



City Council of Commerce City

Regular Meeting Agenda

Council Chambers, 7887 E. 60th Ave.

Monday, May 9, 2011, 6:30 p.m.

***(TIMES INDICATED NEXT TO AGENDA ITEMS ARE
AN APPROXIMATE START TIME ONLY)***

1. Call to Order - 6:30

2. Roll Call - 6:35

3. Pledge of Allegiance

4. Audience Introduction - 6:40

5. Presentations & Proclamations

a) 6:45 Consul General Arnal Proclamation

Tab 1

6. Executive Session - 6:50

a) An executive session pursuant to C.R.S. 24-6-402(4)(e) for the purpose of determining positions relative to matters that may be subject to negotiations concerning the Xcel and United Power franchise agreements.

7. Citizen Communication - 7:05

Two Public Comment Rosters are available immediately inside the Council Chambers. Anyone who

7. Citizen Communication - 7:05

would like to address Council will be given the opportunity after signing one of the rosters. Speakers should limit their comments to three minutes.

8. Approval of Minutes - 7:20

- a) Regular Meeting Minutes of March 28, 2011 **Tab 2**

9. Resolution

- a) 7:25 **Resolution 2011-22** RESOLUTION APPROVING BUSINESS INCENTIVE FOR HARVEST ASIAN CUISINE RESTAURANT, INC. d/b/a YUM ASIAN FUSION CUISINE & SUSHI **Tab 3**
- b) 7:35 **Resolution 2011-23** RESOLUTION APPROVING BUSINESS INCENTIVE FOR BARPAL INVESTMENTS, LLC **Tab 4**
- c) 7:45 **Resolution 2011-25** RESOLUTION APPROVING BUSINESS INCENTIVE FOR SUMMIT RENEWABLE SOLUTIONS, LLC **Tab 5**

10. Ordinance on 1st Reading

- a) 7:55 **Ordinance 1861** AN EMERGENCY ORDINANCE AMENDING THE FRANCHISE BETWEEN THE CITY OF COMMERCE CITY AND UNITED POWER, INC. TO EXTEND THE TERM OF THE FRANCHISE **Tab 6**
- b) 8:00 **Ordinance 1862** AN EMERGENCY ORDINANCE AMENDING THE FRANCHISE BETWEEN THE CITY OF COMMERCE CITY AND PUBLIC SERVICE COMPANY OF COLORADO d/b/a XCEL ENERGY TO EXTEND THE TERM OF THE FRANCHISE **Tab 7**

11. Study Items

- a) 8:05 Xcel Energy, Cherokee Power Plant 24" Natural Gas Pipeline **Tab 8**

- b) 8:20 Update from the Neighborhood Identification Project - Lead by Community Enterprise of Commerce City **Tab 9**

- c) 8:40 Presentation of 2011 Citizen Survey Results **Tab 10**

12. Administrative Council Business - 9:00

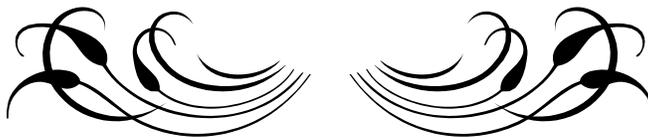
13. Legislative Update - 9:15

14. Reports - 9:20

15. Adjourn - 9:35

Office of the Mayor
Commerce City, Colorado

Proclamation



WHEREAS, Mr. Eduardo Arnal has led the Mexican General Consulate in Denver for the past three years and seven months; and

WHEREAS, Consul General Arnal has faithfully and consistently served a significant number of Commerce City residents, of all backgrounds, through the provision of notary services, as well as health checks and referrals in a timely manner; and

WHEREAS, Consul Arnal values a healthy community and has worked to expand the health services available at the Mexican Consulate General; and

WHEREAS, Consul General Arnal made every effort necessary to reduce waiting lists from nine months to less than one week, so that customers of the consulate would have their issues resolved in a dignified and expeditious manner; and

WHEREAS, through his intercession and commitment to serving his constituents, 6,000 people have received free legal services; and

WHEREAS, one characteristic that distinguishes Consul Arnal's career as a public servant, is his enormous capacity to bridge gaps and build relationships; and

WHEREAS, Consul Arnal has earned the respect of other civic leaders and the affection of residents in Commerce City, Colorado, and the entire mountain region; and

WHEREAS, due to his unparalleled success in the General Consulate of Mexico in Denver, he has been appointed by President Vicente Fox to serve as the Mexican Consul General in Chicago; the second largest Mexican Consulate in the world.

NOW, THEREFORE, the City Council of the City of Commerce City offers its appreciation to Consul General Eduardo Arnal for his meritorious services, loyalty and dedication he has rendered to our community.

In witness whereof I have hereunto set my hand and caused this seal to be affixed.

Attest: _____

Date: May 9, 2011

MINUTES
REGULAR MEETING OF
COMMERCE CITY COUNCIL

March 28, 2011

CALL TO ORDER

A regular meeting of the City Council of the City of Commerce City was called to order by Mayor Natale on March 28, 2011, at 6:34 p.m.

ROLL CALL

Present:

Mayor Natale – presiding
Mayor Pro-Tem Snyder
Councilman Moreno
Councilman Benson
Councilwoman Carson
Councilwoman Teter
Councilman McEldowney
Councilman Bullock

Absent:

Councilman Johnson

Staff Reporting:

City Manager Jerry Flannery
City Attorney Bob Gehler
Finance Director Roger Tinklenberg

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

AUDIENCE INTRODUCTION

The audience members introduced themselves.

CITIZEN COMMUNICATION

Reba Drotar, 7505 E. 121st Place, brought up concerns regarding the naming of the Rocky Mountain Arsenal National Wildlife Refuge Visitor's Center.

Council members McEldowney and Snyder moved and seconded to put forward a resolution relative to the naming of the Rocky Mountain Arsenal National Wildlife Refuge Visitor's Center.

City Attorney Gehler advised Council that, procedurally, before voting on any resolution, it should be placed on an agenda, and properly noticed, in accordance with the Open Meetings Law.

There was no vote taken on the motion to put forward a resolution.

Councilmember McEldowney requested that the remainder of the discussion on the Rocky Mountain Arsenal Wildlife Refuge Visitor's Center be moved to Administrative Business.

Freeman Chambers, 6160 65th Avenue, requested a variance to be grandfathered in so that he may park his truck in his truck yard. Council referred the issue to City Manager Flannery.

Chaplain Mitchell, 7210 E. 49th, thanked Council and everyone involved for addressing his issue regarding the mobile chapel at the Sapp Brothers Truck Stop.

Gene Leffel, 6530 Brighton Blvd., thanked Council for reappointing him to the Board of Adjustment.

APPROVAL OF MINUTES

February 14, 2011

Council members Snyder and Moreno moved and seconded to allow Councilwoman Carson to abstain from voting on the minutes of February 14, 2011, because of her excused absence.

VOICE VOTE: 7 aye, 1 abstain (Carson)

Council members McEldowney and Teter moved and seconded to approve the minutes of the February 14, 2011, meeting.

VOICE VOTE: 7 aye, 1 abstain (Carson)

ORDINANCES ON FIRST READING

Ordinance 1858

Council members Snyder and Bullock moved and seconded to introduce Ordinance 1858 by Council as seated and approve the ordinance on final reading as an emergency ordinance.

