill would be that **Thornton could no longer collect tax on internet access.**
  - H.R. 235 passed the House in June 2015, but did not receive Committee action (neither did the Senate companion bill S. 431). However, the language of the bills did resurface in a conference report to the Trade Facilitation and Trade Enforcement Act (H.R. 644) that would have made the prohibition on internet access taxation permanent but would delay the phase out of the grandfathering provisions from October 1, 2016 to June 30, 2020. This bill was signed into law on February 24, 2016. Supporters of the Marketplace Fairness Act are opposed to the extension of the phase out.
<table>
<thead>
<tr>
<th>Local Sales Tax on Internet Access – 2018 – Continued</th>
</tr>
</thead>
<tbody>
<tr>
<td>▪ The ability to tax internet access has been a hot topic with the argument being that it makes the internet more expensive. It is also tied up in the discussion regarding “net neutrality” and the concern that if the Federal Communications Commission reclassifies broadband service as a regulated public utility, this could lead to a range of new taxes.</td>
</tr>
</tbody>
</table>

**Federal Request**

▪ **Support continuation of the grandfather provision past June 30, 2020.**

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<table>
<thead>
<tr>
<th>Municipal Bond Interest – 2018</th>
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</thead>
<tbody>
<tr>
<td><strong>Background – Municipal Bond Interest Exemption</strong></td>
</tr>
<tr>
<td>▪ The City utilizes municipal bonds to finance large capital investments in streets, water and sanitation systems, public facilities, parks, open space, and other amenities that are provided to citizens.</td>
</tr>
<tr>
<td>▪ The interest on municipal bonds is exempt from federal tax and allows the interest rate to be lower than if it were taxable, thus making the entire cost of issuing bonds to pay for capital investments much lower.</td>
</tr>
<tr>
<td>▪ There are proposals in Congress to make all or a portion of municipal bond interest subject to taxation.</td>
</tr>
<tr>
<td>▪ Over the next decade, the City expects to access the municipal bond market on several occasions to finance major capital investments.</td>
</tr>
<tr>
<td>▪ If the City is required to issue bonds on a taxable basis, this could raise the interest cost by 50% and the total repayment cost by 25%.</td>
</tr>
<tr>
<td>▪ The choices to address this impact are few: a) reduce the cost and scope of the projects; b) find additional resources to pay the higher costs – which would come from reducing service levels or additional fees; or c) some combination of both.</td>
</tr>
<tr>
<td>▪ The Tax Cuts and Jobs Act of 2017 (P.L. 115-97) preserved private activity bonds, but did make changes to advanced refunding bonds.</td>
</tr>
</tbody>
</table>

**Federal Request**

▪ **Do not support legislation** that eliminates or limits the federal income tax exemption for state and municipal bonds.
Background – Public Safety
- Department of Justice Grant programs:
  - The City has applied for and received Bureau of Justice Assistance Grants annually since 2005.
  - The City has applied for Department of Justice Community Oriented Policing (COPS) grants numerous times over the past 10 years and recently received a three-year award in 2017 for four officers.
  - The Link is a 501C3 nonprofit entity that provides key child evaluation services for Thornton, Adams County, and other communities. Because it is a nonprofit, it is not eligible to receive a JAG grant. Similarly, the Child Advocacy Center, operated by Ralston House, is a nonprofit that provides safe environments to conduct interviews and evaluations of children.
- Homeland Security and FEMA Grant programs:
  - The City has applied for and received several Assistance to Fire Grants (AFG) since 2001. AFG helps firefighters and other first responders obtain critically needed equipment, protective gear, emergency vehicles, training, and other resources needed to protect the public and emergency personnel. The City will continue to apply for these grants when the programs match the City’s needs.
  - The City applied for and received a 2016 Staffing for Adequate Fire and Emergency Response Grant (SAFER), funding 15 firefighters to keep pace with the rapid growth for emergency response in the City. SAFER was created to provide funding directly to fire departments to help them increase or maintain the number of trained, “front line” firefighters available in their communities.
  - The City has applied for and received several Fire Prevention and Safety (FP&S) Grants since 2005. FP&S Grants support projects that enhance the safety of the public and firefighters from fire and related hazards, reducing injuries, and preventing death among high-risk populations. The City will continue to apply for these grants when the programs match the City’s needs.
  - The region has received several Urban Areas Security Initiative (UASI) Grant Program awards for equipment and training that the City has been able to benefit from. The City will continue to look for ways to utilize this regional resource.
- Grant funding programs to assist organizations that provide services to intoxicated individuals brought there by the Police who are uninsured or indigent:
  - The City’s Police Department has relied on a non-profit organization, the Arapahoe House, to take individuals for care who are intoxicated and are a danger to themselves or to the community, but not appropriate for jail. This is currently the only available option for the City for these types of services. Arapahoe House has announced that they will no longer provide this service to the many communities throughout the Denver-metro area that they have been providing service to for many years. Arapahoe House has relied on grant funds and donations to help cover the costs of these services, but those funds have been inadequate to cover the increasing costs of this service. The Community Reach Center is reportedly proceeding to fill many of the services vacated by Arapahoe House to include intoxication treatment and substance abuse treatment. Regardless of the entity providing this vital service, the ability to obtain grant funds to offset the costs is an important factor in attracting organizations to provide this service.

