



FROM THE CITY MANAGER'S OFFICE

For the week of March 28, 2016

Inside the city

Information on latest happenings, items of interest.

To see events posted on the city wide calendar please visit our [website](#).

Council follow-up

Resolution of action items or requests from previous meetings.

Councilwoman Elliott requested follow-up on cell phone distribution outside of county building

The Neighborhood Services division made contact with two sales associates, one of whom was in the parking lot (private property) with the second one located on Colorado Boulevard right-of-way. The associates were informed they are not allowed in the Adams County lot or the right-of-way on East 72nd Avenue. Because they were also occupying the Colorado Boulevard public area in Adams County, the city contacted Adams County Code Enforcement Manager Eric Geunther and left a message regarding a coordinated code enforcement response. The division will continue to follow up on the matter.

Resident Glenn Murray reported a temporary asphalt patch at 105th & Florence was failing and needed repair

The area was patched permanently March 14, 2016.

Legislative report

Attached please find this week's legislative report and tracking sheet.

City Council Work Schedule

Attached please find the current city council meeting schedule.

MEMMO

To: Mayor & Members of Council

From: Michelle Halstead, director of communications & government affairs

Subject: 2016 General Assembly Week 8 Legislative Report

Date: March 28, 2016

With the continued concern over the slowing economy – even the possibility of another recession looming – the Joint Budget Committee (JBC) closed the budget for FY 2016-17.

Unlike last year, the legislature appears poised to adopt a budget without relying on revenues that belong to local governments. Numerous other cash fund transfers, cuts in reimbursements to hospitals, state transportation project funding reductions, and other moves will balance the budget and also eliminate the need for a refund to taxpayers of excess revenue required by the Taxpayers Bill of Rights (TABOR).

For now, schools and higher education avoided the cuts that were proposed initially in the governor's budget, but the news does not get much better once the next state fiscal year begins. At the same time, one of the most hotly contested issues in the first half of the legislative session – whether or not to turn the hospital provider fee into an enterprise program – will likely disappear from the discussion entirely. Without a required TABOR refund, the incentive to consider the change all but disappears.

This week, the House of Representatives will take up the budget known as the “Long Bill.” The House will pass the budget and companion bills by the end of the week and send them to the Senate. Few, if any, amendments to the budget are expected to be adopted by either the House or Senate. Often when they are, the JBC – which is appointed as the conference committee to reconcile any differences between the two chambers – submits the introduced budget as the conference committee report.

To date, 577 bills have been introduced by the General Assembly. Commerce City is [tracking 73 bills](#) for possible direct or indirect impacts on the city, its employees, businesses and residents.

Learn more about monitored legislation [online](#), including summaries and full text of the bill. Updates on council's specific legislative priorities are listed below. City positions are consistent with city council's [approved legislative principles](#) and are noted in parentheses.

Thanks to the [Colorado Municipal League](#), [Axiom Strategies](#) and other cited media sources for providing legislative information.



MEMO CONTINUED

SPECIFIC LEGISLATIVE PRIORITIES

- **Owner-Occupied, Multifamily Housing.** Nothing has been introduced to date. The city is conceptually supportive of a bill yet to be introduced which would remove the sunset on HB 14-1017, extending a state low-income housing tax credit that is operated through the Colorado Housing and Finance Authority (CHFA).
- **Urban Renewal and Tax Increment Financing.** Staff expects a bill to be introduced that resolves TABOR conflicts and clarifies the mediation process from HB15-1348 in April.
- **Photo Red Light Cameras.** HB 16-1231, which allows the city to operate its existing camera system was amended last week in Senate Transportation Committee to an outright ban. Thanks to Commander Rippy from the police department for his testimony. The full Senate will take action this week. and expand if desire will be heard in Senate Transportation Committee tomorrow and likely will be amended to an outright ban.

OTHER LEGISLATION OF INTEREST

- **HB 16-1399, Job Specific Mental Impairment Claims (Monitor)**

What began three years ago as a proposed presumptive eligibility for post-traumatic stress disorder (PTSD) in workers' compensation when a claim is made by a peace officer has become an odyssey involving a task force, proposed and withdrawn interim legislation, and dozens of meetings that has evolved into HB 16-1399. This legislation appears to strike the right balance, simply prohibiting the denial of a worker compensation claim for mental impairment solely based on the occupation of the claimant. This addresses a concern of some peace officers that claims for PTSD were being denied because the events that triggered the claim were part of the normal experience of the job. While there was no clear evidence of this occurring, the solution in HB 1399 will not likely change the practice of any municipal employer. Staff is still researching all the aspects but does not predict any change in position.