Against the Ordinance:

Oliver Poiss, 3825 N. Brook Drive, Boulder, CO

Support the Ordinance:

Kristie Douglas, 10970 Unity Parkway
Chaplain Mitchell, 7210 E. 49th Ave.

City Attorney Gehler read the title of Ordinance 1858: *AN EMERGENCY ORDINANCE ENACTING A MORATORIUM ON THE SUBMISSION, ACCEPTANCE, PROCESSING, AND APPROVAL OF ALL APPLICATIONS SUBMITTED TO THE CITY OF COMMERCE CITY RELATED TO THE ESTABLISHMENT OR OPERATION OF MEDICAL MARIJUANA CENTERS, MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURERS, OR OPTIONAL PREMISE CULTIVATION OPERATIONS IN THE CITY OF COMMERCE CITY AND DECLARING AN EMERGENCY.*

ROLL CALL VOTE: 8 aye

STUDY ITEMS

Commerce City Cultural Council Update

Committee member Kristine Sumner presented on behalf of the Commerce City Cultural Council. Ms. Sumner stated that the mission of the Commerce City Cultural Council is to advance charity and education for preservation of art, music, theater and dance in Commerce City, and their goal is to build a stronger community through cultural experiences.

Facilities Chapter of Long-Range Financial Plan

Finance Director Tinklenberg stated that the Long-Range Financial Plan is intended to cover all aspects of the city's revenues, operating expenditures and capital improvement needs. The facilities chapter identifies the challenges, options and potential solutions for city facilities. This chapter also focuses on the space needs for staff for all departments within the city. This chapter does not address program needs for Parks and Recreation; those needs will be addressed in the open space, parks, recreation and trails chapter.

ADMINISTRATIVE COUNCIL BUSINESS

City Manager Flannery requested clarification regarding the resolution on naming the Rocky Mountain Arsenal National Wildlife Refuge Visitor's Center.

Council members Bullock and Benson suggested scheduling a meeting, which the public could attend, to discuss the procedures for naming federal buildings and clarified that Council does not have the authority to name any federal building.

Council members McEldowney and Teter moved and seconded to table the motion to adopt a resolution relative to the naming of the Rocky Mountain Arsenal National Wildlife Refuge Visitor's Center.

VOICE VOTE: Unanimous; all present affirmed

Mayor Natale offered Council members a friendly reminder that except for purposes of inquiry to obtain readily available information to first contacting the city manager prior to contacting city employees.

REPORTS

Mayor Pro-Tem Snyder reported on participating with Meals on Wheels and attending dinner with the German guests. Mayor Pro-Tem Snyder publically announced her intent to run for House District 32.

Councilman Benson reported on the E-470 meeting that he attended.

Councilwoman Teter reported on attending an Adams County Economic Development meeting and dinner with the German guests.

Councilman Bullock reported on attending the Adams City Alumni event and the Governors' Bottoms Up meeting.

Mayor Natale reported attending the Governors' Bottoms Up meeting.

LEGISLATIVE UPDATE

Intergovernmental Relations Manager Mizraim Cordero provided Council with a summary of bills that he is tracking at the Capitol.

ADJOURNMENT:

The meeting adjourned at 9:03 p.m.

CITY OF COMMERCE CITY

ATTEST

Paul Natale, Mayor

Cheryl Scott, Deputy City Clerk



Council Communication

City Council Meeting: 09 May 2011

Prepared: 29 Apr 2011

Number of Attachments: 1

Subject: Resolution Approving Business Incentive for Harvest Asian Cuisine Restaurant, Inc. d.b.a. Yum Asian Fusion Cuisine & Sushi

Presenter: Brittany Morris

Recommended City Council Action:

Staff recommends City Council approve Resolution No. 2011-22 - Existing Retailer Incentives for Harvest Asian Cuisine Restaurant, Inc. d.b.a. Yum Asian Fusion Cuisine & Sushi

Summary Statement:

Harvest Asian Cuisine Restaurant, Inc. d.b.a. Yum Asian Fusion Cuisine & Sushi is requesting Existing Retailer Incentives pursuant to the Commerce City Incentive Program approved by Resolution 2010-33. The amount of Existing Retailer Incentives will be determined by the Finance Department. Approval is being requested for these incentives.

Next Steps: Following approval, this incentive application will be forwarded to the Finance Department for appropriate processing.

Expenditure Required: Actual expenditure will be determined by the Finance Department based on actual sales tax received from the business in 2010.

Source of Funds: Incentive funding will be a rebate of actual sales tax received.

Policy Issue: This incentive request is consistent with the Commerce City Incentive Program initially approved by City Council in 2010 and extended until June 1, 2011.

Alternative:

Background Information:

Harvest Asian Cuisine Restaurant, Inc. d.b.a. Yum Asian Fusion Cuisine & Sushi is located in Reunion Village and has been open for nearly two years. Under the current incentive program, the company is eligible for a 5% rebate of City sales tax received from the business in 2010 for use in marketing the business.

**RESOLUTION APPROVING BUSINESS INCENTIVE FOR
HARVEST ASIAN CUISINE RESTAURANT, INC.
d/b/a YUM ASIAN FUSION CUISINE & SUSHI**

NO. 2011-22

WHEREAS, on May 24, 2010, the City Council passed Resolution 2010-33, which accepted certain recommendations of the Business Advancement Task Force including the 2010 Commerce City Business and Development Incentive Package (the “Incentive Package” or the “Program”);

WHEREAS, pursuant to Resolution 2010-33, applications for certain incentives must receive approval from the City Council before any incentives may be paid out under the Incentive Package;

WHEREAS, Harvest Asian Cuisine Restaurant, Inc. d/b/a Yum Asian Fusion Cuisine & Sushi (the “Business”), has submitted a Business Incentive Application under the Incentive Program for Existing Retailer Incentives; and

WHEREAS, the City Council has reviewed the attached application and staff report and finds that the information provided in the application supports the incentives detailed herein.

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

1. Approval. The following incentive described in the Business Incentive Application is hereby approved: Existing Retailer Incentives (Grocery & Eating Places).
2. Existing Retailer Incentives. Upon verification of the City sales tax received from the Business for fiscal year 2010, the Economic Development Division is hereby authorized and directed to provide to the Business, in accordance with Program terms and conditions, Sales Tax Rebates in the amount of five percent (5%) of the City sales tax received for fiscal year 2010.

RESOLVED AND PASSED THIS 9th DAY OF MAY, 2011.

