Agenda for the
Regular Meeting of the
Englewood City Council
Monday, October 18, 2010
7:30 pm

Englewood Civic Center – Council Chambers
1000 Englewood Parkway
Englewood, CO 80110

1. Call to Order.

2. Invocation.

3. Pledge of Allegiance.

4. Roll Call.

5. Consideration of Minutes of Previous Session.

6. Recognition of Scheduled Public Comment. (This is an opportunity for the public to address City Council. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to five minutes.)
   a. Jessie Luem from Well Fed, Inc. will be present to provide an update on their programs in Englewood schools.
   b. Community Service Clothing Shop partners will be present to address Council regarding the Unified Development Code Allowed Uses in the MU-B-1 zone district.

7. Recognition of Unscheduled Public Comment. (This is an opportunity for the public to address City Council. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to three minutes. Time for unscheduled public comment may be limited to 45 minutes, and if limited, shall be continued to General Discussion.)

8. Communications, Proclamations, and Appointments.
   a. A resolution appointing Chad Knoth as a regular member of the Alliance for Commerce in Englewood.

Please note: If you have a disability and need auxiliary aids or services, please notify the City of Englewood (303-762-2405) at least 48 hours in advance of when services are needed.
9. Consent Agenda Items.
   a. Approval of Ordinances on First Reading.
   b. Approval of Ordinances on Second Reading.
      i. Council Bill No. 33, to approve a 2011 EMS Provider Grant in the amount of $77,674 awarded to the City of Englewood by the State of Colorado.
   c. Resolutions and Motions.

    a. A public hearing to gather input on Council Bill No. 34, as amended, approving amendments to Title 16: Unified Development Code relating to Floodplain Regulations.

11. Ordinances, Resolutions and Motions
    a. Approval of Ordinances on First Reading.
       i. Council Bill No. 42 — Recommendation from the Finance and Administrative Services Department to adopt an emergency bill for an ordinance authorizing and approving the lease-purchase of certain equipment for City departments. STAFF SOURCE: Frank Gryglewicz, Director of Finance and Administrative Services.
    b. Approval of Ordinances on Second Reading.
       i. Council Bill No. 35, adopting the 2011 Budget for the City of Englewood.
       ii. Council Bill No. 36, appropriating funds for the 2011 Budget for the City of Englewood.
       iii. Council Bill No. 37, adopting the 2011 Budget for the Littleton/Englewood Wastewater Treatment Plant.
       iv. Council Bill No. 38, appropriating funds for the 2011 Budget for the Littleton/Englewood Wastewater Treatment Plant.
    c. Resolutions and Motions.

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Please note: If you have a disability and need auxiliary aids or services, please notify the City of Englewood (303-762-2405) at least 48 hours in advance of when services are needed.
12. General Discussion.
   a. Mayor’s Choice.
   b. Council Members’ Choice.
      i. Council Bill No. 41 — A bill for an ordinance expanding the membership of the Alliance for Commerce in Englewood.


15. Adjournment
RESOLUTION NO. ______
SERIES OF 2010

A RESOLUTION CONFIRMING CHAD KNOTH’S APPOINTMENT TO THE ALLIANCE
FOR COMMERCE IN ENGLEWOOD.

WHEREAS, the Alliance For Commerce in Englewood was established by the Englewood
City Council with the passage of Ordinance No. 5, Series of 2001; and

WHEREAS, the Alliance For Commerce in Englewood advises the Englewood City Council,
focusing on the creation of an environment in which existing business can thrive and new
business can prosper; and

WHEREAS, Chad Knoth has served on the Alliance for Commerce in Englewood as an
alternate member; and

WHEREAS, there was a vacancy due to the resignation of a member of the Alliance for
Commerce in Englewood; and

WHEREAS, the Englewood City Council desires to appoint Chad Knoth to the Alliance For
Commerce in Englewood;

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

Section 1. Chad Knoth is hereby appointed to the Alliance For Commerce In Englewood.
Chad Knoth’s term will be effective immediately and will expire July 1, 2011.

ADOPTED AND APPROVED this 18th day of October, 2010.

ATTEST:

________________________________________
James K. Woodward, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk for the City of Englewood, Colorado, hereby certify the
above is a true copy of Resolution No. _____, Series of 2010.

________________________________________
Loucrishia A. Ellis, City Clerk
BY AUTHORITY

ORDINANCE NO. ____ SERIES OF 2010

COUNCIL BILL NO. 33 INTRODUCED BY COUNCIL MEMBER WILSON

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF AN EMS PROVIDER GRANT 2011 AWARDED BY THE STATE OF COLORADO TO THE CITY OF ENGLEWOOD, COLORADO.

WHEREAS, the City of Englewood Fire Department sought and was awarded a grant from the State of Colorado to help fund the purchase of a medic apparatus (ambulance) to replace the 1999 F450 Unit #6482; and

WHEREAS, the 1999 unit is overdue for replacement in accordance with the City’s vehicle replacement schedule; and

WHEREAS, the 1999 unit was approved for replacement in 2009; however the vendor cancelled the order due to a lack of available chassis; and

WHEREAS, The Colorado State Grant is a 50% match, not to exceed $77,674.00 with the City funding the remaining costs;

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes the acceptance of the EMS Provider Grant and accompanying terms and conditions awarded by the State of Colorado to the City of Englewood for the purchase of a medic apparatus (ambulance), attached hereto as Exhibit A.

Introduced, read in full, and passed on first reading on the 4th day of October, 2010.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 8th day of October, 2010.
Published as a Bill for an Ordinance on the City’s official website beginning on the 6th day of October, 2010 for thirty (30) days.

Read by title and passed on final reading on the 18th day of October, 2010.

Published by title in the City’s official newspaper as Ordinance No. ___, Series of 2010, on the 22nd day of October, 2010.

Published by title on the City’s official website beginning on the 20th day of October, 2010 for thirty (30) days.

__________________________
James K. Woodward, Mayor

ATTEST:

__________________________
Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. ___, Series of 2010.

__________________________
Loucrishia A. Ellis
MEDTEC AMBULANCE PROPOSAL

Date: 08-26-2010
ATTN: MARK ERTLE

Department Name: ENGLEWOOD F.D.
Address: 555 WEST JEFFERSON AVE.
City, State, Zip: ENGLEWOOD CO 80110

The undersigned is prepared to manufacture for you the vehicle(s) and equipment herein named for the following prices:

ONE (1) 2010 MEDTEC AD-170" AMBULANCE CONVERSION BUILT ON A 2009 CHEVROLET C4500 4X2 CHASSIS.

PRICE IS F.O.B. IN ENGLEWOOD, COLORADO $168,554.00

SHOULD ENGLEWOOD CHOOSE TO PREPAY 100% OF THE CONTRACT PRICE, PROTECTED BY A 100% PERFORMANCE BOND. THE INTEREST EARNED OVER A 120 DAY BUILD TIME FROM RECEIPT OF APPROVED ORDER WOULD BE APPROXIMATELY $4000.00 MAKING THE FINAL DELIVERED PRICE $164,554.00

THIS UPDATED PRICE INCLUDES ALL OPTIONS ADDED AFTER THE ORIGINAL PROPOSAL DATED 11-22-2009

Said vehicle and equipment are to be built and shipped in accordance with the specifications hereto attached, delays due to strikes, war or international conflict, failure to obtain chassis, materials or other causes beyond our control not preventing, within about calendar days after receipt of this order and acceptance thereof at our office in Goshen, Indiana, and to be picked up / delivered by you / to you by an authorized agent or employee at the Medtec Ambulance Facility / Department’s Address located in Goshen, Indiana / Customer’s City & State.

The specifications herein contained shall form a part of the final contract, and are subject to changes desired by the purchaser, provided such alterations are interlined prior to the acceptance by the company of the order to purchase, and provided such alterations do not materially affect the cost of the construction of the vehicle.

The proposal for ambulance(s) conforms to all Federal Department of Transportation (DOT) rules and regulations in effect at the time of the bid, and with all Federal KKK-A-1822E specifications as published at the time of bid, except as modified by customer specifications. Any increased costs incurred by the first party because of future changes in or additions to said DOT or KKK-A-1822 standards will be passed along to the customer as an addition to the price set forth above.

Unless accepted within 30 days from the bid date, the right is reserved to withdraw this proposition.

Medtec Ambulance Corporation

By: __________________________

SALES REPRESENTATIVE
July 22, 2010

Stephen Green
City of Englewood (1521)
1000 Englewood Parkway
Englewood, CO 80110-2373

Dear Stephen Green:

Thank you for applying to the FY11 Provider Grants Program. Your application was reviewed and scored by a process that involved the RETACs, SEMTAC and the department. Results for your application are:

<table>
<thead>
<tr>
<th>Category</th>
<th>Total Amount Requested</th>
<th>Agency Amount</th>
<th>State Amount</th>
<th>Accepted</th>
<th>Amount Funded</th>
</tr>
</thead>
<tbody>
<tr>
<td>Veh</td>
<td>163,047.00</td>
<td>81,523.50</td>
<td>81,523.50</td>
<td>Accepted</td>
<td>77,674</td>
</tr>
<tr>
<td>Totals</td>
<td>163,047.00</td>
<td>81,523.50</td>
<td>81,523.50</td>
<td></td>
<td>77,674</td>
</tr>
</tbody>
</table>

Following this review process, the final decision is to fund your request, making your total award $77,674 with a 50% required local cash match. The award amount reflects the funding maximum of state dollars for a Type 1 2wd, which is $69,900. The safety equipment match amount is $7,774 for a total award of $77,674.

Enclosed please find a copy of the purchase order and note the expiration date of 6/30/11. **Your items must be purchased and delivered prior to this date – no exceptions.** This is an extremely important deadline, so please keep us updated throughout the year on your progress.

**Progress reports:** There are four required progress reports due on or before 9/30, 12/31, 3/31 and the last one is due with your final payment request but no later than 6/30/11. You can find the progress report document at www.coems.info/grants. Once your project is complete and marked final, you no longer have to submit the progress report document.

**Payment Request Statement:** The payment request statement is located at www.coems.info/grants. Use this document to request funds. It requires a signature and supporting documents such as invoices and pictures.

**Reversions:** Tracking reversions is extremely important because it gives us the chance to re-award funds to entities that were not awarded originally. If you experience any changes throughout the year and believe you will revert funds, please let me know immediately. Do not wait until the last minute or we won’t be able to re-award the funds.
**Vehicle category:** All vehicles must be purchased and delivered by 6/30/11. If you believe you cannot make this deadline, please let me know immediately.

If you are planning on selling or donating a vehicle that was purchased in the past using grant funds, you must obtain prior written approval from the department, as the state retains partial ownership of the vehicle for its durable life. E-mail me at [with your request to sell or donate your grant-funded vehicle, and please include the vehicle type, make, model, year and VIN along with your proposed plans.]

**Comments:** The scoring process allows evaluators to provide feedback to applicants. Below are comments that were received from evaluators regarding your grant application. These comments are provided as additional information only. Some of the comments may actually reflect questions reviewers had prior to the grant hearings. If you attended the hearings, most likely these questions were answered.

*Veh:*
- Impressive grant application!
- Good justification, not trying to always get latest and greatest.
- Use equipment for a long time.
- Made convincing argument for need of service.
- Took many steps to acquire service. Capabilities will be impacted if not funded.
- Billing rates seem low.

**Appeals:** According to 6-CCR-1015-1, Section 3, 3.7 Appeal Process, you are entitled to appeal an adverse action with respect to your grant application. Applicants who wish to appeal need to:

1. Make your request in writing to the Colorado Department of Public Health and Environment within 60 days of this notification of a denial of an award.
2. Include the statute, rule or written application guideline that was not followed in the review of your grant application.

Upon receipt of a written appeal, the department will review the request for appeal to substantiate a violation of statute, rule or application guideline and will notify you and the SEMTAC of the findings. If a violation of statute, rule or application guideline is substantiated, the SEMTAC will then review the appeal and make recommendations to the department for corrective action.

**Contact Information:** Contact me at [with questions. If your e-mail address is no longer sgreen@inglewoodgov.org, please let me know.

Sincerely,

Jeanne-Marie Bakehouse
EMTS Provider Grants Program Manager
Health Facilities and Emergency Medical Services Division
PURCHASE ORDER
STATE OF COLORADO

P.O. # OE FMA EMS11000014 Page# 01

State Award #

DATE: 07-16-10

IMPORTANT
The PO# and Line # must appear on all invoices, packing slips, cartons
and correspondence

ACC: 07-15-10

Payment will be made by this agency

In Invoice in Triplicate
To: CO PUBLIC HEALTH & ENVIRONMENT
EMERGENCY MED SVCS-HPDP-EMS-A2
4300 CHERRY CREEK DRIVE SO
DENVER CO 80246-1530

Ship
To: EMER MEDICAL SVC-HPDP-EMS-A2
4300 CHERRY CREEK DRIVE SOUTH
DENVER, CO 80246-1530

F.O.B. DESTINATION STATE PAYS NO FREIGHT

DELIVERY/INSTALLATION DATE: 06-30-11

INSTRUCTIONS TO VENDOR:

1. If for any reason, delivery of this order is delayed beyond the delivery/installation date
shown, please notify the agency contact named at the top left. (Right of cancellation is
reserved in instances in which timely delivery is not made.)