- **HB 16-1309, Right to Counsel (Oppose)**

HB 16-1309 was introduced at the request of the American Civil Liberties Union (ACLU). It is the ACLU's intent that a person in custody be provided with defense counsel at the first appearance. Currently, in municipal courts, at the first appearance the court advises a defendant that they have a right to an attorney and if the defendant asks for one they may apply for a court appointed attorney if they cannot afford one. As a policy, the League is not opposed to providing counsel at the first appearance, but believes there should be funding along with



MEMO CONTINUED

the mandate as well as guidelines to make sure the process is workable. The funding is especially necessary as this legislation will cost municipalities statewide, conservatively, at least \$2.1 million a year. HB 16-1309 passed House Judiciary on a party-line vote, with much of the four-hour discussion focused on whether the 6th amendment of the U.S. Constitution requires counsel at first appearance. CML provided [clear testimony](#) that, per decisions made by the U.S. Supreme Court, a court has a reasonable amount of time to provide counsel if counsel is requested by the defendant. The bill will likely be heard on the House floor next week.

- **HB 16-1311, Court Orders Requiring Monetary Amounts (Oppose)**

In 2014, the legislature adopted HB 14-1061 that prevented the courts from jailing indigent defendants for failure to pay fines and court costs if it could be shown that the defendant was indigent or the jail sentence would have a detrimental effect on the dependents of the defendant. HB 16-1311 is a follow up to that legislation and would shift the burden to the court to determine that the defendant is not indigent and that defendant's dependents would not be harmed by the jail sentence - even in cases that the defendant admits that he or she had the ability to pay but nonetheless failed to do so. There are several issues with the new legislation. First, the bill would prohibit the court from advising and accepting a guilty plea when the defendant is in custody. Second, the legislation prohibits the use of bench warrants if someone fails to appear at their court date to either pay a fine or explain why they cannot afford it. Once a municipal court is aware that a defendant cannot pay a fine, they often give alternative sentences like community service. While the city and CML does not necessarily disagree with the intent of the legislation, but it must be drafted in a way that is workable in municipal courts. HB 16-1311 passed the House Judiciary Committee unanimously with the intent to meet with opponents to discuss amendments.

- **SB 16-100, Road & Bridge Mill Levy (Support)**

Colorado municipalities scored a victory with the passage of SB 16-100 by the Senate on a 34-1 vote. While the bill was amended to simply require counties to notify municipalities of the possibility of a mill levy reduction, the committee members acknowledged the existence of the problem. The amended bill would direct the Transportation Legislation Review Committee - a legislative interim committee - to look further into the issues that brought forth SB 100.

However, the committee many not get a chance to look into the process or proposals to resolve any issues. The Speaker of the House assigned the bill to the House State, Veteran & Military Affairs Committee. That generally signifies a lack of leadership support for the bill, although



MEMO CONTINUED

staff is still ascertaining if the intent was to send the bill, sponsored in the House by the speaker pro tem, to be killed in committee.

Whether or not SB 16-100 is successful, this significant issue of fiscal fair play is not going away. CML fully supports the amended bill that won nearly unanimous Senate support and looks forward to the cooperation of counties to address the significant issues raised by the bill to ensure that taxpayers are protected and the spirit and intent of fiscal fair play enshrined in the road and bridge statute by the General Assembly is restored.

- **HB 16-1388, Prohibition on Inquiring About Criminal Record (Oppose)**

HB 1388 places the state into an employer's determination of whether or not it wants to open up jobs to individuals convicted of a crime. The bill would prohibit advertising that no one with a criminal history may apply for a position, making any kind of inquiry about arrests or convictions until an interview or offer of employment has been tendered. While the legislation creates obvious exceptions to the mandate - for example, when the law forbids a person from being employed on account of a criminal conviction or requires an employer to consider a candidate's criminal history for the job - it is a bridge too far. The legislation would not allow for a private right of action, but it would allow the Department of Labor and Employment to assess civil penalties against employers for violating the requirements of the mandate.

Please contact Michelle Halstead at 303-289-3719 or mhalstead@c3gov.com with questions on these or any other legislative issues.