CITY OF COMMERCE CITY

Paul Natale, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk



CITY OF COMMERCE CITY
7887 EAST 60TH AVENUE
COMMERCE CITY, CO 80022

ECONOMIC DEVELOPMENT DIVISION
Telephone: 303.289.3620
Fax: 303.289.3688
Website: <http://www.c3ed.com>

BUSINESS INCENTIVE APPLICATION

PLEASE TYPE OR PRINT LEGIBLY

Company Name: <u>Harvest Asian Cuisine</u>		Contact Person: <u>He Hui</u>	
Address: <u>18220 F 104th Ave Ste 107 Commerce City CO 80022</u>		E-Mail: _____	
<small>Street Number</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>
Telephone: <u>303-853-0680</u>	Cell or Other #: _____	Fax: _____	
Company Website Address (if applicable): _____			

Property Address/General Location (if different from above):
18220 F 104th Ave Ste 107 Commerce City CO 80022

Company Name: _____		Contact Person: _____	
Address: _____		E-Mail: _____	
<small>Street Number</small>	<small>City</small>	<small>State</small>	<small>Zip Code</small>
Telephone: _____	Cell or Other #: _____	Fax: _____	
Parent Company Website Address (if applicable): _____			

<p>APPLICATION FOR:</p> <p><input checked="" type="checkbox"/> Existing Business Incentives</p> <p><input type="checkbox"/> Prospective Business Incentives</p> <p><input type="checkbox"/> Existing Retailer Incentives</p> <p><input type="checkbox"/> New Retailer Incentives</p> <p><input type="checkbox"/> Job Creation Incentives</p> <p><input type="checkbox"/> Green Businesses and Green Building Practices</p> <p><input type="checkbox"/> Projects of Economic Development Significance</p>	<p>TYPE OF BUSINESS: <u>Full Service Restaurant</u></p> <p>PERMIT LICENSE NO.: <u>22672</u></p> <p>COMPANY'S FORMAL NAME: _____</p>
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Current total number of employees?	<u>6</u>
Number of planned new employees?	<u>-0-</u>
How many current employees live in Commerce City? <small>(Note that some Commerce City residents have a Henderson, zip code 80640, or Brighton, zip code 80603, mailing address.)</small>	<u>2</u>
Number of planned new employees with salaries/annual wages over \$41,747?	<u>-0-</u>

CAPITAL EXPENDITURES Value of Fixed Assets to be Purchased for Commerce City Facilities (computers, office furniture, equipment, etc.)	FACILITY IMPROVEMENTS Value of New Construction, Expansion, or Remodeling of Company's Commerce City Facility
N/A	
DESCRIPTION OF CAPITAL EXPENDITURES AND/OR FACILITY IMPROVEMENTS (please identify if "Green" and/or energy efficient)	

GENERAL ELIGIBILITY REQUIREMENTS

To maximize the positive economic and social impacts of the City of Commerce City Business Incentive Program, certain requirements and guidelines have been established. Businesses applying for incentives must comply with these requirements.

By checking each requirement, you are confirming the company agrees to comply with each one:

- Be a licensed business entity located in Commerce City, Colorado. For new businesses, a business license must be obtained prior to the rebate being paid.
- Be current on all fees and taxes owed to the City of Commerce City;
- Agree to maintain a business presence in Commerce City for a minimum of three years from receipt of incentive. If the business moves out of Commerce City within that period, the applicant agrees to reimburse the City for the total amount of the incentive received;
- Meet the requirements of each of the programs for which the business is applying.

CERTIFICATION

By signing below, I certify that I represent the organization identified above and have the authority to enter into agreements on behalf of the organization. I further certify that all information submitted on this application is true and correct to the best of my knowledge. I understand that City staff may require additional information to complete the application process and that all application materials are public record and subject to public inspection. I further understand that an incentive agreement may be subject to approval by the City Council. I give permission to the City of Commerce City to use the company's name and the amount of any rebate granted to illustrate the success of this incentive program.

Name: Hui He Title: President
 Printed
 Signature: [Handwritten Signature] Date: 2/10/11

INTERNAL USE ONLY			
Project Reviewed:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	ED Director Review: _____ Date: _____
Referred to Sales Tax Information Requested: _____	Date Letter Sent: _____		
Information Requested: _____		Rebate Disbursed: _____	



Council Communication

City Council Meeting: 09 May 2011

Prepared: 29 Apr 2011

Number of Attachments: 1

Subject: Resolution Approving Business Incentive for Barpal Investments, LLC

Presenter: Brittany Morris

Recommended City Council Action:

Staff recommends City Council approve Resolution No. 2011-23 - Existing Business Incentives for Barpal Investments, LLC.

Summary Statement:

Barpal Investments, LLC is requesting Existing Business Incentives pursuant to the Commerce City Incentive Program approved by Resolution 2010-33. Approval is being requested for incentives totaling an estimated \$3,046.

Next Steps: Following approval, this incentive application will be forwarded to the Finance Department for appropriate processing.

Expenditure Required: Estimated expenditure is \$3,046, based on the stated estimated investment of \$400,000. Actual expenditure will be based on actual sales and/or use tax and fees.

Source of Funds: Incentive funding will be a rebate of actual sales and/or use tax and fees remitted and/or paid.

Policy Issue: This incentive request is consistent with the Commerce City Incentive Program initially approved by City Council in 2010 and extended until June 1, 2011.

Alternative:

Background Information:

Barpal Investments, LLC is a warehouse and office property development and leasing company that owns and plans to develop property in Commerce City at 6795 E 49th St. The company plans to construct an approximately 4,800 square foot warehouse and office building on this property that is already owned. The cost of these capital improvements are estimated at \$400,000. Under the incentive program, the company is eligible for a 10% rebate of City sales and/or use taxes associated with these capital improvements, as well as a 50% rebate of City fees associated with these capital improvements.

**RESOLUTION APPROVING BUSINESS INCENTIVE FOR
BARPAL INVESTMENTS, LLC**

NO. 2011-23

WHEREAS, on May 24, 2010, the City Council passed Resolution 2010-33, which accepted certain recommendations of the Business Advancement Task Force including the 2010 Commerce City Business and Development Incentive Package (the “Incentive Package” or the “Program”);

WHEREAS, pursuant to Resolution 2010-33, certain applications must receive approval from the City Council before any incentives may be paid out under the Incentive Package;

WHEREAS, Barpal Investments, LLC (the “Business”), has submitted a Business Incentive Application under the Incentive Program for Existing Business Incentives; and

WHEREAS, the City Council has reviewed the attached application and staff report and finds that the information provided in the application supports the incentives detailed herein, the total of which is currently estimated at **Three Thousand Forty-six dollars (\$3,046.00)**.

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

1. Approval. The following incentive described in the Business Incentive Application is hereby approved: Existing Business Incentives.
2. Existing Business Incentives.
 - a. The estimated combined value of capital improvements planned for the Business, including fixed value assets and new construction, is Four Hundred Thousand dollars (\$400,000.00).
 - b. Upon verification of the value of the capital improvements actually made, the Economic Development Division is hereby authorized and directed to provide to the Business, in accordance with Program terms and conditions, a Use Tax rebate in the amount of **Eight Hundred Forty dollars (\$840.00)**; provided, however, that in the event the value of the capital improvements actually made by the Business is more or less than estimated, the amount of the Use Tax rebate shall be adjusted accordingly.
 - c. Upon the payment by the Business of the applicable City Fees, the Economic Development Division is hereby authorized and directed to provide to the Business, in accordance with Program terms and conditions, a City Fees rebate in the amount of **Two Thousand Two Hundred Six dollars (\$2,206.00)**; provided, however, that in the

event the value of the capital improvements actually made by the Business is more or less than estimated, the amount of the City Fees rebate shall be adjusted accordingly.

RESOLVED AND PASSED THIS 9TH DAY OF MAY, 2011.