2. All chemicals, equipment and materials must conform to the standards required by OSHA.
3. NOTE: Additional terms and conditions on reverse side.

SPECIAL INSTRUCTIONS:

LINE ITEM

001 94812000000

COMMODITY/ITEM CODE
EMS FY11 GRANT - AMBULANCE

UNIT OF MEASUREMENT
TERM: DATE OF PO - 06/30/2011. THIS AWARD IS MADE IN ACCORDANCE
WITH THE VENDOR'S FISCAL YEAR 2011 GRANT APPLICATION WHICH IS
INCORPORATED HEREIN AS ATTACHMENT A. THE REQUIREMENTS STATED IN THE
ATTESTATION SECTION OF THE APPLICATION ARE PRESENTLY REAFFIRMED.
THE STATE MUST BE INVOICED WITHIN 30 DAYS AFTER THE ENDING DATE OF
THIS AGREEMENT. THE STATE WILL FUND 50% OF THE TOTAL COST, NOT TO
EXCEED $77,674.00. SHOULD THE GRANTEE REALIZE SAVINGS ON THE GRANT,
IT WILL BE SHARED EQUALLY BETWEEN THE GRANTEE AND THE STATE.

QUANTITY

UNIT COST

TOTAL ITEM COST

$77,674.00

THIS PO IS ISSUED IN ACCORDANCE WITH STATE AND FEDERAL REGULATIONS
FOR THE STATE OF COLORADO

DOCUMENT TOTAL = $77,674.00
Purchase Order Terms and Conditions

1. Offer/Acceptance. If this purchase order ("PO") refers to vendor's bid or proposal, this PO is an ACCEPTANCE of vendor's OFFER TO SELL, in accordance with the terms and conditions of the "bid" or "proposal" as so incorporated herein. If this PO refers to quotation or tender, the acceptance shall be treated as an OFFER TO BUY, subject to vendor's acceptance, demonstrated by vendor's performance or written acceptance of this PO.

2. Performance. Vendor shall perform all services and deliver all materials, products, and equipment as set forth in this PO, which is subject to modification at any time prior to delivery or acceptance otherwise specified in this PO, unless delivery is delayed due to causes beyond vendor's control.

3. Changes. Vendor shall perform and deliver products and services strictly in accordance with the specifications and price set forth in this PO. Any variation in such specifications and price shall be subject to written agreement between the parties.

4. Price. Unless otherwise specified in this PO, delivery dates, installation, and other contract terms are set forth in vendor's bid or proposal as material and basis for vendor's acceptance. If delivery dates or other specified contract terms are not met, vendor may be required to provide a penalty or other compensation to the customer.

5. Intellectual Property. Any software, research, reports, studies, designs, photographs, negatives or other documents, drawings or similar materials are the exclusive property of the customer.

6. Inspection and Acceptance. Acceptance is contingent upon completion of all applicable inspection procedures. If products or services fail to meet any specifications, vendor may be responsible for all costs related to the products or services provided to the customer.

7. Warranties. All warranties and specifications of the Common Uniform Commercial Code, C.R.S. Title 4 ("CUC") shall apply to the terms of this PO, and unless otherwise specified in this PO, warranties are incorporated herein. In addition to any warranties contained in this PO, the PO or the specifications.

8. Termination in Public Interest. Buyer may cancel this PO for good cause shown and may likewise cancel this PO in whole or in part and at any time and without advance notice, with respect to products and services that are not yet delivered, or at any time after delivery of products and services that have not yet been paid for.

9. Payment. Buyer shall make payment to vendor for all amounts due upon completion of a project or service, as set forth in this PO, within thirty days of receipt of a final invoice.

10. Taxes. Buyer and the State are exempt from all federal excise taxes under Chapter 37 of the Internal Revenue Code, 26 U.S.C.A. 361-367, and from all applicable state and local sales and use taxes [C.R.S. Title 36, Article 26, Parts 1-8].

11. Breach. In the event of a breach of this PO, Buyer may, at its sole discretion, terminate this PO and may, in addition to the remedies provided hereunder, recover all damages, costs, and expenses incurred by Buyer as a result of such breach.

12. Subcontracts. Vendor shall not assign any subcontractors without the written consent of Buyer.

13. Payment. Payment shall be made as specified in this PO, and any amount due shall be paid to the last address furnished by Buyer.

14. Confidentiality. Vendor shall keep all information provided by Buyer confidential and shall not disclose such information to any third party without the written consent of Buyer.

15. Independent Contractor. Vendor shall perform its duties hereunder as an independent contractor and not as an employee of Buyer. Vendor shall not have the authority or right to bind Buyer in any manner.

16. Communication. All communication concerning performance of this PO, prepared by vendor for purposes of the contract and containing confidential or trade secret information, shall be treated as confidential and shall remain the property of Buyer.

17. Insurance. Vendor shall provide insurance as required by this PO, including, but not limited to, workers' compensation, general liability, and property damage insurance.

18. Dispute Resolution. Any dispute arising out of or in connection with this PO shall be submitted to mediation before proceeding to arbitration or litigation.

19. Payment. Buyer may withhold payment for any products or services that do not meet the specifications set forth in this PO.

20. Termination for Default. If Vendor breaches this PO, Buyer may terminate this PO and may, in addition to the remedies provided hereunder, recover all damages, costs, and expenses incurred by Buyer as a result of such breach.

21. Termination in Public Interest. Buyer may cancel this PO for good cause shown and may likewise cancel this PO in whole or in part and at any time and without advance notice, with respect to products and services that are not yet delivered, or at any time after delivery of products and services that have not yet been paid for.

22. Payment. Buyer shall make payment to vendor for all amounts due upon completion of a project or service, as set forth in this PO, within thirty days of receipt of a final invoice.

23. Termination in Public Interest. Buyer may cancel this PO for good cause shown and may likewise cancel this PO in whole or in part and at any time and without advance notice, with respect to products and services that are not yet delivered, or at any time after delivery of products and services that have not yet been paid for.

24. Termination in Public Interest. Buyer may cancel this PO for good cause shown and may likewise cancel this PO in whole or in part and at any time and without advance notice, with respect to products and services that are not yet delivered, or at any time after delivery of products and services that have not yet been paid for.

25. Payment. Buyer shall make payment to vendor for all amounts due upon completion of a project or service, as set forth in this PO, within thirty days of receipt of a final invoice.

26. Termination in Public Interest. Buyer may cancel this PO for good cause shown and may likewise cancel this PO in whole or in part and at any time and without advance notice, with respect to products and services that are not yet delivered, or at any time after delivery of products and services that have not yet been paid for.
COUNCIL COMMUNICATION

Date: October 18, 2010
Agenda Item: 10 a
Subject: Amendment to Title 16: Unified Development Code related to Floodplain Regulations

Initiated By: Community Development Department
Staff Source: Alan White, Director
             Tricia Langon, Senior Planner

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

Council considered proposed Title 16 amendments related to Floodplain Regulations at first reading on October 4, 2010 and set a Public Hearing for October 18, 2010. Council approved the proposed Bill for an Ordinance as amended with direction to staff to include a definition of the term "garden level".

RECOMMENDED ACTION

Recommendation from the Community Development Department to consider testimony during Public Hearing on a Bill for an Ordinance amending Title 16 of the Englewood Municipal Code related to the repeal in its entirety of 16-4: Flood Plain Overlay District and the enactment of 16-4: Floodplain Regulations in its place.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The Federal Emergency Management Agency (FEMA) maps special flood hazard areas across the Country. The maps are called Flood Insurance Rate Maps (FIRM) and are the official maps designating risk premium zones in a community for flood insurance purposes. The last major revision to FIRM maps for the City of Englewood occurred in 1995. More than two years ago the Colorado Water Conservation Board (CWCB), in partnership with FEMA, began a project to update and digitize all FIRMs for Arapahoe County. The project is now complete and FEMA plans to adopt the updated County maps, which include the City of Englewood, on December 17, 2010.

To reflect the new FIRMs, FEMA is requiring updates to FIRM references contained in the floodplain regulations relative to the new digitized maps. In addition, the CWCB reviewed 16-4: Flood Plain Overlay District and found it deficient in a number of areas. The proposed amendments address the identified issues by providing new or updated material to the Code to remain compliant with FEMA standards and include:

- Updated references to the new digitized FIRMs.
- Revisions to current definitions, new definitions, and deletion of obsolete definitions.
• New FEMA requirements for:

  Lowest floor elevations for residential and nonresidential structures,
  Allowed uses of below lowest floor elevations,
  Drainage paths around structures on slopes to guide water away from structures,
  Existing and new manufactured home parks,
  Recreational vehicles storage in certain flood zones.

• Clarification of administrative standards and requirements, including:

  Updates to Floodplain Administrator responsibilities,
  Review of Building Permits,
  Establishment of Floodplain Development Permit process and criteria.

The proposed amendments are also necessary to maintain City participation in the National Flood Insurance Program’s (NFIP) Community Rating System (CRS), which evaluates a community’s flood mitigation policies and flood regulations. Englewood’s favorable rating allows citizens with property within the floodplain to receive approximately a ten percent (10%) reduction in their flood insurance premiums. To remain compliant with CRS requirements the Program requires amendments to the UDC’s floodplain regulations be effective on the date the maps become effective (December 17, 2010).

Also included in the proposed amendments is a revision to what lands the floodplain regulations apply. City floodplain regulations have historically included schematic areas identified as “areas of flood danger” in a 1971 study for a City storm drainage plan. FEMA restricts floodplain regulations to only areas mapped on a community’s FIRM or areas designated as “special flood hazard areas” by the State (CWCB). The 1971 storm drainage plan was not accepted by the State and therefore land identified in the study is not regulated by the City’s floodplain regulations. The proposed amendments rectify this Code defect and now comply with FEMA requirements; the proposed 16-4 amendments will apply only to:

1. FIRM mapped lands within the City, and

2. Areas within West Harvard Gulch Flood Hazard Area (Northwest Greenbelt), as approved by the CWCB in 1980.

Though the schematic areas identified as “areas of flood danger” in the 1971 storm drainage will not be subject to requirements of 16-4: Floodplain Regulations, staff will continue the City policy of informing property owners that their property may be subject to flooding from a local 100-year storm. This information is provided when a Building Permit application is submitted to the City.

The proposed 16-4: Floodplain Regulations amendments update the FIRM’s for the City, comply with FEMA floodplain requirements, and comply with NFIP standards to maintain the City’s participation in the Community Rating System which provides discounted floodplain premium options for residents.

**FINANCIAL IMPACT**

No financial impacts are anticipated from the adoption of the proposed UDC amendments.
LIST OF ATTACHMENTS

Staff Report – September 8, 2010
Planning and Zoning Commission Minutes – September 8, 2010
Planning and Zoning Commission Findings of Fact - Case No. 2010-05
Bill for an Ordinance
TO: Planning and Zoning Commission

FROM: Alan White, Community Development Director
       Tricia Langon, Senior Planner

DATE: September 8, 2010

SUBJECT: Case # 2010-005: Floodplain Regulations

RECOMMENDATION:
Community Development Department requests that the Planning and Zoning Commission
review, take public testimony, and forward to City Council a recommendation for adoption of
proposed amendments to Title 16: Unified Development Code (UDC) related to the repeal in its
entirety of 16-4: Flood Plain Overlay District and the enactment of 16-4: Floodplain Regulations in
its place.

BACKGROUND:
The Federal Emergency Management Agency (FEMA) maps special flood hazard areas across the
country. The maps are called Flood Insurance Rate Maps (FIRM) and are the official maps
designating risk premium zones for flood insurance purposes. The last major revision to FIRM
maps for the City of Englewood was in 1995. More than two years ago the Colorado Water
Conservation Board (GWCB), in partnership with FEMA, began a project to update and digitize
all FIRMs for Arapahoe County. The project is now complete and FEMA is ready to adopt the
updated Englewood FIRM. FEMA notified the City on June 17th that the new maps become
effective six months from that date.

The City participates in the National Flood Insurance Program which evaluates the City’s flood
mitigation policies and regulations. The City’s favorable rating allows citizens with property
within the floodplain to receive approximately a ten percent (10%) reduction in flood insurance
premiums. With the adoption of new FIRM maps, FEMA is requiring updates to the Unified
Development Code’s floodplain regulations in order for the City to remain in the program and
provide the discounted premium option for residents. The required updates must be adopted
and effective by December 17, 2010.

Council reviewed the above information at study session on July 12, 2010. Consensus was to
move forward with the necessary amendments to remain compliant with National Flood
Insurance Program requirements.
ANALYSIS:
The Colorado Water Conservation Board reviewed 16-4: Flood Plain Overlay District and found it deficient in a number of areas. Most of the required amendments are technical in nature and require insertion of new or updated material into the Code. Proposed amendments include:
- Revisions to definitions and addition of new definitions,
- New requirements for:
  - Lowest floor elevations for residential and nonresidential structures,
  - Allowed uses of below lowest floor elevations,
  - Drainage paths around structures on-slopes to guide water away from structures,
  - Existing and new manufactured home parks,
  - Recreational vehicles storage in certain flood zones
- Clarification of administrative standards and requirements, including:
  - Updates to Floodplain Administrator responsibilities,
  - Review of Building Permits,
  - Establishment of Floodplain Development Permit process and criteria.