City Council Work Schedule				
Date	Item	Description	Dept.	Time
April 4, 2016				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes ; Reports		1:00
PROC & RECOGNITION	Proc 16-08	Proclamation declaring April as Child Abuse Prevention Month	COMM	0:05
	Proc 16-09	Proclamation for National Crime Victim Rights Week	PD	0:05
	Proc 16-02	Tree City USA Recognition/Arbor Day	PR&G	0:05
CONSENT	Z-929-16	Mid-Rail Real Estate, LLC; Rezone from AG, I-2, & I--2 with conditions to I-2 for the property located at the northwest corner and southwest corner of E 84th Ave & Ulster St (1st reading March 7)	CD	0:05
	Z-700-01-03-16	120th & Buckley Associates, LTD; amendment to the Villages at Buffalo Run East PUD; at the southwest corner of 120th Avenue and Buckley Road. (1st reading March 7)	CD	n/a
	LUP-54-16	120th & Buckley Associates, LTD ; amendment to the Comprehensive Plan; at the southwest corner of 120th Avenue and Buckley Road (1st reading March 7)	CD	0:15
	Z-930-16	RTD is requesting annex and zone to Commerce City Public the property located West of the canal between E. 70th Avenue and E. 72nd Avenue Fastracked (1st reading March 21)	CD	n/a
	AN-236-16	RTD is requesting annexation zoning to Commerce City Public located at 72nd Avenue and Colorado Boulevard Fastracked (1st reading March 21)	CD	n/a
	Ord 2078	Yearly LDC Housekeeping Amendments (1st reading March 7)	CD	n/a
	Ord 2081	Amendment to 1041 Regulations (1st reading March 7)	CD	n/a
	Ord 2085	Grant Recognition - TGYS - \$4,465.00 (1st reading March 7)	FD	n/a
	Ord 2083	Citizens Advisory Board Ordinance (1st reading March 14)	PD	n/a
	Res 2016-43	RESOLUTION SETTING THE MISSION AND GOALS OF THE CITIZENS PUBLIC SAFETY ADVISORY BOARD	PD	n/a
	Res 2016-07	Award of Contract: Network & VoIP Upgrade	IT	n/a
	Res 2016-30	Approval of Contract for Construction Services for Highway 2 Widening Project	PW	n/a
	Res 2016-37	Body Worn Camera Program Vendor Recommendation Resolution	PD	n/a
	Res 2016-46	IGA with CDOT for the 72nd Avenue & Colorado Boulevard Station Area Improvements Project	PW	n/a
	Res 2016-47	Resolution approving contract for Interim City Attorney	CA	n/a
	Res 2016-51	Resolution Approving an Intergovernmental Agreement for Animal Shelter/Adoption Center Services	PD	n/a
PRESENTATION	16-242	Presentation recognizing the service of City Attorney Robert Gehler	COMM	0:30
ADMIN BUSINESS				0:15
		Total Meeting Time		2:20
April 11, 2016				
STUDY SESSION		Reports	CMO	0:15
DISCUSSION	Pres 16-40	Aerotropolis Presentation	CD	1:00
	Pres16-80	Building code update presentation	CD	1:00
	Pres 16-82	Noxious Weed Management Plan changes	CD	0:30
		Total Meeting Time		2:45

City Council Work Schedule				
Date	Item	Description	Dept.	Time
April 18, 2016				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
EXECUTIVE SESSION	16-15	An executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of instructing negotiators regarding water transactions and potential contracts	CD	1:00
	16-23	An executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of instructing negotiators regarding an economic development incentive	ED	0:45
PROC & RECOGNITION	Rec 16-01	Recognition of citizen commendations from Commerce City Police Department	PD	0:20
	Rec 16-11	Recognition of Commerce City Nominees for Adams County Mayors and Commissioners Youth Awards	PR&G	0:10
	Rec 16-24	Recognizing the Quality Community Foundation Grant Award Recipients	FD	0:15
CONSENT	Res 2016-02	Approval of Contract for Construction of Tower Road	PW	0:05
	Res 2016-28	Contract Award Chambers Multi-use Trail and Bridge	PW	n/a
RESOLUTION	Res 2016-26	Resolution approving Economic Development incentives for Project True North	ED	0:20
	Res 2016-42	Public Art Selection: Paradise Island Pool at Pioneer Park	COMM	0:40
	Res 2016-19	Adoption of MHGP MDA	CD	0:15
ORD 1ST READING	Ord 2086	Grant Recognition - CDOT - \$1,461,600 (2nd reading May 16)	FD	0:05
PRESENTATION	Pres 16-217	Health Home Grant	COMM	0:20
	Pres 16-219	Presentation from Urban Land Conservancy	CD	0:15
	Pres 16-239	Highway 2 Widening Project Design Review	PW	0:20
ADMIN BUSINESS				0:15
		Total Meeting Time		6:05
April 18, 2016				
		(Council Chambers)		
URA MEETING		Call to Order/Roll Call		0:05
RESOLUTION	Res URA 2016-01	Adoption of the MHGP MDA	CD	0:05
		Total Meeting Time		0:10
April 25, 2016				
STUDY SESSION		Reports	CMO	0:15
DISCUSSION	Pres 16-66	New Recreation Center Design Update	CMO	1:00
	Pres 16-221	Federal Advocacy Debrief & Next Steps	COMM	0:20
	Pres 16-228	RTD North Metro Line Enhancements	PW	0:15
	Pres 16-229	Interim Use of Buckley Road during Tower Road Widening Construction	PW	0:15
		Total Meeting Time		2:05
May 2, 2016				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
EXECUTIVE SESSION	16-03	An executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of instructing negotiators regarding DIA noise mitigation property acquisition	CD	0:30
PROC & RECOGNITION				
CONSENT				0:05
PUB HEARING				
RESOLUTION				
ORD 1ST READING	Ord 2079	Building code update Ordinance (2nd reading June 6)	CD	0:30
	Ord 2080	Noxious Weed Management Plan changes (adding violation penalties) (2nd reading June 6)	CD	0:20
	AN-233-15-16	Legal Description Change (2nd reading June 6)	CD	0:05
PRESENTATION	Pres 16-95	Capital Program Update	CMO	0:30
	Pres 16-96	2016 1st Quarter Work Plan Update	CMO	0:30
	Pres 16-218	Community Enterprise Mission and Community Work	COMM	0:20
ADMIN BUSINESS				0:15
		Total Meeting Time		4:05
May 9, 2016				
STUDY SESSION		Reports	CMO	0:15
DISCUSSION	Pres 16-05	Backyard Chicken Update	CD	0:45
	Pres 16-180	Trails and GRASP© update	PR&G	0:45
	Pres 16-230	2016 Pavement Maintenance Overview	PW	0:30
		Total Meeting Time		2:15