CITY OF COMMERCE CITY

Paul Natale, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk



CITY OF COMMERCE CITY
 7887 EAST 60TH AVENUE
 COMMERCE CITY, CO 80022

ECONOMIC DEVELOPMENT DIVISION
 Telephone: 303.289.3620
 Fax: 303.289.3688
 Website: <http://www.c3ed.com>

BUSINESS INCENTIVE APPLICATION

PLEASE TYPE OR PRINT LEGIBLY

COMPANY INFORMATION			
Company Name:	Barpal Investments LLC		Contact Person: Daniel Barpal
Address:	5573 S Datura St	Littleton CO	80120
	<small>Street Number</small>	<small>City</small>	<small>State</small> <small>Zip Code</small>
Telephone:		Cell or Other #: 281-813-9999	Fax: 720-283-1884
Company Website Address (if applicable):			

Property Address/General Location (if different from above):	6795 E. 49th St, Commerce City, CO 80022
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PARENT COMPANY INFORMATION (if different from Company information)			
Company Name:		Contact Person:	
Address:		E-Mail:	
	<small>Street Number</small>	<small>City</small>	<small>State</small> <small>Zip Code</small>
Telephone:		Cell or Other #:	Fax:
Parent Company Website Address (if applicable):			

APPLICATION FOR: (check all that apply)	TYPE OF INDUSTRY: (brief description)
<input checked="" type="checkbox"/> Existing Business Incentives <input type="checkbox"/> Prospective Business Incentives <input type="checkbox"/> Existing Retailer Incentives <input type="checkbox"/> New Retailer Incentives <input type="checkbox"/> Job Creation Incentives <input type="checkbox"/> Green Businesses and Green Building Practices <input type="checkbox"/> Projects of Economic Development Significance	Warehouse/office development & Leasing <hr/> BUSINESS LICENSE NO: <hr/> COMPANY'S PRIMARY NAICS: 53112

EMPLOYMENT:	
Current total number of employees?	0
Number of planned new employees?	0
How many current employees live in Commerce City? (Note that some Commerce City residents have a Henderson, zip code 80640, or Brighton, zip code 80603, mailing address.)	0
Number of planned new employees with salaries/annual wages over \$41,747?	0

CAPITAL EXPENDITURES Value of Fixed Assets to be Purchased for Commerce City Facilities (computers, office furniture, equipment, etc.)	FACILITY IMPROVEMENTS Value of New Construction, Expansion, or Remodeling of Company's Commerce City Facility
0	\$ 400,000
DESCRIPTION OF CAPITAL EXPENDITURES AND /OR FACILITY IMPROVEMENTS (please identify if "Green" and/or energy efficient)	
New construction of a 4800 ft ² warehouse & office.	

GENERAL ELIGIBILITY REQUIREMENTS

To maximize the positive economic and social impacts of the City of Commerce City Business Incentive Program, certain requirements and guidelines have been established. Businesses applying for incentives must comply with these requirements.

By checking each requirement, you are confirming the company agrees to comply with each one:

- Be a **licensed business entity located in Commerce City, Colorado**. For new businesses, a business license must be obtained prior to the rebate being paid.
- Be **current on all fees and taxes** owed to the City of Commerce City;
- Agree to **maintain a business presence in Commerce City for a minimum of three years from receipt of incentive**. If the business moves out of Commerce City within that period, the applicant agrees to reimburse the City for the total amount of the incentive received;
- Meet the requirements of each of the programs for which the business is applying.

CERTIFICATION

By signing below, I certify that I represent the organization identified above and have the authority to enter into agreements on behalf of the organization. I further certify that all information submitted on this application is true and correct to the best of my knowledge. I understand that City staff may require additional information to complete the application process and that all application materials are public record and subject to public inspection. I further understand that an incentive agreement may be subject to approval by the City Council. I give permission to the City of Commerce City to use the company's name and the amount of any rebate granted to illustrate the success of this incentive program.

Name: Daniel Barga Title: Manager
Printed
Daniel Barga Date: 4/8/11
Signature

INTERNAL USE ONLY			
Project Reviewed:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	ED Director Review: _____ Date: _____
Referred to Sales Tax:	_____	Date Letter Sent:	_____
Information Requested:	_____	Rebate Disbursed:	_____



Council Communication

City Council Meeting: 09 May 2011

Prepared: 29 Apr 2011

Number of Attachments: 1

Subject: Resolution Approving Business Incentive for Summit Renewable Solutions, LLC

Presenter: Brittany Morris

Recommended City Council Action:

Staff recommends City Council approve Resolution No. 2011-25 - Prospective Business and Job Creation Incentives for Summit Renewable Solutions, LLC.

Summary Statement:

Summit Renewable Solutions, LLC is requesting Prospective Business Incentives and Job Creation Incentives pursuant to the Commerce City Incentive Program approved by Resolution 2010-33. The Prospective Business Incentives and Job Creation Incentives are expected to total \$2,070.00.

Next Steps: Following approval, this incentive application will be forwarded to the Finance Department for appropriate processing.

Expenditure Required: Estimated expenditure is \$2,070, based on the stated estimated investment of \$20,000 and creation of four jobs. Actual expenditure will be based on actual sales and/or use tax and fees and number of employees.

Source of Funds: Incentive funding will be a rebate of actual sales and/or use tax and fees remitted and/or paid.

Policy Issue: This incentive request is consistent with the Commerce City Incentive Program initially approved by City Council in 2010 and extended until June 1, 2011.

Alternative:

Background Information:

Summit Renewable Solutions, LLC is planning to move into the building that will be constructed by Barpal Investments, LLC. The company fits into the city's targeted industry of Business and Professional Services and handles distressed asset management and sales, as well as consulting, primarily working with power industry equipment. The estimated capital investment of \$20,000 will be for the purchase of office furniture, computers, fork lifts, welders, hand tools and power tools. In addition, the company plans to hire four (4) new employees. Under the incentive program, the company is eligible for a 10% rebate of City sales and/or use taxes associated with these capital improvements, as well as a 50% rebate of City fees associated with these capital improvements. The company is also eligible for a tax rebate for creating new jobs.

**RESOLUTION APPROVING BUSINESS INCENTIVE FOR
SUMMIT RENEWABLE SOLUTIONS, LLC**

NO. 2011-25

WHEREAS, on May 24, 2010, the City Council passed Resolution 2010-33, which accepted certain recommendations of the Business Advancement Task Force including the 2010 Commerce City Business and Development Incentive Package (the “Incentive Package” or the “Program”);

WHEREAS, pursuant to Resolution 2010-33, certain applications must receive approval from the City Council before any incentives may be paid out under the Incentive Package;

WHEREAS, Summit Renewable Solutions, LLC (the “Business”), has submitted a Business Incentive Application under the Incentive Program for Prospective Business Incentives; and

WHEREAS, the City Council has reviewed the attached application and staff report and finds that the information provided in the application supports the incentives detailed herein, the total of which is currently estimated at **Two Thousand Seventy dollars (\$2,070.00)**.