A major defect identified by the Board was what lands were subject to the floodplain regulations. The current UDC floodplain regulations apply to lands:
1. Mapped on the FIRM,
2. In the West Harvard Gulch Flood Hazard Area (Northwest Greenbelt), as approved by the CWCB in 1980, and
3. Identified as “areas of flood danger” in a 1971 study for a City storm drainage plan.

FEMA restricts floodplain regulations to only land reviewed and approved as “special flood hazard areas” by either the Agency or its state representative, the CWCB. The 1971 storm drainage plan was not accepted by the State and thus those areas shown can not be subject to the City’s floodplain regulations. Council reviewed this information and determined that reference to the 1971 study be removed from the proposed regulations. Council directed staff to continue the City policy of informing property owners when they apply for Building Permits that their property may be subject to flooding from a local 100-year storm.

PROPOSED AMENDMENTS:
1. Repeal of 16-4: Flood Plain Overlay District in its entirety.
2. Enact of 16-4: Floodplain Regulations in its place.
3. Adoption of updates and revisions to floodplain-related definitions incorporated into 16-4 for ease of reference, and repeal of outdated definitions in 16-11-2 EMC.
5. Adoption by reference of Associated Flood Insurance Rate Maps with an effective date of December 17, 2010, for Arapahoe County, Colorado.

ATTACHMENTS:
Proposed Amendments
I. CALL TO ORDER

The regular meeting of the City Planning and Zoning Commission was called to order at 7:01 p.m. in the Council Chambers of the Englewood Civic Center, Chair Knoth presiding.

Present: Bleile, Roth, King, Welker, Krieger, Knoth, Brick, Calonder
         Kinton (alternate)

Absent: Fish

Staff: Alan White, Community Development Department Director

II. APPROVAL OF MINUTES

August 17, 2010

Roth moved:
Bleile seconded: TO APPROVE THE AUGUST 17, 2010 MINUTES

Chair Knoth asked if there were any modifications or corrections.

There were none.

AYES: Bleile, Roth, Welker, Knoth, Brick, Calonder
NAYS: None
ABSTAIN: King, Krieger
ABSENT: Fish

Motion carried.

Roth moved:
Bleile seconded: TO APPROVE THE FINDINGS OF FACT FOR CASE #2008-04, LANDSCAPING AND SCREENING AMENDMENTS.

Chair Knoth asked if there were any modifications or corrections.

Mr. Roth stated he hoped the City’s legal department has reviewed the amendments, especially the sections that give some discretion to the staff, the City Manager or his designee, so these amendments do not have the same vulnerability that the sign code had.
There were no further comments. Chair Knoth called for a vote.

AYES: Bleile, Roth, Welker, Knoth, Brick, Calonder
NAYS: None
ABSTAIN: King, Krieger
ABSENT: Fish

Motion carried.

III. PUBLIC HEARING

CASE #2010-05: Floodplain Regulation Amendments

Krieger moved: TO OPEN THE PUBLIC HEARING

AYES: Bleile, Roth, Welker, Knoth, Brick, Calonder, King, Krieger
NAYS: None
ABSTAIN: None
ABSENT: Fish

Motion carried.

Director White was sworn in. He noted for the record the bulk of the work on the floodplain regulations was done by Tricia Langon, Senior Planner for the City of Englewood. He also stated for the record notice of the public hearing was in the Englewood Herald on August 20, 2010 and was on the City’s website from August 12th through September 8, 2010. The Amendments repeal in its entirety Chapter 16-4: Flood Plain Overlay District and enact 16-4: Floodplain Regulations in its place.

This amendment process began about two years ago when the Federal Emergency Management Agency (FEMA), Arapahoe County, and the Colorado Water Conservation Board entered into a process to update the flood insurance rate maps, which had not been updated for this part of Arapahoe County since 1995. One of the reasons this is important for the community is that the City participates in the National Flood Insurance Program. Participation in that program allows landowners to purchase flood insurance at an approximately 10% discount if the City remains up-to-date with the floodplain regulations and adopts the new maps. The Commission is being asked to amend the regulations to adopt the new maps and also update the regulations to conform to the model ordinance that the Colorado Water Conservation Board put together. There have been some changes in terminology, some expanded responsibilities of the Floodplain Administrator and some requirements for documenting and issuing permits. All is included in the new regulations. He noted the information was reviewed by City Council at a study session on July 12, 2010 and the consensus was to move forward with the changes and make every effort to meet
Planning and Zoning Commission
Public Hearing
Case #2010-05, Floodplain Amendments
September 8, 2010
Page 3 of 5

the deadline that FEMA and the Colorado Water Conservation Board has given the City of having the amendments in effect by December 17, 2010. The City was given six months to complete the process.

He provided an example of a change in terminology: the old maps referred to 100 and 500 year floodplains. Now they are referred to as floods with a chance of occurrence of 1% annually (100 year floodplain) and .2% annually (500 year floodplain).

One of the items discussed with City Council was the drainage study that was prepared back in the 1970’s. The areas that were noted as being subject to shallow flooding were shown as blue boxes on the map. The City included those in previous regulations, but in checking with the Colorado Water Conservation Board and FEMA, we can only regulate floodplains that have been mapped by FEMA or approved by the Colorado Water Conservation Board. It was discussed what it would take to have those areas recognized by the Colorado Water Conservation Board. It would require a study be performed by engineers at a cost of approximately $300,000. Consensus was to not move forward with that study. Instead, current practice will continue: whenever someone comes in for a building permit and the property will be affected by one of those areas, Staff informs them that there could be potential flood damage due to shallow flooding.

Director White offered to answer any questions the Commission might have.

Mr. King asked what “substantial improvements” means that is referenced on page 10. He also noted 2 c. on page 10 states “No basement shall be permitted in any residential structure”, yet on page 11 in D. 1 it states “Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor (including basement, elevated to or above the base flood elevation.” There is a contradiction. Director White noted “Substantial Improvement” is defined on page 22. Mr. King said that’s fine, at least it’s defined somewhere. After discussion it was determined to remove 2 c. on page 10.

Mr. Welker brought up the question of fences not being addressed as structures. He asked the other Commissioners what their thoughts were. He said he would like it included in the authority of Staff or designee to consider. After discussion it was decided to copy 16-4-1: D.5. on page 2 to 16-4-6: 2.c. creating a number 11 on page 6 of the amendments. Number 11 will read: “Prevent or regulate the construction of flood barriers, including fences, which will unnaturally divert flood waters or which may increase flood hazards to other lands.

The Commission requested 16-4-8: D.4.d. be removed in its entirety. It has nothing to do with the floodplain.

Mr. King had a question regarding the paragraph stating manufactured homes need to be placed on a permanent foundation as a result of a flood. Director White stated Englewood’s
current manufactured home parks are not in the floodplain zones stated in the amendments so the section does not apply.

Welker moved:  
Krieger seconded:  TO CLOSE THE PUBLIC HEARING

AYES: Bleile, Roth, Welker, Knoth, Brick, Calonder, King, Krieger  
NAYS: None  
ABSTAIN: None  
ABSENT: Fish

Motion carried.

After discussion the Commissioners made the following motion:

Bleile moved:  
Welker seconded:  CASE #2010-05, AMENDMENTS TO TITLE 16: UNIFIED DEVELOPMENT CODE OF THE ENGLEWOOD MUNICIPAL CODE, RELATED TO THE REPEAL IN ITS ENTIRETY OF 16-4: FLOODPLAIN OVERLAY DISTRICT AND THE ENACTMENT OF 16-4: FLOODPLAIN REGULATIONS IN ITS PLACE, BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL WITH A FAVORABLE RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING CHANGES:

1. Remove 16-4-7: B.2.c. in its entirety.
2. Copy 16-4-1: D.5. to 16-4-6: B.2.c. creating number 11 and include the words “including fences” after the word barriers.
3. Remove in its entirety 16-4-8: D.4.d.; as it has nothing to do with the floodplain.

AYES: Bleile, Roth, Welker, Knoth, Brick, Calonder, King, Krieger  
NAYS: None  
ABSTAIN: None  
ABSENT: Fish

Mr. Brick voted yes because he believes it minimizes the losses to public and private entities due to flood conditions; it is in the best interest of the general welfare of the public.

Ms. Krieger voted yes for the same reasons as Mr. Brick and also because she believes it is important to work in the best interest of Englewood’s citizens as far as helping them out with their financial issues concerning flood insurance and also meeting government regulations.
Motion carried.

IV. PUBLIC FORUM

There was no public present.

V. DIRECTOR'S CHOICE

Director White had nothing further to report.

VI. STAFF'S CHOICE

Director White provided an update on future meetings:

- September 21st: Study Session: Medical Marijuana Amendments
- October 5th: Public Hearing: Medical District Small Area Plan Amendments

VII. ATTORNEY'S CHOICE

Ms. Reid was not present.

VIII. COMMISSIONER'S CHOICE

The Commissioners had nothing further to report.

The meeting adjourned at 7:45 p.m.

Barbara Krecklow, Recording Secretary
IN THE MATTER OF CASE #2010-05,
FINDINGS OF FACT, CONCLUSIONS
AND RECOMMENDATIONS RELATING
TO THE UNIFIED DEVELOPMENT CODE
FLOODPLAIN REGULATION AMENDMENTS

FINDINGS OF FACT AND
CONCLUSIONS OF THE
CITY PLANNING AND
ZONING COMMISSION

INITIATED BY:
Community Development Department
1000 Englewood Parkway
Englewood, CO 80110

Commission Members Present: Bleile, Krieger, Calonder, Brick, King, Knoth, Roth, Welker

Commission Members Absent: Fish

This matter was heard before the City Planning and Zoning Commission on September 8, 2010 in the City Council Chambers of the Englewood Civic Center.

Testimony was received from staff. The Commission received notice of Public Hearing, the Staff Report, and a copy of the proposed amendments to Title 16 Unified Development Code which were incorporated into and made a part of the record of the Public Hearing.

After considering the statements of the witness, and reviewing the pertinent documents, the members of the City Planning and Zoning Commission made the following Findings and Conclusions.

FINDINGS OF FACT

1. THAT the Public Hearing on the Unified Development Code Floodplain Regulation Amendments were brought before the Planning Commission by the Department of Community Development, a department of the City of Englewood.

2. THAT notice of the Public Hearing was published in the Englewood Herald on August 20, 2010 and was on the Englewood website from August 12, 2010 through September 8, 2010.

3. THAT the Staff report was made part of the record.

4. THAT the proposed amendments repeal in its entirety 16-4: Flood Plain Overlay District and replace it with 16-4: Floodplain Regulations.
5. **THAT** the flood insurance rate maps for this part of Arapahoe County have not been updated since 1995.

6. **THAT** the amendments will allow the City to remain compliant with national Flood Insurance Program requirements.

7. **THAT** the amendments are designed to allow landowners within the floodplain to receive a reduction in their flood insurance premiums.

**CONCLUSIONS**

1. **THAT** the Public Hearing on the Unified Development Code Floodplain Regulation Amendments was brought before the Planning Commission by the Department of Community Development, a department of the City of Englewood.

2. **THAT** notice of the Public Hearing was published in the *Englewood Herald* on August 20, 2010 and was on the Englewood website from August 12, 2010 through September 8, 2010.

3. **THAT** it is in the best interest of the City to remain compliant with National Flood Insurance Program requirements.

4. **THAT** it is in the best interest of the City and its citizens to continue the City’s favorable rating allowing landowners within the floodplain to receive a reduction in their flood insurance premiums.

5. **THAT** the previously discussed amendments, with changes, be forwarded to City Council.

**DECISION**

**THEREFORE,** it is the decision of the City Planning and Zoning Commission that Case #2010-05 Unified Development Code Floodplain Regulation Amendments should be referred to the City Council with a favorable recommendation.

The decision was reached upon a vote on a motion made at the meeting of the City Planning and Zoning Commission on September 8, 2010, by Mr. Bleile, seconded by Mr. Welker, which motion states:

**CASE#2010-05. AMENDMENTS TO TITLE 16: UNIFIED DEVELOPMENT CODE OF THE ENGLEWOOD MUNICIPAL CODE RELATED TO THE REPEAL IN ITS ENTIRETY OF 16-4 FLOOD PLAIN OVERLAY DISTRICT AND THE ENACTMENT OF 16-4: FLOODPLAIN REGULATIONS IN ITS PLACE BE RECOMMENDED FOR APPROVAL TO CITY COUNCIL**
WITH A FAVORABLE RECOMMENDATION FOR ADOPTION WITH THE FOLLOWING CHANGES:

1. Remove 16-4-7: B.2.c. in its entirety.
2. Copy 16-4-1: D.5. to 16-4-6: B.2.c. creating number 11 and include the words “including fences” after the word barriers.
3. Remove in its entirety 16-4-8: D.4.d.; as it has nothing to do with the floodplain.

AYES: Bleile, Brick, Knoth, Roth, Welker, King, Calonder, Krieger
NAYS: None
ABSTAIN: None
ABSENT: Fish

Motion carried.

These Findings and Conclusions are effective as of the meeting on September 8, 2010.