Federal Request
- Continue to fund the Department of Justice (DOJ) grant programs and consider expansion of the COPS grants to assist mid-sized communities such as Thornton.
- Encourage the DOJ to consider establishing a grant program to assist entities such as The Link and the Child Advocacy Center, which are key services to local law enforcement agencies.
- Encourage federal agencies to develop and provide grant programs for organizations who take in individuals who are intoxicated and are a danger to themselves or to the community, but not appropriate for jail.
- Continue to fund AFG grant programs for equipment, staffing, and safety programs in mid-sized communities such as Thornton.
- Continue to fund USAI grant programs to local governments providing resources in planning, equipment, training, and exercise needs.
Background – Next Generation (NextGen) procedures and technology

- Several years ago, the Federal Aviation Administration (FAA) initiated a nation-wide program to usher in the Next Generation Air Transportation System, or NextGen, to modernize the National Airspace System (“NAS”) through 2025. The current system, which was developed six decades ago, relied on planes flying indirect routes over radar towers. NextGen will use satellite-based navigation to allow aircraft to fly more direct routes and navigate around inclement weather with the intent to increase airspace capacity and reduce delays.

- To achieve these goals in the Denver Complex Airspace (DIA, Centennial Airport, and Rocky Mountain Metropolitan Airport/Jefferson County), the FAA proposed to implement a new Area Navigation (RNAV) and Required Navigation Performance (RNP)-based air traffic routes and instrument procedures that enable the use of Performance-Based Navigation (PBN) in the National Airspace System, including Optimized Profile Descents (OPD).

- In 2011, the FAA initiated an environmental review of the impacts of the “no action” alternative as well as four alternatives that proposed implementation of the new systems. The four alternatives assumed a common strategy for DIA but differed based on strategies at Centennial Airport and/or Rocky Mountain Airport. The Preferred Alternative that was selected resulted in fewer persons exposed to noise levels between 50 and 60 DNL (day-night average sound) and the fewest number of persons added to the number of persons exposed to noise levels above 60 DNL. The Finding of No Significant Impact (FONSI) was signed on August 29, 2012, allowing the implementation of the project to proceed.

- The technology has been installed and operational for several years.

- Since implementation of the NextGen navigation strategies at DIA, certain areas of Thornton have seen an increase in airplane noise related to departure tracks that now are concentrated more over the areas from 120th-136th/Holly to 120th-136th/Colorado Boulevard.

Federal Request

- Conduct a new noise study to determine the impact on residents of the new concentrated flight patterns and provide funding to remediate the noise impacts.

- Adjust flight patterns/procedures to minimize the noise impacts on neighborhoods that previously did not have this level of aircraft noise.
COUNCIL COMMUNICATION

Meeting Date: Agenda Item: Agenda Location: Work Plan #: Legal Review:
February 13, 2018 11B Action Items

Subject: An ordinance adopting the second amendment to the 2018 Budget amending section one of Ordinance 3450, making appropriations for the City of Thornton, Colorado for the fiscal year 2018 for all funds except that appropriations for certain individual projects shall not lapse at year end but continue until the project is completed or cancelled.

Recommended by: Robb Kolstad  
Approved by: Kevin S. Woods
Presenter(s): Dan Streed, Budget Manager

SYNOPSIS:
This ordinance is for the second amendment to the 2018 Budget and authorizes additional funding for the Water Supply and Storage Company’s Curtis Lake Project and for Adams 12 Five Star Schools’ contribution to the Salt/Sand Building Project.

RECOMMENDATION:
Staff recommends Alternative No. 1, approval of the ordinance amending the 2018 Budget.