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

1. Approval. The following incentive described in the Business Incentive Application is hereby approved: Prospective Business Incentives.
2. Prospective Business Incentives.
 - a. The estimated combined value of capital improvements planned for the Business, including fixed value assets and new construction, is Twenty Thousand dollars (\$20,000.00).
 - b. Upon verification of the value of the capital improvements actually made, the Economic Development Division is hereby authorized and directed to provide to the Business, in accordance with Program terms and conditions, a Use Tax rebate in the amount of **Seventy dollars (\$70.00)**; provided, however, that in the event the value of the capital improvements actually made by the Business is more or less than estimated, the amount of the Use Tax rebate shall be adjusted accordingly.
3. Job Creation Incentives. The Business anticipates creating four (4) Full Time Equivalent* (“FTE”) jobs earning above the average wage for Adams County. Upon verification of the creation of such jobs the Economic Development Division is hereby authorized and directed to provide to the Business, in

accordance with Program terms and conditions, Job Creation Incentives in the amount of **Two Thousand dollars (\$2,000.00)**; provided, however, that in the event the Business creates more or fewer jobs, the Job Creation Incentives shall be adjusted accordingly.

*Full Time Equivalent is calculated as follows: number of positions in the particular pay category (earning below average wage or earning above average wage) multiplied by the total number of hours to be worked per week by all positions in such category, divided by 40 (hours).

RESOLVED AND PASSED THIS 9TH DAY OF MAY, 2011.

CITY OF COMMERCE CITY

Paul Natale, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk

2011-25



CITY OF COMMERCE CITY
7887 EAST 60TH AVENUE
COMMERCE CITY, CO 80022

ECONOMIC DEVELOPMENT DIVISION
Telephone: 303.289.3620
Fax: 303.289.3688
Website: <http://www.c3ed.com>

BUSINESS INCENTIVE APPLICATION

PLEASE TYPE OR PRINT LEGIBLY

COMPANY INFORMATION				
Company Name:	Summit Renewable Solutions LLC		Contact Person:	Daniel Barpal
Address:	5573 S Datura St	Littleton CO	80120	E-Mail: daniel@barpal.net
	<small>Street Number</small>	<small>City</small>	<small>State</small> <small>Zip Code</small>	
Telephone:	281-813-9999	Cell or Other #:	281-813-9999	Fax: 720-283-1884
Company Website Address (if applicable):				

Property Address/General Location (if different from above):	6795 E 49th St Commerce City, CO 80022
--	---

PARENT COMPANY INFORMATION (if different from Company information)				
Company Name:			Contact Person:	
Address:				E-Mail:
	<small>Street Number</small>	<small>City</small>	<small>State</small> <small>Zip Code</small>	
Telephone:		Cell or Other #:		Fax:
Parent Company Website Address (if applicable):				

APPLICATION FOR: (check all that apply)	TYPE OF INDUSTRY: (brief description)
<input type="checkbox"/> Existing Business Incentives <input checked="" type="checkbox"/> Prospective Business Incentives <input type="checkbox"/> Existing Retailer Incentives <input type="checkbox"/> New Retailer Incentives <input checked="" type="checkbox"/> Job Creation Incentives <input type="checkbox"/> Green Businesses and Green Building Practices <input type="checkbox"/> Projects of Economic Development Significance	Distressed Asset Management & Sales And Consulting (work primarily with Power Industry Equipment)
	BUSINESS LICENSE NO:
	COMPANY'S PRIMARY NAICS: 811310

EMPLOYMENT::	
Current total number of employees?	0
Number of planned new employees?	4
How many current employees live in Commerce City? (Note that some Commerce City residents have a Henderson, zip code 80640, or Brighton, zip code 80603, mailing address.)	0
Number of planned new employees with salaries/annual wages over \$41,747?	2-4

CAPITAL EXPENDITURES Value of Fixed Assets to be Purchased for Commerce City Facilities (computers, office furniture, equipment, etc.)	FACILITY IMPROVEMENTS Value of New Construction, Expansion, or Remodeling of Company's Commerce City Facility
\$ 20,000	0
DESCRIPTION OF CAPITAL EXPENDITURES AND /OR FACILITY IMPROVEMENTS (please identify if "Green" and/or energy efficient)	
Furniture, computers, fork lifts, welders, hand & power tools	

GENERAL ELIGIBILITY REQUIREMENTS

To maximize the positive economic and social impacts of the City of Commerce City Business Incentive Program, certain requirements and guidelines have been established. Businesses applying for incentives must comply with these requirements.

By checking each requirement, you are confirming the company agrees to comply with each one:

- Be a **licensed business entity located in Commerce City, Colorado**. For new businesses, a business license must be obtained prior to the rebate being paid.
- Be **current on all fees and taxes** owed to the City of Commerce City;
- Agree to **maintain a business presence in Commerce City for a minimum of three years from receipt of incentive**. If the business moves out of Commerce City within that period, the applicant agrees to reimburse the City for the total amount of the incentive received;
- Meet the requirements of each of the programs for which the business is applying.

CERTIFICATION

By signing below, I certify that I represent the organization identified above and have the authority to enter into agreements on behalf of the organization. I further certify that all information submitted on this application is true and correct to the best of my knowledge. I understand that City staff may require additional information to complete the application process and that all application materials are public record and subject to public inspection. I further understand that an incentive agreement may be subject to approval by the City Council. I give permission to the City of Commerce City to use the company's name and the amount of any rebate granted to illustrate the success of this incentive program.

Name: Daniel Barpal Title: Manager
Printed
Daniel Barpal Date: 4/8/11
Signature

INTERNAL USE ONLY			
Project Reviewed:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	ED Director Review: _____ Date: _____
Referred to Sales Tax: _____	Date Letter Sent: _____		
Information Requested: _____	Rebate Disbursed: _____		



Council Communication

City Council Meeting: 09 May 2011

Prepared: 03 May 2011

Number of Attachments: 2

Subject: Emergency Ordinance Amending United Power Franchise Agreement

Presenter: Tom Acre

Recommended City Council Action:

Staff recommends City Council approve Ordinance No. 1861.

Summary Statement:

- City Staff has been working with United Power and Xcel Energy to negotiate new franchise agreements.
- The agreements are long term (20 years) and allow the utilities to do work within the City and in our rights-of-ways and roads to provide electrical and gas service to residents and businesses.
- By state statute the utilities must collect a franchise fee from customers and pass the funds to the City, the funds go into the City's general revenue account.
- The current agreements are due to expire in mid May 2011. Staff has been working on the two franchise agreements together since they are closely related.
- Staff and United Power staff have come to agreement on the United Power agreement and anticipate completing it in the next couple of months.
- The amendment allows the City and United Power to continue to operate under the current agreement.
- Staff is requesting an emergency ordinance due to the timing and the amendment does not change the existing agreement with the exception to extend the duration of the agreement.

Next Steps: Finalize franchise agreement and bring to City Council for approval.

Expenditure Required: No expenditure is required.

Source of Funds: N/A

Policy Issue: Franchise agreement allows United Power to work in City right-of-way and to collect franchise fees which are remitted to the City.

Alternative: City Council could request staff make modifications to the franchise agreement amendment.

Background Information:
See information above.