BY ORDER OF THE CITY PLANNING & ZONING COMMISSION

__________________________________________
Chad Knoth, Chair
BY AUTHORITY

ORDINANCE NO. ____       COUNCIL BILL NO. 34
SERIES OF 2010          INTRODUCED BY COUNCIL
                      MEMBER ________

A BILL FOR

AN ORDINANCE REPEALING TITLE 16, CHAPTER 4, "FLOODPLAIN OVERLAY
DISTRICT" AND RE-ENACTING A NEW TITLE 16, CHAPTER 4, "FLOODPLAIN
REGULATIONS"; AND AMENDING TITLE 16, CHAPTER 11, SECTION 2, "DEFINITION

WHEREAS, The Federal Emergency Management Agency (FEMA) maps special flood hazard
areas across the county which are called Flood Insurance Rate Maps (FIRM) are the official maps
designating risk premium zones for flood insurance purposes; and

WHEREAS, the last major revision to FIRM maps for the City of Englewood was in 1995.
More than two years ago the Colorado Water Conservation Board (CWCB), in partnership with
FEMA, began a project to update and digitize all FIRMs for Arapahoe County. The project is now
complete; and

WHEREAS, The City participates in the National Flood Insurance Program which evaluates the
City’s flood mitigation policies and regulations and the City’s favorable rating allows citizens with
property within the floodplain to receive approximately a ten percent (10%) reduction in flood
insurance premiums; and

WHEREAS, with the adoption of new FIRM maps, FEMA is requiring updates to the Unified
Development Code’s floodplain regulations in order for the City to remain in the National Flood
Insurance Program and provide the discounted premium option for residents;

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes repealing
Title 16, Chapter 4, of the Englewood Municipal Code 2000 in its entirety and re-enacting a new
Title 16, Chapter 4, to read as follows:

Chapter 4 FLOODPLAIN REGULATIONS

16-4-1: Authority and Purpose.

A. Statutory Authority. The legislature of the State has in 31-23-301 C.R.S., as amended,
delegated the responsibility to local governmental units to adopt regulations designed to
promote the public health, safety, and general welfare of its citizenry by minimizing flood
losses.

B. Findings of Fact.

1. The flood hazard areas of the City are subject to periodic inundation which results in
loss of life and property, health and safety hazards, disruption of commerce and
governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards that cause an increase in flood heights and velocities, and by the occupancy of flood hazards areas by uses vulnerable to floods and which are inadequately anchored, elevated, floodproofed or otherwise protected from flood damage.

C. Purpose. It is the purpose of this Chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions to specific areas by provisions designed to:

1. Protect human life and health;

2. Protect property and minimize damage to public facilities;

3. Minimize expenditure of public money for costly flood control projects;

4. Protect the natural areas required to convey flood flows so that they develop in a manner consistent with reasonable floodplain management;

5. Protect and preserve the water-carrying characteristics and capacities of all watercourses, including gulleys, sloughs, and artificial water channels used for the conveyance of storm and floodwater;

6. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

7. Minimize prolonged business interruptions;

8. Help maintain a stable tax base by providing for the sound use and development of flood prone areas to minimize future flood blight areas; and

9. Insure that potential buyers are notified that property is in a flood hazard area.

D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this Chapter uses the following methods:

1. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;

2. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;

4. Control filling, grading, dredging and other development which may increase flood damage; and
5. Prevent or regulate the construction of flood barriers, including fences, which will unnaturally divert flood waters or which may increase flood hazards to other lands.

16-4-2: Jurisdiction and Applicability.

A. Applicability. The provisions of this Chapter shall apply to all land within the City identified as the Floodplain District and defined as:

1. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "Flood Insurance Study - Arapahoe County, Colorado, and Incorporated Areas" dated December 17, 2010, with accompanying Flood Insurance Rate Maps and Flood Boundary-Floodway Maps (FIRM and FBFM) and any revisions thereto, and


The above Official Flood Studies are hereby adopted by reference and declared to be a part of this Title.

B. Basis for Establishing the Areas of Special Flood Hazard. The City hereby establishes floodplains and floodways whose boundaries are those of the designated 100-year floodplain, special flood hazard areas and the designated floodways as are shown or tabulated in the Official Flood Studies.

B. Compliance. No structure or land located in the Floodplain District shall hereafter be constructed, located, extended, converted, altered or have its use changed without full compliance with the terms of this Chapter and all other applicable regulations.

1. Floodplain Development Permit. A Floodplain Development Permit shall be required prior to commencement of any construction or other development.

2. Certificate of Compliance.

   a. No vacant land shall be occupied or used and no building shall be hereafter erected, altered, or moved on the floodplains of any watercourse, nor shall such buildings be occupied, until a certificate of compliance has been issued by the Floodplain Administrator.

   b. The applicant shall submit a certification by a registered professional engineer to the Floodplain Administrator that the finished fill and building floor elevations, floodproofing measures, or other protection factors were accomplished in compliance with the provisions of this Chapter. This certification shall also state whether or not the structure contains a basement. Within ten (10) days after receipt of such certification from the applicant, the Floodplain Administrator shall issue a certificate of compliance only if the building or premises and the proposed use thereof, conform with all of the requirements of this Chapter.
C. **Abrogation and Greater Restrictions.** The regulations of this Chapter shall be construed as being supplementary to the regulations imposed on the same lands by the underlying zone classification. This Chapter is not intended to repeal, abrogate, or impair any existing easement, covenants, or deed restrictions. However, where this Chapter and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall apply.

D. **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements, shall be liberally construed in favor of the City, and shall be deemed neither to limit nor repeal any other powers granted under State statutes.

E. **Warning and Disclaimer of Liability.** The degree of flood protection intended to be provided by this Chapter is considered reasonable for regulatory purposes and is based on engineering and scientific considerations. Larger floods may occur on occasions, or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter does not imply that the areas outside the areas of special flood hazards or land uses permitted within such areas will always be free from flooding or flood damages. This Chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made thereunder.

F. **Severability.** See Section 16-1-10 EMC, “Severability”.

**16-4-3: Permitted Uses.**

The following open uses shall be permitted within the Floodplain District to the extent that they are not prohibited in a particular area by any underlying zone district classification:

A. Agricultural uses, such as general farming and the raising of plants, flowers, and nursery stock.

B. Public and private recreational uses such as parks, swimming areas, golf courses, driving ranges, picnic grounds, fishing, and hiking and biking trails not requiring permanent or temporary structures designed for human habitation.

C. Utility facilities such as: flowage areas, transmission lines, pipelines, water monitoring devices, roadways and bridges.

D. All uses allowed by the underlying zone district classification within the Floodplain District shall be permitted as long as the use complies with conditions set forth in Subsection 16-4-7(B) EMC, "Floodplain Development Permit Criteria”.

**16-4-4: Similar Uses.**

Uses very similar in nature to permitted uses may be allowed by the Floodplain Administrator, provided that they are consistent with the provisions of this Chapter.
16-4-5: Nonconforming Uses.

Existing nonconforming uses in the Floodplain District may be modified, altered, or repaired to incorporate floodproofing measures, but such nonconforming uses shall not be expanded.

16-4-6: Administration.

4. Floodplain Administrator. The City Manager or designee shall be the Floodplain Administrator and shall enforce the provisions of this Chapter and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to flood management. The Department of Public Works shall provide the Floodplain Administrator with a technical review of all applications to build within the floodplain or a drainage way prior to the issuance of a Floodplain Development Permit.

B. Floodplain Administrator Duties and Responsibilities. The Floodplain Administrator's duties and responsibilities shall include, but not be limited to, the following:

1. Maintain and hold open for public inspection all records pertaining to the provisions of this Chapter. For all new or substantially improved structures the Floodplain Administrator shall maintain the following information:
   a. The actual elevation (in relation to mean sea level) of the lowest floor (including basement).
   b. The actual elevation (in relation to mean sea level) to which the structure has been floodproofed.
   c. The floodproofing certifications required in Subsection 16-4-11(B) EMC “Minimum Floodproofing Criteria”.

2. Review all applications within ten (10) working days for Floodplain Development Permits required by this Chapter. Such review shall:
   a. Determine whether such construction or development is located within the Floodplain District.
   b. Assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
   c. Consider the following:
      1) The danger that materials may be swept onto other lands to the injury of others.
      2) The danger to life and property due to flooding or erosion damage.
3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

4) The importance of the services provided by the proposed facility to the community.

5) The availability of alternative locations for the proposed use that is not subject to flooding or erosion damage.

6) The compatibility of the proposed use with existing and anticipated development.

7) The relationship of the proposed use to the Comprehensive Plan.

8) The safety of access to the property in times of flood for ordinary and emergency vehicles.

9) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

10) The costs of providing governmental services during and after flood such as sewer, gas, electrical, and water systems, and streets and bridges.

11) Flood barriers, including fences, which will unnaturally divert flood waters or which may increase flood hazards to other lands.

3. Review all Building Permit applications for construction or development in the Floodplain District within ten (10) working days. Approval of a building permit shall be deemed to neither limit nor repeal any other powers granted under State Statutes. Applications for building permits shall be reviewed on a case-by-case basis to:

a. Determine if the proposed development is located in the Floodplain District.

b. Assure the building site will be reasonably safe from flooding.

c. Assure all necessary permits have been obtained from the Federal, State, or local governmental agencies from which prior approval is required.

d. Assure all new construction and substantial repairs, improvements, or alterations shall be made in accordance with the minimum floodproofing criteria specified in Section 16-4-11 EMC, or elevation criteria in Subsection 16-4-7(B)(2) EMC.

4. Interpret, where needed, the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Any person contesting the location of the boundary shall be given a reasonable opportunity to present a case to the Floodplain Administrator and to submit supporting technical evidence. The decision of the Floodplain Administrator may be appealed as provided in Section 16-4-14 EMC, "Floodplain Appeals and Variances."
5. When base flood elevation data has not been provided in accordance with Section 16-4-8 EMC, "Floodplain District Regulations" the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer this Chapter.

6. Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is Colorado Water Conservation Board, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.

7. When a regulatory floodway has not been designated, the Floodplain Administrator shall require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the City's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1) at any point within the City.

8. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, the Floodplain Administrator may approve certain development in Zones A1-30, AE, AH, on the FIRM which increases the water surface elevation of the base flood by more than one foot (1), provided that the City first applies for a conditional FIRM revision through FEMA (Conditional Letter of Map Revision).

16-4-7: Floodplain Development Permit.

A. Floodplain Development Permit Process.

1. Application. A Floodplain Development Permit shall be obtained before a building permit may be issued or construction or development begins on lands within the Floodplain District as identified in Subsection 16-4-2(A) EMC above. Application for a Floodplain Development Permit shall be made on forms provided by the City and may include, but is not limited to: Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

   a. Elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures;

   b. Elevation (in relation to mean sea level) to which any nonresidential structure shall be floodproofed;

   c. A certificate from a registered professional engineer or architect that the nonresidential floodproofed structure shall meet the floodproofing criteria of Section 16-4-11 EMC, "Minimum Floodproofing Criteria"; and

   d. Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
2. **Decision of Floodplain Administrator to be Based on Certain Factors.** The determination of the Floodplain Administrator on each Development Permit shall be based on applicable provisions of this Chapter and the following relevant factors:

   a. The danger to life and property due to flooding or erosion damage;

   b. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

   c. The danger that materials may be swept onto other lands to the injury of others;

   d. The compatibility of the proposed use with existing and anticipated development;

   e. The safety of access to the property in times of flood for ordinary and emergency vehicles;

   f. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;

   g. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;

   h. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and


3. **Floodplain Administrator Decisions on Permits for Public Facilities or Utility Development in a Floodway.** Subject to Section 16-4-10 EMC, "Development in Floodways," the Floodplain Administrator shall act on an application for public facilities or utility development in a floodway within thirty (30) days from receiving the application.

4. **Conditions Attached to Development Permits.** Upon consideration of the factors listed above and the purposes of this Chapter, the Floodplain Administrator shall attach such conditions, in addition to those required by the Floodplain Development Permit, as are necessary to further the purposes of this Chapter. Such conditions may include specifications for, without limitation because of specific enumeration, modification of waste disposal methods and facilities, landscaping, period of operation, operational controls, sureties, deed restriction, and adequate floodproofing.

**B. Floodplain Development Permit Criteria.**

1. **Structures Accessory to Open Uses.** Structures accessory to open uses permitted in Section 16-4-3 EMC, "Permitted Uses," whether temporary or permanent, may be permitted only upon a determination by the Floodplain Administrator that:

   a. Structures will not be designed for human habitation.
b. Structures will have low flood damage potential.

c. The structure or structures, if permitted, will be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters.

1) Whenever possible, structures will be constructed with the longitudinal axis parallel to the direction of flow of floodwaters.

2) So far as is practicable, structures will be placed so that their longitudinal axis are approximately on the same line as those of adjoining structures.

3) Structures will be firmly anchored to prevent the structure or building from floating away and thus threatening to further restrict bridge openings and other restricted sections of the stream or river.

4) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

5) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

6) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

2. Other Structures. Temporary or Permanent, to be Occupied by People. Other structures, whether temporary or permanent, which are to be occupied by people, may be permitted only upon a finding by the Floodplain Administrator that:

a. Such structures shall comply with Section 16-4-7 EMC, "Floodplain Development Permit Process"; and Section 16-4-11 EMC, "Minimum Floodproofing Criteria."

b. The lowest floor, including the basement, of any structure to be erected, constructed, reconstructed, or moved on or within the Floodplain District, shall be constructed at or above a point one foot (1') above the 100-year flood elevation for the particular area and the fill shall extend at such elevation at least fifteen feet (15') beyond the limits of any structure or building erected thereon.

c. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and to withstand hydrodynamic loads.

3. Fills or Deposition of Materials. Fills or deposition of materials may be permitted only upon a finding by the Floodplain Administrator that:

a. Any fill or deposition of materials will comply with applicable sections of Chapter 16-6 EMC, "Development Standards."
b. The fill or deposition of materials will have some beneficial purpose and the amount thereof will not be greater than is necessary to achieve that purpose, as demonstrated by a plan submitted by the owner showing the final dimensions of the proposed fill or other material and the use to which the filled land will be put.

c. The fill or deposition of materials does not encroach on that portion of the floodplain, which would have significant and perceptible flow during the flood, and which for that reason would help convey the floodwaters.

d. The fill or other materials will be protected against erosion by riprap, strong vegetative cover, or bulkheading.

4. Storage or Processing of Materials. The storage or processing of materials that are buoyant, flammable, explosive, or in time of flooding, could be injurious to human, animal or plant life, shall be above the flood protection elevation for the particular area or floodproofed in compliance with Section 16-4-11 EMC, "Minimum Floodproofing Criteria." Solid waste disposal facilities, such as salvage yards or areas for the dumping of refuse or the storage of non-operable vehicles, shall not be permitted.

16-4-8: Floodplain Regulations.

The following regulations shall apply to all uses within the Floodplain District, notwithstanding that such uses may be specifically permitted under the terms of this Chapter.

A. The flood protection elevation or height shall correspond to a point one foot (1) above the elevation or "flood profile" shown on or attached to the FIRM.

B. No floodplain uses shall adversely affect the efficiency of, or unduly restrict the capacity of any channel, any tributary to any main stream, drainage ditch, or any other drainage facility or systems; nor shall any watercourse be altered or restricted unless the flood-carrying capacity of the watercourse shall be maintained.

C. General Standards. In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

1. All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

2. All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

3. All new construction or substantial improvements shall be constructed with materials resistant to flood damage;

4. All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
5. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

6. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and,

7. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

D. *Specific Standards.* In all areas of special flood hazards where base flood elevation data has been provided as set forth in 16-4-2(B), 16-4-6(B)(5) or 16-4-13(D) of this Chapter, the following provisions are required:

1. **Residential Construction.** New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Floodplain Administrator that the standard of this subsection as proposed in Section 16-4-13 EMC, "Subdivision Plats" is satisfied.

2. **Nonresidential Construction.** New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest floor (including basement) elevated to or above the base flood level or together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the Floodplain Administrator.

3. **Enclosures.** New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

   a. A minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

   b. The bottom of all openings shall be no higher than one foot (1) above grade.

   c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
4. Manufactured Homes.

a. Zones A1-30, AH and AE: All manufactured homes, those substantially improved, or those having incurred "substantial damage" as a result of a flood, on sites in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

This subsection shall apply in an expansion to an existing manufactured home park or in an existing manufactured home park where the repair, reconstruction, or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced.

b. Zones A1-30, AH and AE: Manufactured homes, in an existing manufactured home park, not subject to the provisions of 4.a above shall be elevated so that either:

1) The lowest floor of the manufactured home is at or above the base flood elevation, or

2) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches (36") in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

c. Zone A: Manufactured homes shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes shall be elevated and anchored to resist flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Any additions to the manufactured home shall be similarly anchored.

5. Recreational Vehicles. Recreational vehicles placed on sites within Zones A1-30, AH, and AE shall either:

a. Be on the site for fewer than one hundred eighty (180) consecutive days.

b. Be fully licensed and ready for highway use, or

c. Meet the permit requirements of Subsection 16-4-7(B) above and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this Subsection. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
E. Standards for Areas of Shallow Flooding (AO/AH Zones). Located within the areas of special flood hazard established in Subsection 16-4-2(A) EMC are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet (1–3) where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

1. Residential structures: All new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet (2) if no depth number is specified).

2. Non-residential structures: All new construction and substantial improvements shall:
   a. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet (2) if no depth number is specified), or:
   b. Together with attendant utility and sanitary facilities be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

3. A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this Subsection are satisfied.

4. Within Zones AH or AO adequate drainage paths around structures on slopes shall be required to guide flood waters around and away from proposed structures.

16-4-9: Undesignated Floodways.

Until a regulatory floodway is designated, it must be demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1) at any point within the City, before any new construction, substantial improvements or other development, including fill, is permitted within Zones A1–30 and A–AE as shown on the FIRM.

16-4-10: Development in Floodways.

Located within areas of special flood hazard established in Subsection 16-4-2(A) EMC, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential, the following provisions shall apply to public facilities or utilities only:

A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless it has been demonstrated through hydrologic and hydraulic analyses performed by a registered professional engineer in accordance with standard engineering practice that the proposed encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
B. If subsection A. above, is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this Section.

1. The Floodplain Administrator shall act on an application in the manner above described within thirty (30) days from receiving the application.

16-4-11: Minimum Floodproofing Criteria.

A. All new construction and substantial improvements of nonresidential structures within zones A-DE on the FIRM that do not have the lowest floor, including basement, elevated to or above the base flood level shall be floodproofed. All floodproofed structures, together with attendant utility and sanitary facilities, shall be so designed that below the base flood level, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. The Floodplain Administrator shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood protection elevation for the particular area.

B. Floodproofing measures include the following:

1. Anchorage to resist flotation and lateral movement.

2. Installation of watertight doors, bulkheads and shutters.

3. Reinforcement of walls to resist water pressures.

4. Use of waterproof paints, membranes, or mortars to reduce seepage of water through walls.

5. Addition of mass or weight to structures to resist flotation.

6. Installation of pumps to lower water levels in structures.

7. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

8. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into the floodwaters.

9. Pumping facilities for subsurface drainage systems for buildings to relieve external foundation wall and basement floor pressures.

10. Construction to resist rupture or collapse caused by water pressure or floating debris.

11. Cutoff valves on sewer lines or the elimination of gravity flow basement drains.

12. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
C. Where a nonresidential structure is intended to be made watertight below the base flood level.

1. A registered professional engineer shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of Section 16-4-7 EMC, "Floodplain Development Permit."

16-4-12: Floodplain District Amendments.

The boundaries of the Floodplain District shall be subject to periodic review and shall be amended in the manner provided by law, to conform to any revised, corrected or additional hydrological data available from Federal, State or regional agencies or from a consulting engineer retained by the City.

16-4-13: Subdivision Plats.

A. All subdivision proposals including the placement of manufactured home parks and subdivisions shall be designed to minimize flood damage.

B. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.

C. All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood damage.

D. Base flood elevation data shall be provided for subdivision proposals and other proposed developments including the placement of manufactured home parks and subdivisions that contain at least fifty (50) lots or five (5) acres, whichever is less.

16-4-14: Floodplain Appeals and Variances.

A. General. The Planning Commission shall hear and decide appeals and requests for variances from the requirements of this Chapter.

1. Appeals and floodplain variance requests shall be processed pursuant to the general zoning appeals and variances requirements of 16-2-18 EMC, "Appeals" and 16-2-16 EMC, "Variances", respectively.

2. Those aggrieved by the final decision of the Commission may appeal such decision by appropriate legal action to a court of record having jurisdiction. Such appeal shall be filed no more than thirty (30) days from the date of the Commission’s final decision.

B. Appeals. The Commission shall hear and decide appeals only when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this Chapter.
C. **Variances.**

1. **Any applicant to whom a variance is granted to build the lowest floor elevation below the base flood elevation shall be given written notice that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.**

2. **Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.**

3. **Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided the relevant items 1-10 in Subsection 16-4-6(B)(2)(c) of this Chapter have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.**

4. **Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.**

5. **Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.**

6. **In passing upon a Floodplain Variance application, the Commission shall consider all technical evaluations, all relevant factors, and standards specified in other sections of this Title.**

7. **Criteria for Considering a Floodplain Variance.** The Commission shall grant a Floodplain Variance only upon a showing of good and sufficient cause and determination that:

   a. **The variance is the minimum necessary, considering the flood hazard, to afford relief:**

   b. **Failure to grant the Floodplain Variance would result in exceptional hardship to the applicant:** and

   c. **The granting of a Floodplain Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws.**

Upon consideration of the above and the intent of this Chapter, the Commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this Chapter.
16-4-15: Enforcement.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without being in full compliance with the terms of this Chapter and other applicable regulations. Enforcement of the provisions of this Chapter shall be pursuant to Section 16-10 EMC, "Enforcement and Penalties".

16-4-16: Floodplain Definitions.

The following definitions pertain specifically to Section 16-4 EMC, "Floodplain Regulations" and are intended to be used only in the regulation of special flood hazard areas as identified in this Chapter. For the purposes of floodplain regulation, these definitions supersede the same terms as defined in 16-11-2: EMC Definition of Word, Term, and Phrases of this Title.

Area of Shallow Flooding: A designated AO, AH, or VO zone on the City's Flood Insurance Rate Map (FIRM) with a one percent (1%) chance or greater annual chance of flooding to an average depth of one to three feet (1-3) where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard: The land in the floodplain within the City of Englewood subject to a one percent (1%) or greater chance of flooding in any given year.

Base Flood: A flood having a one percent (1%) chance of being equalled or exceeded in any given year.

Basement: Any area of a building having its floor sub-grade (below ground level) on all sides.

Development: Any man-made change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevated Building: For insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Existing Construction: For the purposes of determining flood insurance rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood (or Flooding): A general and temporary condition of partial or complete inundation of normally dry land areas from:

(A) The overflow of inland or tidal waters, and/or
(B) The unusual and rapid accumulation or runoff of surface waters from any source.

_Flood Damage Potential:_ The susceptibility of a specific land use at a particular location to damage by flooding, and the potential of the specific land use to increase off-site flooding or flood related damages.

_Flood Fringe Area:_ That portion of the flood hazard area outside of the floodway based on the total area inundated during the regulatory base flood plus twenty-five percent (25%) of the regulatory base flood discharge.

_Flood Hazard Area:_ The floodplain consisting of the floodway and the flood fringe area.

_Flood Insurance Rate Map (FIRM):_ The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Englewood.

_Flood Insurance Study:_ The official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

_Flood Profile:_ A graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

_Flood Protection Elevation:_ An elevation one foot (1) above the elevation of "flood profile" of the 100-year flood under existing channel and floodplain conditions. It is one foot (1) above the elevation of the flood for the Floodplain District as shown on the Official Zoning Map in the office of the Community Development Department.

_Floodplain:_ The relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water which has been or may be covered temporarily by floodwater. For administrative purposes, the floodplain may be defined as the area that would be inundated by the "standard project flood" (Corps of Engineers) or the "maximum probable flood".

_Floodplain District:_ That portion of the floodplain subject to inundation by the 100-year flood. Its width is determined by the 100-year flood. Its length or reach is determined by natural bounds such as a lake, or by political or legal bounds. This equals the intermediate regional flood as defined by the Corps of Engineers.

_Floodplain Management:_ The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain regulations.

_Floodprone Area:_ Any land area susceptible to being inundated by water from any source (see definition of flooding).

_Floodproofing:_ Any combination of structural and nonstructural additions, changes, or adjustments to structures, primarily for the reduction or elimination of flood damage to lands, water, and sanitary facilities, structures, and their contents.
Floodway: The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot (1).

Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure: Any structure that is:

(A) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(B) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(C) Individually listed on a State inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(D) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(1) By an approved state program as determined by the Secretary of the Interior; or

(2) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.

Manufactured Home: A structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Home Park or Subdivision, Existing: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain regulations adopted by the City.
Manufactured Home Park or Subdivision New: Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1988 or other datum, to which base flood elevations shown on the City’s Flood Insurance Rate Map are referenced.

National Flood Insurance Program (NFIP): A Federal program that authorizes the sale of federally subsidized flood insurance in participating communities.

Natural Drainage: The pattern of surface and storm water drainage from a particular site before the construction or installation of improvements or prior to any regrading.

New Construction: For the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain regulation adopted by the City and includes any subsequent improvements to such structures.

Recreational Vehicle: A vehicle which is:

(A) Built on a single chassis;

(B) 400 square feet or less when measured at the largest horizontal projections;

(C) Designed to be self-propelled or permanently towable by a light duty truck; and

(D) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: A walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent (50%) of the market value of the structure before the damage occurred.

Substantial Improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent (50%) of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

(A) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions, or

(B) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Violation: The failure of a structure or other development to be fully compliant with the City's floodplain regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in NFIP Standards Sections 603(b)(5), (c)(4), (e)(10), (d)(2), (e)(2), (e)(4), or (e)(5), as amended, is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation: The height, in relation to the National American Vertical Datum (NAVD) of 1988, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplain.

Watercourse: A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir, or lake in which storm runoff and floodwater flows either regularly or infrequently. This includes major drainageways for carrying urban storm runoff.