The 2018 Budget, which authorizes expenditures of $392,877,673, is proposed to increase by $3,050,500. The amended budget will be $395,928,173. The budget amendment will accomplish the following:

1. Appropriate $2,975,500 in the Water Fund for a payment to the Water Supply and Storage Company (WSSC) for the Curtis Lake Project in accordance with Thornton’s payment obligation under the 1986 Agreement with WSSC. The 1986 Agreement included language obligating the City of Thornton to contribute funds, not to exceed $5 million, for WSSC system improvements. The Curtis Lake Project will install new pumps and improve the diversion facilities, increasing raw water storage capacity and resulting in increased operational flexibility for WSSC shareholders. The project meets the terms of the 1986 Agreement and will reduce the City’s obligation by $2,975,500. The Curtis Lake Project will be managed by WSSC.

2. Appropriate $75,000 in the Governmental Capital Fund to recognize Adams 12 Five Star Schools’ contribution to the Salt/Sand Building Project. The Salt/Sand Building will be built adjacent to the City’s new Fleet Shop on property owned jointly by the City and the School District. The School District’s contribution was included in the First Amendment to the Intergovernmental Agreement (IGA) between the two entities. The estimated cost of the project is $750,000, of which the District is contributing $75,000. Design of the Salt/Sand Building is underway, with construction anticipated in the second quarter of 2018.

BUDGET/STAFF IMPLICATIONS:
The funding source of the City’s payment to WSSC for the Curtis Lake Project will come from existing Water Fund reserves.
The additional funding for the Salt/Sand Building Project will come from a payment to the City from Adams 12 Five Star Schools per the First Amendment to the IGA.

ALTERNATIVES:

1. Approve the ordinance amending the 2018 Budget.
2. Do not approve the ordinance amending the 2018 Budget.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY):

City Council approved Ordinance 3450 making appropriations for the 2018 Budget on October 10, 2017.

City Council approved Ordinance 3461 adopting the first amendment to the 2018 Budget on January 23, 2018.
INTRODUCED BY: ________________________

AN ORDINANCE ADOPTING THE SECOND AMENDMENT TO THE 2018 BUDGET AMENDING SECTION ONE OF ORDINANCE 3450, MAKING APPROPRIATIONS FOR THE CITY OF THORNTON, COLORADO FOR THE FISCAL YEAR 2018 FOR ALL FUNDS EXCEPT THAT APPROPRIATIONS FOR CERTAIN INDIVIDUAL PROJECTS SHALL NOT LAPSE AT YEAR END BUT CONTINUE UNTIL THE PROJECT IS COMPLETED OR CANCELLED.

WHEREAS, the City Council is required to adopt a budget for fiscal year 2018; and

WHEREAS, the City Council has adopted a budget for fiscal year 2018 and desires to amend the budget to appropriate additional funds.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF THORNTON, COLORADO, AS FOLLOWS:

1. That Section 1 of Ordinance 3450 is hereby amended as follows:

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<td>$392,877,673</td>
<td>$3,050,500</td>
<td>$395,928,173</td>
</tr>
</tbody>
</table>
2. If any portion of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the constitutionality or validity of the remaining portions of this ordinance. City Council hereby declares that it would have passed this ordinance and each part hereof irrespective of the fact that any one part be declared unconstitutional or invalid.

3. All other ordinances or portions thereof inconsistent or conflicting with this ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

4. The repeal or amendment of any provision of the Code by this ordinance shall not release, extinguish, alter, modify, or change in whole or in part any penalty, forfeiture, or liability, either civil or criminal, which shall have been incurred under such provision, and each provision shall be treated and held as still remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings, and prosecutions for the enforcement of the penalty, forfeiture, or liability, as well as for the purpose of sustaining any judgment, decree, or order which can or may be rendered, entered, or made in such actions, suits, proceedings, or prosecutions.

5. This ordinance shall take effect upon final passage.

INTRODUCED, READ, PASSED on first reading, ordered posted in full, and title ordered published by the City Council of the City of Thornton, Colorado, on ____________, 2018.

PASSED AND ADOPTED on second and final reading on __________, 2018.

CITY OF THORNTON, COLORADO

ATTEST:

Heidi K. Williams, Mayor

Kristen N. Rosenbaum, City Clerk

THIS ORDINANCE IS ON FILE IN THE CITY CLERK'S OFFICE FOR PUBLIC INSPECTION.

APPROVED AS TO LEGAL FORM:

Luis A. Corchado, City Attorney
PUBLICATION:

Posted in six (6) public places after first and second readings.

Published in the *Northglenn-Thornton Sentinel* after first reading on ________, 2018, and after second and final reading on ________, 2018.