ORDINANCE NO. 1861

INTRODUCED BY: _____

AN EMERGENCY ORDINANCE AMENDING THE FRANCHISE
BETWEEN THE CITY OF COMMERCE CITY AND UNITED POWER,
INC. TO EXTEND THE TERM OF THE FRANCHISE

WHEREAS, in 1986, the City Council of the City of Commerce City (the “City”) adopted Ordinance No. 765 which sets forth the terms and conditions under which Public Service Company of Colorado d/b/a Xcel Energy (“PSCo”) is permitted to make use of City rights-of-way and other City property in order to provide service to Commerce City residents (the “Franchise”), and establishes the fees PSCo is obligated to pay to the City to exercise its rights under the Franchise;

WHEREAS, in 1989, the City Council passed Ordinance No. 893 approving the partial assignment of the Franchise by PSCo to Union Rural Electric Association, Inc. n/k/a United Power, Inc. (“United Power”), which established an electric franchise applying to United Power’s service area within the City;

WHEREAS, in 1990, the City Council passed Ordinance No. 912, which renamed to “United Power, Inc. Franchise” that portion of the Franchise assigned to United Power and extended the term thereof to May 13, 2011 (the “Termination Date”);

WHEREAS, the City and United Power have diligently negotiated the renewal of the United Power, Inc. Franchise, but will not be able to finalize it prior to the Termination Date;

WHEREAS, an emergency ordinance extending the United Power, Inc. Franchise is necessary because it will expire on May 13, 2011;

WHEREAS, both parties agree that their respective interests will be served by amending the Franchise to extend its term for two (2) months through July 13, 2011.

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

SECTION 1. The amendment to the United Power, Inc. Franchise extending the term of the Franchise through July 13, 2011, attached hereto as Exhibit A (the “United Power, Inc. Franchise Extension Amendment”), is hereby approved.

SECTION 2. The Mayor and the City Clerk are hereby authorized and directed to sign and attest the United Power, Inc. Franchise Extension Amendment on behalf of the City of Commerce City

SECTION 3. Except as specifically modified hereby, the United Power, Inc. Franchise shall remain in full force and effect.

SECTION 4. The City Council declares that passage of this ordinance as an emergency ordinance is immediately necessary for the preservation of the public health, safety, welfare and economic well-being of the City for the reasons set forth in this ordinance.

SECTION 5. Pursuant to City Charter Section 5.4, this Ordinance shall become effective upon its adoption by City Council.

INTRODUCED, PASSED AS AN EMERGENCY ORDINANCE AND PUBLIC NOTICE ORDERED THIS 9th DAY OF MAY, 2011.

CITY OF COMMERCE CITY

Paul Natale, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk

FIRST AMENDMENT TO UNITED POWER, INC. FRANCHISE AGREEMENT

This FIRST AMENDMENT TO UNITED POWER, INC. FRANCHISE AGREEMENT (the “Amendment”) is made and entered into this ___ day of _____, 2011, by and between the CITY OF COMMERCE CITY, a Colorado home rule municipality whose principal business address is 7887 East 60th Avenue (the “City”), and UNITED POWER, INC., a Colorado cooperative association (“United Power”).

WHEREAS, in 1986, the City Council adopted Ordinance No. 765 approving the grant of a franchise to furnish, sell and distribute gas and electricity within the City (the “Franchise”);

WHEREAS, in 1989, the City Council passed Ordinance No. 893 approving the partial assignment of the Franchise by Public Service Company of Colorado d/b/a Xcel Energy, Inc. (“PSCo”) to Union Rural Electric Association, Inc. n/k/a United Power, Inc. (“United Power”), which established an electric franchise applying to United Power’s service area within the City;

WHEREAS, in 1990, the City Council passed Ordinance No. 912, which renamed to “United Power, Inc. Franchise” that portion of the Franchise assigned by PSCo to United Power and extended the term thereof to May 13, 2011 (the “Termination Date”);

WHEREAS, the City and United Power have negotiated the renewal of the United Power, Inc. Franchise, and both parties agree that their respective interests will be served by amending the United Power, Inc. Franchise to extend its term for two (2) months beyond the Termination Date, or through July 13, 2011;

WHEREAS, on May 9, 2011, the City Council adopted an emergency ordinance providing for the extension of the existing term of the United Power, Inc. Franchise from May 13, 2011, through September 13, 2011; and

WHEREAS, the purpose of this Amendment is to extend the term of the United Power, Inc. Franchise.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and adequacy of which the parties hereto acknowledge, the parties hereby agree as follows:

1. Section 18.6-2 of the United Power, Inc. Franchise, as set forth in Section 1 of Ordinance No. 912, is hereby amended to read as follows:

Sec. 18.6-2. Expiration.

The assignments herein approved are effective until and shall expire on May 13, 2011.

2. Except as amended by this Amendment, all other terms and conditions of the United Power, Inc. Franchise shall remain unchanged and in full force and effect.

[The remainder of this page intentionally left blank. Signature page(s) follow(s).]

CITY OF COMMERCE CITY

Paul Natale, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk

Approved as to form:

Gregory D. Graham, Assistant City Attorney

Recommended for approval:

Gerald M. Flannery, City Manager

Tom Acre, Deputy City Manager

UNITED POWER, INC., A Colorado Nonprofit Corporation

By: _____
United Power CEO

Attest:

Secretary



Council Communication

City Council Meeting: 09 May 2011

Prepared: 03 May 2011

Number of Attachments: 2

Subject: Emergency Ordinance Amending Xcel Energy Franchise Agreement

Presenter: Tom Acre

Recommended City Council Action:

Staff recommends City Council approve Ordinance No. 1862.

Summary Statement:

- City Staff has been working with United Power and Xcel Energy to negotiate new franchise agreements.
- The agreements are long term (20 years) and allow the utilities to do work in City rights-of-way and roads to provide electrical and gas service to residents and businesses.
- By state statute the utilities must collect a franchise fees from customers and pass those funds to the City, the funds go into the City's general revenue account.
- The current agreements are due to expire in mid May 2011. Staff has been working on the two franchise agreements together since they are closely related.
- Within the last couple of weeks, staff and Xcel have come to basic agreement on everything except language relating to potential environmental issues and Xcel is comfortable agreeing to the extension.
- Staff and Xcel representatives have come to agreement on the United Power agreement and anticipate completing it in the next couple of months.
- The amendment allows the City and Xcel to continue to operate under the current agreement.
- Staff is requesting an emergency ordinance due to the timing and the amendment does not change the existing agreement with the exception to extend the duration of the agreement.

Next Steps: Finalize franchise agreement and bring to City Council for approval.

Expenditure Required: No expenditure is required.

Source of Funds: N/A

Policy Issue: Franchise agreement allows Xcel Energy to work in City right-of-way and to collect franchise fees which are remitted to the City.

Alternative: City Council could request staff make modifications to the franchise agreement amendment.

Background Information:

See information above.