Section 2. The City Council of the City of Englewood, Colorado hereby authorizes amending Title 16, Chapter 11, Section 2 - "Definition of Words, Terms, and Phrases" of the Englewood Municipal Code 2000 by inserting in alphabetical order; the following definitions:

[Editor's note: these definitions are inserted or deleted from this section in alphabetical order, the remaining definitions in this section are not affected and are not included.]

16-11-2: Definition of Words, Terms, and Phrases.

Area of Special Flood Hazard: The land in the floodplain within the City of Englewood that is subject to a one percent (1%) or greater chance of flooding in any given year.

Base Flood Level: See definition of "Flood, Regulatory Base".

Basement: An area below the first floor, having part, but no more than one-half (1/2) of its height above grade, and with a floor to ceiling height of not less than seven feet (7'). This term shall not include "garden level".
Basement (for floodplain purposes): See 16-4-11 EMC: Floodplain Definitions.

Critical Feature: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Development: Any man-made change to improved or unimproved real estate, including the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

Development (for floodplain purposes): See 16-4-16 EMC: Floodplain Definitions.

Manufactured Home Park or Subdivision, Existing (for floodplain purposes): See 16-4-16 EMC: Floodplain Definitions.

Expansion to an Existing Manufactured Home Park: The preparation of additional manufactured home spaces or the construction of facilities for servicing the manufactured home space on which the manufactured homes are to be affixed, including the installation of utilities, final site grading or pouring of concrete pads or the construction of streets.

Flood, Base: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

Flood Damage Potential: The susceptibility of a specific land use at a particular location to damage by flooding, and the potential of the specific land use to increase off-site flooding or flood-related damages.

Flood, Fringe Area: That portion of the flood hazard area outside of the floodway based on the total area inundated during the regulatory base flood plus twenty-five percent (25%) of the regulatory base flood discharge.

Flood Hazard Area: The floodplain consisting of the floodway and the flood fringe area.

Flood Hazard Design Elevation: The highest elevation, expressed in feet above sea level, of the level of floodwaters that delineates the flood fringe area.

Flood Insurance Rate Map (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Englewood.

Flood Insurance Study: The official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary floodway map, and the water surface elevation of the base flood.

Flood or Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

(A) The overflow of inland or tidal waters, and/or
(B) The unusual and rapid accumulation or runoff of surface waters from any source.

Floodplain: The relatively flat or lowland area adjoining a river, stream, watercourse, lake, or other body of standing water which has been or may be covered temporarily by floodwater. For
administrative purposes, the floodplain may be defined as the area that would be inundated by the "standard project flood" (Corps of Engineers) or the "maximum probable flood".

**Floodplain District:** That portion of the floodplain subject to inundation by the 100-year flood. Its width is determined by the 100-year flood. Its length or reach is determined by natural bounds such as a lake, or by political or legal bounds. This equals the intermediate regional flood as defined by the Corps of Engineers.

**Flood Profile:** A graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

**Flood Protection Elevation:** An elevation one (1) foot above the elevation of "flood profile" of the 100-year flood under existing channel and floodplain conditions. It is one (1) foot above the elevation of the flood for the Floodplain District as shown on the Official Zoning Map in the office of the Community Development Department.

**Flood Regulatory Base:** A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

**Flood Stage:** The height or elevation of a flood as referred to some datum. It is also commonly used to refer to the elevation at which a stream will overtop its normal stage banks.

**Floodproofing:** Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures, primarily for the reduction or elimination of flood damage to lands, water, and sanitary facilities, structures, and contents of buildings.

**Floodway:** The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**Garden Level:** An area below the first floor, having at least one-half (1/2) of its height above grade.

**Historic Building:** A building or structure designated by Council, that is worthy of rehabilitation, restoration, and preservation because of its cultural, architectural and/or historical significance to the City.

**Historic Structure (for Floodplain purposes):** See 16-4-16 EMC: Floodplain Definitions.

**Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Title.

**Manufactured Home (for floodplain purposes):** See 16-4-16 EMC: Floodplain Definitions.

**Manufactured Home Park or Subdivision, Existing:** (for Floodplain purposes): See 16-4-16 EMC: Floodplain Definitions.
Mean Sea Level: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Flood Insurance Program: A Federal program that authorizes the sale of federally subsidized flood insurance in communities where such flood insurance is not available privately.

Natural Drainage Flow: The pattern of surface and storm water drainage from a particular site before the construction or installation of improvements or prior to any regrading.

New Construction: Structures for which the "start of construction" commenced on or after the effective date of this Title.

New Construction (for floodplain purposes): See 16-4-1 EMC: Floodplain Definitions.

Recreational Vehicle: A vehicular-type, portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational Vehicle (for floodplain purposes): See 16-4-16 EMC: Floodplain Definitions.

Structure: Anything constructed or erected that requires location upon or under the ground or attached to something having location upon or under the ground.

Structure (for floodplain purposes): See 16-4-16 EMC: Floodplain Definitions.

Substantial Damage (for floodplain purposes): See 16-4-16 EMC: Floodplain Definitions.

Substantial Improvement (for floodplain purposes): See 16-4-16 EMC: Floodplain Definitions.

Thalweg: The line of the fastest flow along the course of a river. This usually crosses and recrosses the stream channel.

Violation: Generally, the failure of a land use, building, structure, or other development to be fully compliant with this Title's requirements.

Specifically, for purposes of Chapter 16-4 EMC (Floodplain Overlay District), "violation" means the failure of a land use, building, structure, or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in NFIP Standards Sections 60.3(b)(5), (e)(4), (e)(10), (f)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Violation (for floodplain purposes): See 16-4-16 EMC: Floodplain Definitions.

Water-Surface Elevation: The height, in relation to the National Geodetic Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.
**Watercourse.** A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir, or lake in which storm runoff and floodwater flows either regularly or infrequently. This includes major drainageways for carrying urban storm runoff.

Section 3. Attached hereto and incorporated herein by reference are:


2. Flood Insurance Rate Maps (FIRM) Index Sheets 1 and 2.


Section 4. **Safety Clauses.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Englewood, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be obtained.

Section 5. **Severability.** If any clause, sentence, paragraph, or part of this Ordinance or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 6. **Inconsistent Ordinances.** 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.

Section 7. **Effect of repeal or modification.** The repeal or modification of any provision of the Code of the City of Englewood 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 purposes 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.

Section 8. **Penalty.** The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, amended and passed as amended on first reading on the 4th day of October, 2010.

Published by Title as an amended Bill for an Ordinance in the City’s official newspaper on the 8th day of October, 2010.
Published as an amended Bill for an Ordinance on the City's official website beginning on the 6th day of October, 2010 for thirty (30) days.

ATTEST:

James K. Woodward, Mayor

Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, amended and passed as amended on first reading on the 4th day of October, 2010.

Loucrishia A. Ellis
COUNCIL COMMUNICATION

<table>
<thead>
<tr>
<th>Date:</th>
<th>Agenda Item:</th>
<th>Subject:</th>
</tr>
</thead>
<tbody>
<tr>
<td>October 18, 2010</td>
<td>11 a i</td>
<td>An Emergency Bill for an Ordinance authorizing and approving the lease-purchase of certain equipment for City departments</td>
</tr>
</tbody>
</table>

Initiated By: Finance and Administrative Services Department

Staff Source: Frank Gryglewicz, Director

COUNCIL GOAL AND PREVIOUS COUNCIL ACTION

City Council previously discussed leasing the Deicing Equipment at the Study Session on July 6, 2010, and voice over internet protocol (VOIP) telephone system at the Study Session on July 19, 2010, and the Security Camera System at the September 7, 2010 Study Session.

RECOMMENDED ACTION

Staff recommends the City Council approve the attached emergency bill for an ordinance authorizing and approving the lease or lease/purchase of certain equipment for City departments.

BACKGROUND, ANALYSIS, AND ALTERNATIVES IDENTIFIED

The City’s phone system is 15 years old and is technically and functionally obsolete. As the system is obsolete, if it were to have a problem and become inoperable, repairing the system would be extremely difficult at best. The Deicing equipment will reduce time and labor to keep City streets clear of ice and snow. The equipment will also reduce the use of sand and salt. The security camera system will serve as both a crime deterrent and a crime solving tool.

This emergency bill for an ordinance allows the City to lease-purchase needed equipment and helps conserve the limited amount of funds available and take advantage of interest rates.

This bill for an ordinance is presented as an emergency to limit exposure to interest rate changes. Eliminating the referendum period limits some of the exposure to interest rate changes and may attract more investors interested in the lease.

FINANCIAL IMPACT

This action preserves a low interest rate not to exceed five (5) percent. The annual principal and interest payments over the term of the lease will not exceed $165,000. The total principal paid will not exceed $550,000 and will not extend beyond calendar year 2016.
LIST OF ATTACHMENTS

Proposed Emergency Bill for an Ordinance
BY AUTHORITY

ORDINANCE NO. ___  COUNCIL BILL NO. 42
SERIES OF 2010  INTRODUCED BY COUNCIL
MEMBER ________________

A BILL FOR

AN ORDINANCE OF THE CITY OF ENGLEWOOD AUTHORIZING
AND APPROVING THE LEASE- PURCHASE OF CERTAIN
EQUIPMENT FOR CITY DEPARTMENTS; PROVIDING DETAILS IN
CONNECTION WITH THE LEASE- PURCHASE TRANSACTION;
AND DECLARING AN EMERGENCY.

WHEREAS, the City of Englewood, Colorado (the “City”), is a home rule municipality
of the State of Colorado (the “State”) duly organized and operating under the Home Rule Charter
of the City (the “Charter”) and the constitution and laws of the State; and

WHEREAS, pursuant to Section 30 of the Charter, the City Council of the City (the
“Council”) has all municipal legislative powers as conferred by general law, except as provided
by the Charter; and

WHEREAS, the Council has determined that it is necessary to acquire (i) phone
equipment and software to replace the existing phone system which is technically and
functionally obsolete, (ii) deicing equipment to reduce current time and labor required for snow
removal, to reduce the use of sand and salts currently used for such purposes and to keep City
streets clear of ice and snow, and (iii) security cameras for deterrent and crime solving purposes
(collectively, the “Equipment”), and

WHEREAS, pursuant to Section 31-15-101 of the Colorado Revised Statutes, the City
has the power to lease-purchase personal property and the Council desires to spread the cost of
acquiring the Equipment over a period not to exceed five years; and

WHEREAS, the City has received a proposal from Hutchinson, Shockey, Erley & Co. for
the private placement of the lease-purchase financing and Stifel, Nicolaus & Company,
Incorporated is acting as advisor to the City; and

WHEREAS, pursuant to the Master Lease, the details of the transactions are more fully
set forth in Schedules and Leases as defined in the Master Lease (the “Lease Agreements”), and
the financial obligation of the City under the Lease Agreements shall constitute currently
budgeted expenditures of the City; and

WHEREAS, the Council is desirous of authorizing and directing the transaction
described above on an emergency basis for the reasons set forth below;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY
OF ENGLEWOOD, COLORADO, AS FOLLOWS:
Section 1. Approval of Lease Purchase Terms. The City Council hereby approves the lease-purchase of the Equipment for the amount not to exceed $550,000, with annual payments not to exceed $165,000 over annual terms which shall not extend beyond December 31, 2016. The City Council hereby delegates to the Mayor, or in the absence thereof, the Mayor Pro Tem, the authority to determine the net effective rate for the lease-purchases, which rate shall not be in excess of 5.0% per annum and the final amounts of the Lease Agreements.

Section 2. Approval of Lease Agreements. The Lease Agreements, in substantially the form and with substantially the content presented to the City, are in all respects approved, authorized and confirmed.

Section 3. Execution and Delivery of Documents. The Mayor or, in the absence thereof, the Mayor Pro Tem is hereby authorized and directed to execute the Lease Agreements, and the signature of the Mayor or Mayor Pro Tem shall conclusively determine acceptance of the final form and content of the Lease Agreements and the valid execution of the Lease Agreements by the City. Additionally, the Mayor, other officials and employees of the City are hereby authorized and directed to execute and deliver for and on behalf of the City any and all additional agreements, certificates, documents and other papers and to perform all other acts that they may deem necessary or appropriate in order to implement and carry out the transaction authorized and contemplated by this Ordinance, including but not limited to an Internal Revenue Service Form 8038-G.

Section 4. Declarations and Findings. The City Council hereby determines and declares that the respective rental payments under the Lease Agreements (the “Rental Payments”) represent the fair value of the use of the respective Equipment, and that the Purchase Price (as defined in the Lease Agreements) represents the fair purchase price of the respective Equipment. The City Council hereby determines and declares that the Rental Payments do not exceed a reasonable amount so as to place the City under an economic or practical compulsion to appropriate moneys to make payments under the Lease Agreements or to exercise its option to purchase the Equipment pursuant to the Lease Agreements. In making such determinations, the City Council has given consideration to the current market value of the Equipment, the cost of acquiring the Equipment, the option of the City to purchase the Equipment, and the expected eventual vesting of full title to the Equipment in the City. The City Council hereby determines and declares that the duration of the Lease Agreements, including all optional renewal terms, authorized under this Ordinance, does not exceed the weighted average useful life of the Equipment.