City Council Work Schedule				
Date	Item	Description	Dept.	Time
May 16, 2016				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
EXECUTIVE SESSION	16-21	An executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of instructing negotiators regarding the Conter Lease Agreement	CD	1:00
PROC & RECOGNITION	Proc 16-05	Public Works Week Proclamation	COMM	0:05
	Proc 16-06	Kids to Parks Day Proclamation	PR&G	0:05
	Proc 16-07	Proclamation recognizing Malcolm Castellaw's service to Commerce City	FD	0:05
	Rec 16-19	Recognition of Commerce City Historical Society Coloring Book Winners	CMO	0:20
CONSENT	Ord 2086	Grant Recognition - CDOT - \$1,461,600 (1st reading April 18)	FD	0:05
PUB HEARING				
RESOLUTION				
ORD 1ST READING				
PRESENTATION	Pres 16-131	Senior Advisory Committee Bi-Annual Presentation	PR&G	0:20
	Pres 16-240	Waste Management 2015 Trash and Recycling Program Presentation	PW	0:30
ADMIN BUSINESS				0:15
		Total Meeting Time		3:45
May 23, 2016				
STUDY SESSION		Reports	CMO	0:15
DISCUSSION	Pres 16-67	New Recreation Center Design Update	CMO	1:00
	Pres 16-43	2016 HEAL Workplan	COMM	0:45
	Pres 16-108	Weed Management and Mowing Plan Presentation	PW	0:30
	Pres 16-171	Mosquito Control Program	PW	0:15
	Pres 16-81	Commerce City Clean (3C's) project update	CD	0:30
		Total Meeting Time		3:15
May 30, 2016		HOLIDAY/5TH MONDAY - NO MEETING		
June 6, 2016				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
PROC & RECOGNITION				
CONSENT	Ord 2079	Building code update Ordinance (1st reading May 2)	CD	0:05
	Ord 2080	Noxious Weed Management Plan changes (adding violation penalties) (1st reading May 2)	CD	n/a
	AN-233-15-16	Legal Description Change (1st reading May 2)	CD	0:05
	Res 2016-34	Approval of Contract for East 72nd Avenue (SRTS)	PW	n/a
	Res 2016-03	Award of Contract - Pena Boulevard at Tower Road On-ramp Design	PW	n/a
PUB HEARING				
RESOLUTION				
ORD 1ST READING				
PRESENTATION				
ADMIN BUSINESS				0:15
		Total Meeting Time		1:25
June 13, 2016				
STUDY SESSION		Reports	CMO	0:15
DISCUSSION	Pres 16-231	CDBG Consolidated Plan Update	CD	0:45
	Pres 16-241	SACWSD - Follow-Up Fee Discussion	CD	1:20
		Total Meeting Time		2:20
June 20, 2016				
REGULAR		Call to Order; Pledge; Audience Intro; Citizen Comm; Minutes; Reports		1:00
PROC & RECOGNITION	Proc 16-03	2016 Day of Play and Parks & Recreation Month	PR&G	0:10
CONSENT	Res 2016-33	Approval of Contract for Construction of Highway 2	PW	0:05
PUB HEARING				
RESOLUTION				
ORD 1ST READING				
PRESENTATION				
ADMIN BUSINESS				0:15
		Total Meeting Time		1:30

City Council Work Schedule				
Date	Item	Description	Dept.	Time
June 27, 2016				
STUDY SESSION		Reports	CMO	0:15
DISCUSSION	Pres 16-68	New Recreation Center Design Update	CMO	1:00
			Total Meeting Time	1:15
July 4, 2016				