ORDINANCE NO. 1862

INTRODUCED BY: _____

AN EMERGENCY ORDINANCE AMENDING THE FRANCHISE BETWEEN THE CITY OF COMMERCE CITY AND PUBLIC SERVICE COMPANY OF COLORADO d/b/a XCEL ENERGY TO EXTEND THE TERM OF THE FRANCHISE

WHEREAS, in 1986, the City Council of the City of Commerce City (the “City”) adopted Ordinance No. 765, which sets forth the terms and conditions under which Public Service Company of Colorado d/b/a Xcel Energy (“PSCo”) is permitted to make use of City rights-of-way and other City property in order to provide service to Commerce City residents (the “Franchise”) and establishes the fees PSCo is obligated to pay to the City to exercise its rights under the Franchise;

WHEREAS, Section 22-4 of the Franchise, as set forth in Section 1 of Ordinance No. 765, provides that the term of the Franchise shall be twenty-five (25) years from the effective date of Ordinance No. 765;

WHEREAS, pursuant to an election held June 10, 1986, the effective date of Ordinance No. 765 was May 13, 1986, and therefore the Franchise will terminate on May 13, 2011 (the “Termination Date”);

WHEREAS, PSCo is currently engaged in a proceeding at the Colorado Public Utilities Commission (the “PUC”) regarding the proposed adoption by PSCo of a tariff that would make significant changes to the manner in which PSCo and its customers deal with environmental matters;

WHEREAS, the City is also engaged in the above-reference PUC proceeding in opposition to the proposed environmental matters tariff;

WHEREAS, the City and PSCo have diligently negotiated the renewal of the Franchise, but continue to support divergent views as to certain issues, including environmental matters;

WHEREAS, an emergency ordinance extending the Franchise is necessary because the Franchise will expire on May 13, 2011;

WHEREAS, both parties agree that their respective interests will be served by amending the Franchise to extend its term for four (4) months through September 13, 2011, in order to allow for a ruling in the above-referenced PUC proceedings;

WHEREAS, under this Emergency Ordinance, all terms of the current Franchise will remain unchanged with the exception of the Termination Date; and

WHEREAS, City Council finds that the adoption of this moratorium is immediately necessary for the preservation of the health, safety, welfare and economic well-being of the City.

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

SECTION 1. The Amendment to the Franchise extending the term of the Franchise through September 13, 2011, attached hereto as Exhibit A (the “Extension Amendment”), is hereby approved.

SECTION 2. The Mayor and the City Clerk are hereby authorized and directed to sign and attest the Extension Amendment on behalf of the City of Commerce City.

SECTION 3. Except as specifically modified hereby, the Franchise shall remain in full force and effect.

SECTION 4. The City Council declares that passage of this ordinance as an emergency ordinance is immediately necessary for the preservation of the public health, safety, welfare and economic well-being of the City for the reasons set forth in this ordinance.

SECTION 5. Pursuant to City Charter Section 5.4, this Ordinance shall become effective upon its adoption by City Council.

INTRODUCED, PASSED AS AN EMERGENCY ORDINANCE AND PUBLIC NOTICE ORDERED THIS 9th DAY OF MAY, 2011.

CITY OF COMMERCE CITY

Paul Natale, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk

FIRST AMENDMENT TO FRANCHISE AGREEMENT

This FIRST AMENDMENT TO FRANCHISE AGREEMENT (the “Amendment”) is made and entered into this ___ day of _____, 2011, by and between the CITY OF COMMERCE CITY, a Colorado home rule municipality whose principal business address is 7887 East 60th Avenue (the “City”), and PUBLIC SERVICE COMPANY OF COLORADO d/b/a Xcel Energy (“PSCo”).

WHEREAS, in 1986, the City Council adopted Ordinance No. 765 approving the grant of a franchise to furnish, sell and distribute gas and electricity within the City (the “Franchise”);

WHEREAS, Section 22-4 of the Franchise, as set forth in Section 1 of Ordinance No. 765, provides that the term of the Franchise shall be twenty-five (25) years from the effective date of Ordinance No. 765;

WHEREAS, pursuant to an election held June 10, 1986, the effective date of Ordinance No. 765 was May 13, 1986, and therefore the Franchise will terminate on May 13, 2011 (the “Termination Date”);

WHEREAS, the City and PSCo have negotiated the renewal of the Franchise, and both parties agree that their respective interests will be served by amending the Franchise to extend its term for four (4) months beyond the Termination Date, or through September 13, 2011;

WHEREAS, on May 9, 2011, the City Council adopted an emergency ordinance providing for the extension of the existing term of the Franchise from May 13, 2011, through September 13, 2011; and

WHEREAS, the purpose of this Amendment is to extend the term of the Franchise.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, and other good and valuable consideration, the receipt and adequacy of which the parties hereto acknowledge, the parties hereby agree as follows:

1. Section 22-4 of the Franchise, as set forth in Section 1 of Ordinance No. 765, is hereby amended to read as follows:

22-4. Term of Franchise.

This franchise shall take effect on August 1, 1986 and shall supersede the franchise granted to Public Service Company of Colorado by City of Commerce City Ordinance No. 100, which otherwise expires on November 21, 1986. The term of this franchise, and all rights, privileges, obligations and restrictions pertaining thereto, shall expire on September 13, 2011, unless sooner terminated as provided for in this franchise.

2. Except as amended by this Amendment, all other terms and conditions of the Franchise shall remain unchanged and in full force and effect.

[The remainder of this page intentionally left blank. Signature page(s) follow(s).]

CITY OF COMMERCE CITY

Paul Natale, Mayor

ATTEST:

Laura J. Bauer, CMC, City Clerk

Approved as to form:

Gregory D. Graham, Assistant City Attorney

Recommended for approval:

Gerald M. Flannery, City Manager

Tom Acre, Deputy City Manager

**PUBLIC SERVICE COMPANY
OF COLORADO**

By: _____
Jerome Davis Regional Vice President,
Customer and Community Relations

Attest: _____
Asst. Secretary



Council Communication

City Council Meeting: 09 May 2011

Prepared: 29 Apr 2011

Number of Attachments: 3

Subject: Xcel Energy, Cherokee Power Plant 24” Natural Gas Pipeline

Presenter: Preston Gibson, Xcel Energy

Recommended City Council Action:

This is an informational presentation by Xcel Energy; no City Council action is required at this time.

Summary Statement:

Preston Gibson will be presenting Xcel Energy’s plan to install 34 miles of 24” steel natural gas transmission pipeline from a new facility they are building in Fort Lupton to the Cherokee Power Plant near I-270 and York Street.

Next Steps:

Expenditure Required: Not applicable

Source of Funds: Not applicable

Policy Issue: Not applicable

Alternative: Not applicable

Background Information:

- Xcel will need right-of-way permits from the City to construct the gas line.
- See attached information provided by Xcel.

Q&A about Fort Lupton to Cherokee Power Plant Natural Gas Pipeline Project

What is this project?

Xcel Energy will be installing approximately 34 miles of 24" steel natural gas transmission pipeline from a new facility we will build in Fort Lupton to our Cherokee Power Plant in the Denver metro area.

Why is this project needed?

As part Xcel Energy's emissions-reduction plan, which was required under the 2010 Clean Air-Clean Jobs Act and approved by the Colorado Public Utilities Commission, our Cherokee Power Plant will be changing from generating electricity using coal to using natural gas. This natural gas transmission pipeline will provide the fuel for the power plant following the conversion.

Who will benefit from this project?

Our Cherokee Power Plant primarily provides electricity to the Denver metro area and this pipeline will help reinforce natural gas resources for future downtown Denver growth. There is also the potential to serve future growth in cities along the pipeline route.

What safety features will this pipeline have and what installation precautions are you taking?

We are designing this pipeline to meet and exceed federal and state safety requirements. The design includes more mainline valves with valve shut-offs that will be remotely activated when the line sustains any third-party damage, and our control center will monitor the pipeline 24 hours a day, seven days a week.

During installation, a third party will use x-rays to inspect all welds. Before the pipeline goes into service we will test its strength by performing a hydrostatic pressure test to one-and-a-half times the pressure it will be operating under when transporting natural gas. We also will conduct an internal pipeline inspection with state-of-the-art inline inspection equipment. Once in operation, we will use a continuous monitoring corrosion prevention program designed to eliminate coating or metal loss during the life of the pipeline.