Section 5. Bank-Qualified Determination. The City hereby designates the respective Lease Agreements as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

Section 6. Obligations of the City. No provision of this Ordinance or the Lease Agreements shall be construed as creating or constituting a general obligation or a multiple-fiscal year direct or indirect indebtedness or other financial obligation whatsoever of the City nor a mandatory payment obligation of the City in any ensuing fiscal year beyond any fiscal year during which the Lease Agreements shall be in effect.
Section 7. Ratification of Prior Actions. All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by the City Council or by the officers and employees of the City regarding the acquisition or lease-purchase of the Equipment, or directed toward satisfaction of the City’s obligations under the Lease Agreements, are hereby ratified, approved and confirmed.

Section 8. Severability. It is hereby expressly declared that all provisions hereof and their application are intended to be and are severable. In order to implement such intent, if any provision hereof or the application thereof is determined by a court or administrative body to be invalid or unenforceable, in whole or in part, such determination shall not affect, impair or invalidate any other provision hereof or the application of the provision in question to any other situation; and if any provision hereof or the application thereof is determined by a court or administrative body to be valid or enforceable only if its application is limited, its application shall be limited as required to most fully implement its purpose.

Section 9. Repealer. All ordinances, or parts thereof, inconsistent or in conflict herewith are hereby repealed to the extent only of such inconsistency or conflict.

Section 10. Emergency Declaration and Effective Date. There is urgency in the purchase of the Equipment for reasons which include, but are not limited to, City snow removal preparedness, avoiding significant issues if the City’s current phone system becomes inoperable and the crime deterrent effect of security cameras. Additionally, Stifel, Nicolaus & Company, Incorporated has advised the City that interest rates continue to be at historic lows and could change at any time. For such stated reasons, this Ordinance is declared to be necessary for the immediate preservation of public property, health, peace, or safety, and an emergency is declared to exist. This Ordinance shall be effective immediately upon final passage and be published within seven days after publication following final passage.

Introduced, read in full as an Emergency Bill for an Ordinance and passed on first reading on the 18th day of October, 2010.

Published by Title as an Emergency Bill for an Ordinance in the City’s official newspaper on the 22nd day of October, 2010.

Published as an Emergency Bill for an Ordinance on the City’s official website beginning on the 20th day of October, 2010 for thirty (30) days.

______________________________
James K. Woodward, Mayor

ATTEST:

______________________________
Loucrishia A. Ellis, City Clerk
I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of an Emergency Bill for an Ordinance, introduced, read in full, and passed on first reading on the 18th day of October, 2010.

______________________________
Loucrishia A. Ellis
BY AUTHORITY

ORDINANCE NO. _____ SERIES OF 2010
COUNCIL BILL NO. 35
INTRODUCED BY COUNCIL MEMBER WILSON


WHEREAS, pursuant to the provisions of Part I, Article X, of the Charter of the City of Englewood, Colorado, a budget for the fiscal year 2011 was duly submitted by the City Manager to the City Council before September 15, 2010; and

WHEREAS, a public hearing on said budget was held by the City Council within three weeks after its submission at the meeting of the City Council on September 20, 2010. Regular notice of the time and place of said hearing was published within seven days after submission of the budget in the manner provided in the Charter for the publication of an ordinance; and

WHEREAS, the City Council of the City of Englewood has studied and discussed the budget on numerous occasions; and

WHEREAS, historically, actual general fund expenditures have been three to five percent less than the original budget;

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

Section 1. That the budget of the City of Englewood, Colorado, for the fiscal year 2011, as submitted by the City Manager and duly considered by the City Council after public hearing, be and hereby is adopted as the budget for the City of Englewood for the fiscal year 2011.

Section 2. GENERAL FUND

2011 BUDGET

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Fund Balance, January 1, 2011</td>
<td>$8,157,514</td>
</tr>
<tr>
<td>Revenues</td>
<td>$37,424,105</td>
</tr>
<tr>
<td>Sales/Use Tax</td>
<td>21,216,000</td>
</tr>
<tr>
<td>Property and Specific Ownership Tax</td>
<td>3,267,000</td>
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<tr>
<td>Franchise/Occupation/Cigarette Tax</td>
<td>2,849,564</td>
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<tr>
<td>License/Permits</td>
<td>575,100</td>
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<tr>
<td>Intergovernmental Revenue</td>
<td>1,459,564</td>
</tr>
<tr>
<td>Charges for Services</td>
<td>3,336,962</td>
</tr>
<tr>
<td>Cultural &amp; Recreation</td>
<td>2,587,653</td>
</tr>
<tr>
<td>Fines &amp; Forfeitures</td>
<td>1,509,150</td>
</tr>
<tr>
<td>Interest</td>
<td>200,000</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>423,112</td>
</tr>
</tbody>
</table>

Total Revenues

$37,424,105
Other Financing Sources                                      2,519,204  
Total Sources of Funds                                      $ 39,943,309

<table>
<thead>
<tr>
<th>Expenditures</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislation                                     346,120</td>
</tr>
<tr>
<td>City Manager's Office                            664,732</td>
</tr>
<tr>
<td>City Attorney's Office                           762,518</td>
</tr>
<tr>
<td>Municipal Court                                 999,105</td>
</tr>
<tr>
<td>Human Resources                                 481,102</td>
</tr>
<tr>
<td>Finance and Administrative Services             1,550,906</td>
</tr>
<tr>
<td>Information Technology                          1,338,543</td>
</tr>
<tr>
<td>Community Development                           1,344,556</td>
</tr>
<tr>
<td>Public Works                                    5,498,891</td>
</tr>
<tr>
<td>Police                                          10,587,026</td>
</tr>
<tr>
<td>Fire                                            7,465,775</td>
</tr>
<tr>
<td>Library Services                                1,256,520</td>
</tr>
<tr>
<td>Parks and Recreation Services                   5,969,515</td>
</tr>
<tr>
<td>Contingencies                                   90,000</td>
</tr>
<tr>
<td>Debt Service                                    2,075,204</td>
</tr>
</tbody>
</table>

Total Uses of Funds                                      $ 40,430,513

Total Fund Balance, December 31, 2011                    $ 7,670,310

Section 3  SPECIAL REVENUE FUNDS

Conservation Trust Fund

<table>
<thead>
<tr>
<th>Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund Balance, January 1, 2011                  $ 276,856</td>
</tr>
<tr>
<td>Expenditures                                  $ 327,000</td>
</tr>
<tr>
<td>Fund Balance, December 31, 2011                $ 119,856</td>
</tr>
</tbody>
</table>

Community Development Fund

<table>
<thead>
<tr>
<th>Revenues</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund Balance, January 1, 2011                  $ -0-</td>
</tr>
<tr>
<td>Expenditures                                  $ 290,000</td>
</tr>
<tr>
<td>Fund Balance, December 31, 2011                $ -0-</td>
</tr>
</tbody>
</table>
**Donors Fund**

Fund Balance, January 1, 2011  $ 71,633  
Revenues  $ 89,000  

Expenditures  $ 131,200  
Fund Balance, December 31, 2011  $ 29,433  

**Malley Center Trust Fund**

Fund Balance, January 1, 2011  $ 257,432  
Revenues  $ 20,000  

Expenditures  $ 50,000  
Fund Balance, December 31, 2011  $ 227,432  

**Parks and Recreation Trust Fund**

Fund Balance, January 1, 2011  $ 450,943  
Revenues  $ 25,000  

Expenditures  $ 30,000  
Fund Balance, December 31, 2011  $ 445,943  

**Open Space Fund**

Fund Balance, January 1, 2011  $ 248,345  
Revenues  $ 645,000  

Expenditures  $ 523,305  
Fund Balance, December 31, 2011  $ 370,040  

**Neighborhood Stabilization Program Fund**

Fund Balance, January 1, 2011  $ -0-  
Revenues  $ 2,567,379  

Expenditures  $ 2,567,379  
Fund Balance, December 31, 2011  $ -0-  

**Section 4. DEBT SERVICE FUND**

**General Obligation Bond Fund**

Fund Balance, January 1, 2011  $ 8,670  
Revenues  $ 1,094,000  

Expenditures  $ 1,089,748  
Fund Balance, December 31, 2011  $ 12,922
### Section 5. CAPITAL PROJECT FUNDS

**Public Improvement Fund**
- Fund Balance, January 1, 2011: $496,666
- Revenues: $1,608,000
- Expenditures and Transfers: $2,095,815
- Fund Balance, December 31, 2011: $8,851

**Capital Projects Fund**
- Fund Balance, January 1, 2011: $112,366
- Revenues and Transfers In: $547,500
- Expenditures: $651,039
- Fund Balance, December 31, 2011: $8,827

### Section 6. ENTERPRISE FUNDS

**Water Fund**
- Fund Balance, January 1, 2011: $5,127,886
- Revenues: $8,317,628
- Expenditures: $9,283,804
- Fund Balance, December 31, 2011: $4,161,710

**Sewer Fund**
- Fund Balance, January 1, 2011: $3,664,959
- Revenues: $14,892,073
- Expenditures: $17,269,772
- Fund Balance, December 31, 2011: $1,287,260

**Storm Drainage Fund**
- Fund Balance, January 1, 2011: $701,887
- Revenues: $342,927
- Expenditures: $358,981
- Fund Balance, December 31, 2011: $655,833

**Golf Course Fund**
- Fund Balance, January 1, 2011: $443,829
- Revenues: $2,270,223
- Expenditures: $2,256,636
- Fund Balance, December 31, 2011: $457,416

**Concrete Utility Fund**
- Fund Balance, January 1, 2011: $260,760
- Revenues: $711,200
<table>
<thead>
<tr>
<th>Fund</th>
<th>Opening Balance</th>
<th>Revenues</th>
<th>Expenses</th>
<th>Closing Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing Rehabilitation Fund</td>
<td>$933,430</td>
<td>$1,000,000</td>
<td>$1,000,000</td>
<td>$933,430</td>
</tr>
<tr>
<td>Central Services Fund</td>
<td>$179,046</td>
<td>$358,900</td>
<td>$479,767</td>
<td>$58,179</td>
</tr>
<tr>
<td>Servicenter Fund</td>
<td>$728,847</td>
<td>$2,128,371</td>
<td>$2,095,308</td>
<td>$761,910</td>
</tr>
<tr>
<td>Capital Equipment Replacement Fund</td>
<td>$896,357</td>
<td>$800,992</td>
<td>$796,232</td>
<td>$901,117</td>
</tr>
<tr>
<td>Risk Management Fund</td>
<td>$1,011,911</td>
<td>$1,445,271</td>
<td>$1,855,159</td>
<td>$602,023</td>
</tr>
<tr>
<td>Employee Benefits Fund</td>
<td>$154,571</td>
<td>$5,337,426</td>
<td>$5,445,737</td>
<td>$46,260</td>
</tr>
</tbody>
</table>

Section 7. INTERNAL SERVICE FUNDS

Section 8. That the said budget shall be a public record in the office of the City Clerk and shall be open to public inspection. Sufficient copies thereof shall be made available for the use of the City Council and the public, the number of copies to be determined by the City Manager.
Introduced, read in full, and passed on first reading on the 4th day of October, 2010.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 8th day of October, 2010.

Published as a Bill for an Ordinance on the City’s official website beginning on the 6th day of October, 2010 for thirty (30) days.

Read by title and passed on final reading on the 18th day of October, 2010.

Published by title in the City’s official newspaper as Ordinance No. ____, Series of 2010, on the 22nd day of October, 2010.

Published by title on the City’s official website beginning on the 20th day of October, 2010 for thirty (30) days.

______________________________
James K. Woodward, Mayor

ATTEST:

______________________________
Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. ____, Series of 2010.

______________________________
Loucrishia A. Ellis
BY AUTHORITY

ORDINANCE NO. _____ SERIES OF 2010
COUNCIL BILL NO. 36
INTRODUCED BY COUNCIL MEMBER PENN


WHEREAS, a public hearing on the Proposed 2011 Budget was held September 20, 2010; and

WHEREAS, the operating budgets and Multiple Year Capital Plan for all City departments and funds were reviewed at a budget retreat held on September 25, 2010; and

WHEREAS, the Charter of the City of Englewood requires the City Council to adopt bills for ordinances adopting the Budget and Appropriation Ordinance no later than thirty days prior to the first day of the next fiscal year.

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

Section 1. That there be and there hereby is appropriated from the revenue derived from taxation in the City of Englewood, Colorado, from collection of license fees and from all other sources of revenue including available fund balances during the year beginning January 1, 2011, and ending December 31, 2011, the amounts hereinafter set forth for the object and purpose specified and set opposite thereto, specifically as follows:

<table>
<thead>
<tr>
<th>General Fund</th>
<th>$</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legislation</td>
<td>346,120</td>
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<td>5,969,515</td>
</tr>
<tr>
<td>Contingencies</td>
<td>90,000</td>
</tr>
<tr>
<td>Debt Service – Civic Center</td>
<td>1,577,000</td>
</tr>
<tr>
<td>Debt Service – Other</td>
<td>498,204</td>
</tr>
</tbody>
</table>
Total General Fund $ 40,430,513

**CONSERVATION TRUST FUND**

Total Conservation Trust Fund $ 484,000

**COMMUNITY DEVELOPMENT FUND**

Total Community Development Fund $ 290,000

**DONORS FUND**

Total Donors Fund $ 131,200

**MALLEY CENTER TRUST FUND**

Total Malley Center Trust Fund $ 50,000

**PARKS AND RECREATION TRUST FUND**

Total Parks and Recreation Trust Fund $ 30,000

**OPEN SPACE FUND**

Total Open Space Fund $ 523,305

**NEIGHBORHOOD STABILIZATION PROGRAM FUND**

Total Neighborhood Stabilization Program Fund $ 2,567,379

**GENERAL OBLIGATION BOND FUND**

Total General Obligation Bond Fund $ 1,089,748

**PUBLIC IMPROVEMENT FUND**

Total Public Improvement Fund $ 2,095,815
CAPITAL PROJECTS FUND

Total Capital Projects Fund $ 651,039

WATER FUND

Total Water Fund $ 9,283,804

SEWER FUND

Total Sewer Fund $ 17,269,772

STORM DRAINAGE FUND

Total Storm Drainage Fund $ 358,981

GOLF COURSE FUND

Total Golf Course Fund $ 2,256,636

CONCRETE UTILITY FUND

Total Concrete Utility Fund $ 695,171

HOUSING REHABILITATION FUND

Total Housing Rehabilitation Fund $ 1,000,000

CENTRAL SERVICES FUND

Total Central Services Fund $ 479,767

SERVICENTER FUND

Total ServiCenter Fund $ 2,095,308

CAPITAL EQUIPMENT REPLACEMENT FUND

Total Capital Equipment Replacement Fund $ 796,232

RISK MANAGEMENT FUND

Total Risk Management Fund $ 1,855,159
EMPLOYEE BENEFITS FUND

Total Employee Benefits Fund $ 5,445,737

Section 2. The foregoing appropriations shall be considered to be appropriations to groups within a program or department within the fund indicated but shall not be construed to be appropriated to line items within any groups, even though such line items may be set forth as the adopted budget for the fiscal year 2011.

Section 3. All monies in the hands of the Director of Finance and Administrative Services, or to come into the Director's hands for the fiscal year 2011, may be applied on the outstanding claims now due or to become due in the said fiscal year of 2011.

Section 4. All unappropriated monies that may come into the hands of the Director of Finance and Administrative Services during the year 2011, may be so distributed among the respective funds herein as the City Council may deem best under such control as is provided by law.

Section 5. During or at the close of the fiscal year of 2010, any surplus money in any of the respective funds, after all claims for 2010 against the same have been paid, may be distributed to any other fund or funds at the discretion of the City Council.

Introduced, read in full, and passed on first reading on the 4th day of October, 2010.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 8th day of October, 2010.

Published as a Bill for an Ordinance on the City’s official website beginning on the 6th day of October, 2010 for thirty (30) days.

Read by title and passed on final reading on the 18th day of October, 2010.

Published by title in the City’s official newspaper as Ordinance No. ___ Series of 2010, on the 22nd day of October, 2010.

Published by title on the City’s official website beginning on the 20th day of October, 2010 for thirty (30) days.

______________________________
James K. Woodward, Mayor

ATTEST:

______________________________
Loucrishia A. Ellis, City Clerk
I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. ___, Series of 2010.

______________________________
Loucrishia A. Ellis
BY AUTHORITY

ORDINANCE NO. ___ SERIES OF 2010
COUNCIL BILL NO. 37
INTRODUCED BY COUNCIL
MEMBER WILSON

AN ORDINANCE ADOPTING THE BUDGET FOR THE LITTLETON/
ENGLEWOOD WASTEWATER TREATMENT PLANT FOR THE FISCAL
YEAR 2011.

WHEREAS, pursuant to the provisions of an agreement between the City of Littleton,
Colorado, and the City of Englewood, Colorado, a budget for the fiscal year 2011 was duly
approved by the Littleton/Englewood Wastewater Treatment Plant Supervisory Committee and
submitted to the City Council; and

WHEREAS, a public hearing on said budget was held by the City Council within three weeks
after its submission on September 13, 2010. The hearing was held at the meeting of City Council
on September 20, 2010, regular notice of the time and place of said hearing having been published
within seven days after the submission of the budget in the manner provided in the Charter for the
publication of an ordinance; and

WHEREAS, the City Council of the City of Englewood, as the administering authority for the
Littleton/Englewood Wastewater Treatment Plant, has studied the budget on numerous occasions;
and

WHEREAS, it is the intent of the City Council to adopt the 2011 budget for the
Littleton/Englewood Wastewater Treatment Plant as now submitted.

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

Section 1. That the budget of the Littleton/Englewood Wastewater Treatment Plant for the
fiscal year 2011, as submitted by the Littleton/Englewood Wastewater Treatment Plant Supervisory
Committee and duly considered by the City Council after public hearing, is hereby adopted as the
budget for the Littleton/Englewood Wastewater Treatment Plant for the fiscal year 2011, as
follows:

**Littleton/Englewood Wastewater Treatment Plant**

<table>
<thead>
<tr>
<th>Description</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fund Balance – January 1, 2011</td>
<td>$115,674</td>
</tr>
<tr>
<td>Revenues</td>
<td>14,661,114</td>
</tr>
<tr>
<td>Expenditures</td>
<td>14,661,114</td>
</tr>
<tr>
<td>Fund Balance – December 31, 2011</td>
<td>115,674</td>
</tr>
</tbody>
</table>
Section 2. That the said budget as accepted shall be a public record in the Office of the City Clerk and shall be open to public inspection. Sufficient copies thereof shall be made available for the use of the City Council and the public, the number of copies to be determined by the City Manager.

Introduced, read in full, and passed on first reading on the 4th day of October, 2010.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 8th day of October, 2010.

Published as a Bill for an Ordinance on the City’s official website beginning on the 6th day of October, 2010 for thirty (30) days.

Read by title and passed on final reading on the 18th day of October, 2010.

Published by title in the City’s official newspaper as Ordinance No. ___, Series of 2010, on the 22nd day of October, 2010.

Published by title on the City’s official website beginning on the 20th day of October, 2010 for thirty (30) days.

_________________________
James K. Woodward, Mayor

ATTEST:

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Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. ___, Series of 2010.

_________________________
Loucrishia A. Ellis
BY AUTHORITY

ORDINANCE NO. ___ SERIES OF 2010
COUNCIL BILL NO. 38
INTRODUCED BY COUNCIL MEMBER OLSON


WHEREAS, the Cities of Englewood and Littleton entered into a contract to build, maintain, and operate a joint Wastewater Treatment Plant facility; and

WHEREAS, the operations, including budget matters, of this joint facility are overseen by the Supervisory Committee; and

WHEREAS, the City of Englewood operates the Littleton/Englewood Wastewater Treatment Plant under the control of the Supervisory Committee; and

WHEREAS, the Littleton/Englewood Wastewater Treatment Plant has its own fund for operations and maintenance; and

WHEREAS, the Supervisory Committee approved the following as the 2011 appropriations.

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

Section 1. That pursuant to the Littleton/Englewood Wastewater Treatment Plant agreement, there be and hereby is appropriated from the revenue derived from operation of the Littleton/Englewood Wastewater Treatment Plant in the City of Englewood, Colorado, and from all other sources of revenue in the Littleton/Englewood Wastewater Treatment Plant Fund including available fund balance during the year beginning January 1, 2011, and ending December 31, 2011, the amounts hereinafter set forth for the object and purpose specified as follows:

Total Littleton/Englewood Wastewater Treatment Plant Fund $ 14,661,114

Introduced, read in full, and passed on first reading on the 4th day of October, 2010.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 8th day of October, 2010.
Published as a Bill for an Ordinance on the City’s official website beginning on the 6th day of October, 2010 for thirty (30) days.

Read by title and passed on final reading on the 18th day of October, 2010.

Published by title in the City’s official newspaper as Ordinance No. ___, Series of 2010, on the 22nd day of October, 2010.

Published by title on the City’s official website beginning on the 20th day of October, 2010 for thirty (30) days.

______________________________
James K. Woodward, Mayor

ATTEST:

______________________________
Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. ___, Series of 2010.

______________________________
Loucrishia A. Ellis
BY AUTHORITY

ORDINANCE NO. ____        COUNCIL BILL NO. 39
SERIES OF 2010            INTRODUCED BY COUNCIL
                        MEMBER OLSON

AN ORDINANCE FIXING THE TAX LEVY IN MILLS UPON EACH DOLLAR OF THE
ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CITY OF
INGLEWOOD, COLORADO.

WHEREAS, it is the duty of the City Council of the City of Englewood, Colorado, under the
Englewood Home Rule Charter and Colorado Revised Statutes, to make the annual property levy
for City purposes; and

WHEREAS, the City Council has duly considered the estimated valuation of all the taxable
property within the City and the needs of the City and of each of said levies and has determined
that the levies as hereinafter set forth, are proper and wise; and

WHEREAS, the following levies are permitted under Article X, Section 20 of the Colorado
Constitution without a vote by the citizens;

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

Section 1. That there be and hereby is levied for the year of 2010, due and payable as required
by statute in the year 2011, a tax of 5.880 mills on the dollar for the General Fund of the City of
Englewood, Colorado, and 2.130 mills on the dollar for the General Obligation Bond Debt Service
Fund of the City of Englewood, Colorado.

That the levy hereinabove set forth shall be levied upon each dollar of the assessed valuation of
all taxable property within the corporate limits of the City of Englewood, Colorado, and the said
levy shall be certified by law.

Introduced, read in full, and passed on first reading on the 4th day of October, 2010.

Published by Title as a Bill for an Ordinance in the City's official newspaper on the 8th day of
October, 2010.
Published as a Bill for an Ordinance on the City's official website beginning on the 6th day of October, 2010 for thirty (30) days.

Read by title and passed on final reading on the 18th day of October, 2010.

Published by title in the City's official newspaper as Ordinance No. ____, Series of 2010, on the 22nd day of October, 2010.

Published by title on the City's official website beginning on the 29th day of October, 2010 for thirty (30) days.

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James K. Woodward, Mayor

ATTEST:

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Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Eaglewood, Colorado, hereby certify that the above and foregoing is a true copy of the Ordinance passed on final reading and published by title as Ordinance No. ____, Series of 2010.

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Loucrishia A. Ellis
BY AUTHORITY

ORDINANCE NO. ____ SERIES OF 2010
COUNCIL BILL NO. 41
INTRODUCED BY COUNCIL MEMBER ____________

A BILL FOR

AN ORDINANCE AMENDING TITLE 2, CHAPTER 11, SECTION 2, OF THE
ENGLEWOOD MUNICIPAL CODE 2000 INCREASING THE NUMBER OF MEMBERS OF
THE ALLIANCE FOR COMMERCE IN ENGLEWOOD (ACE).

WHEREAS, the Alliance For Commerce in Englewood Committee was established by the
Englewood City Council with the passage of Ordinance No. 5, Series of 2001; and

WHEREAS, the Alliance For Commerce in Englewood Committee advises the Englewood City
Council, focusing on the creation of an environment in which existing business can thrive and new
business can prosper; and

WHEREAS, in order to encourage parties from all areas of the City, City Council wishes to
increase the membership of ACE to nine members; and

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

Section 1. The City Council of the City of Englewood, Colorado hereby authorizes amending
Title 2, Chapter 11, Section 2, of the Englewood Municipal Code 2000, to read as follows:

2-11-2: Composition and Membership.

ACE will be comprised of seven (7) nine (9) members appointed by City Council.

Business ownership and/or management and commercial property ownership and/or management
shall be a requirement for membership without regard to residency. A diverse group of
representation is desirable and may come from retail, office and industrial sectors, including at least
one (1) member from the Greater Englewood Chamber of Commerce membership. The City Council
shall make appointments to fill vacancies for unexpired terms. Council shall consider input as to
potential appointees from staff, ACE and the Greater Englewood Chamber of Commerce.

Section 2. Safety Clauses. The City Council hereby finds, determines, and declares that this
Ordinance is promulgated under the general police power of the City of Englewood, that it is
promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for
the preservation of health and safety and for the protection of public convenience and welfare. The
City Council further determines that the Ordinance bears a rational relation to the proper legislative
object sought to be obtained.

Section 3. Severability. If any clause, sentence, paragraph, or part of this Ordinance or the
application thereof to any person or circumstances shall for any reason be adjudged by a court of
competent jurisdiction invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance or its application to other persons or circumstances.

Section 4. Inconsistent Ordinances. 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.

Section 5. Effect of repeal or modification. The repeal or modification of any provision of the Code of the City of Englewood 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 purposes 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.

Section 6. Penalty. The Penalty Provision of Section 1-4-1 EMC shall apply to each and every violation of this Ordinance.

Introduced, read in full, and passed on first reading on the 18th day of October, 2010.

Published by Title as a Bill for an Ordinance in the City’s official newspaper on the 22nd day of October, 2010.

Published as a Bill for an Ordinance on the City’s official website beginning on the 20th day of October, 2010 for thirty (30) days.

______________________________
James K. Woodward, Mayor

ATTEST:

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Loucrishia A. Ellis, City Clerk

I, Loucrishia A. Ellis, City Clerk of the City of Englewood, Colorado, hereby certify that the above and foregoing is a true copy of a Bill for an Ordinance, introduced, read in full, and passed on first reading on the 18th day of October, 2010.

______________________________
Loucrishia A. Ellis