How often will the pipeline be inspected?

Once installed, the pipeline will be inspected on an annual, semi-annual and quarterly intervals and the entire pipeline will undergo an internal inspection at least every seven years.

Have you chosen a route for the pipeline?

We have completed a thorough analysis and have selected a preferred route.

What considerations did you consider when selecting the route?

We looked at areas where we currently own land and right-of-way easements and want to minimize obtaining additional easements or being in public road right-of-ways. Our other priority is to avoid wetlands, state parks, rivers, and creeks as much as possible. We also wanted to avoid high population areas to keep construction disruptions to a minimum as much as possible. However, with a project of this magnitude, and the location of our Cherokee Power Plant, construction in these areas is not completely avoidable.

What is the timeline for the project?

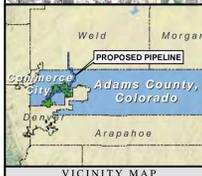
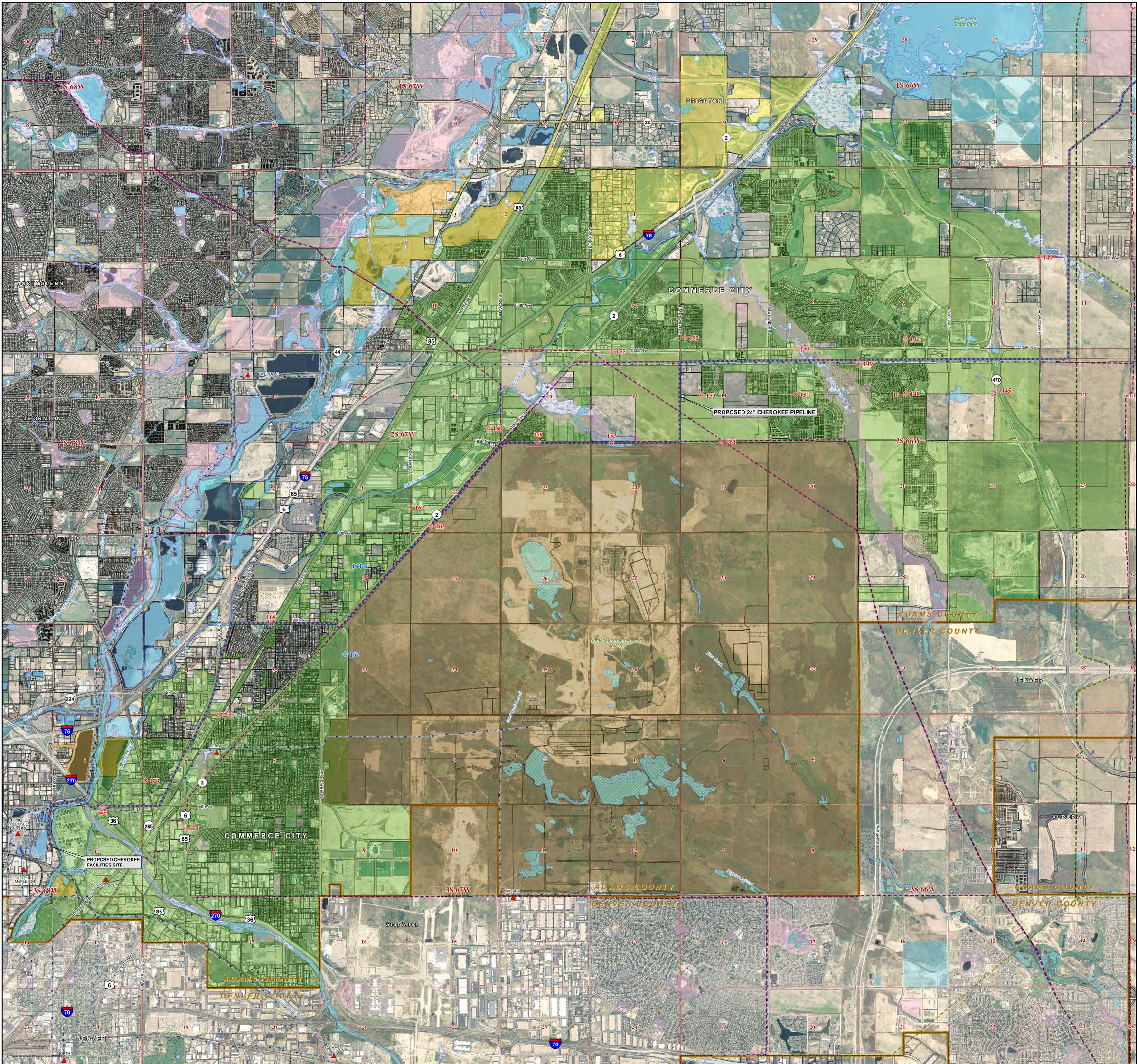
To comply with our approved Clean Air-Clean Jobs Act, the natural gas pipeline will have to be in service and fully operational by Oct. 1, 2014. To meet that date, we plan to start applying for project permits in September 2011 and start construction in April 2013.

For more information, contact:

Preston Gibson

Area Manager, North Metro Area

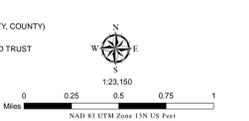
303-425-3944 • preston.e.gibson@xcelenergy.com



- Legend**
- PROPOSED 24" CHEROKEE PIPELINE (33.64 Miles)
 - EXISTING COLORADO INTERSTATE GAS PIPELINE
 - EXISTING PSCo PIPELINE
 - EXISTING XCEL OVERHEAD POWERLINE
 - ▲ EXISTING XCEL ELECTRIC SUBSTATION
 - ▲ AERIAL SURVEY PANEL CONTROL POINT PUBLIC LOCATIONS
 - ▲ AERIAL SURVEY PANEL CONTROL POINT PRIVATE LOCATIONS

- COMMERCE CITY
- BRIGHTON
- COUNTY LINE
- TOWNSHIP / RANGE
- WATER BODIES
- GENERAL BIODIVERSITY AREA
- WETLAND / RIPARIAN / MARSH

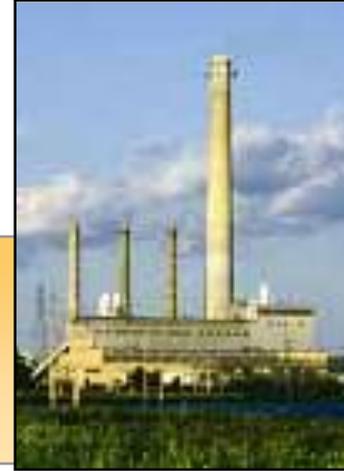
- Surface Ownership**
- FEDERAL (BOR, FWS, NPS)
 - STATE
 - LOCAL (CITY, COUNTY)
 - NGO / LAND TRUST



**24" CHEROKEE PIPELINE
COMMERCE CITY, COLORADO
AERIAL SURVEY PANEL CONTROL POINT LOCATIONS MAP**



7125 W. Jefferson Ave., Ste. 400
Lakewood, CO 80235
303-969-0223
©2023 URS | 303 Rev. Revised March 2023



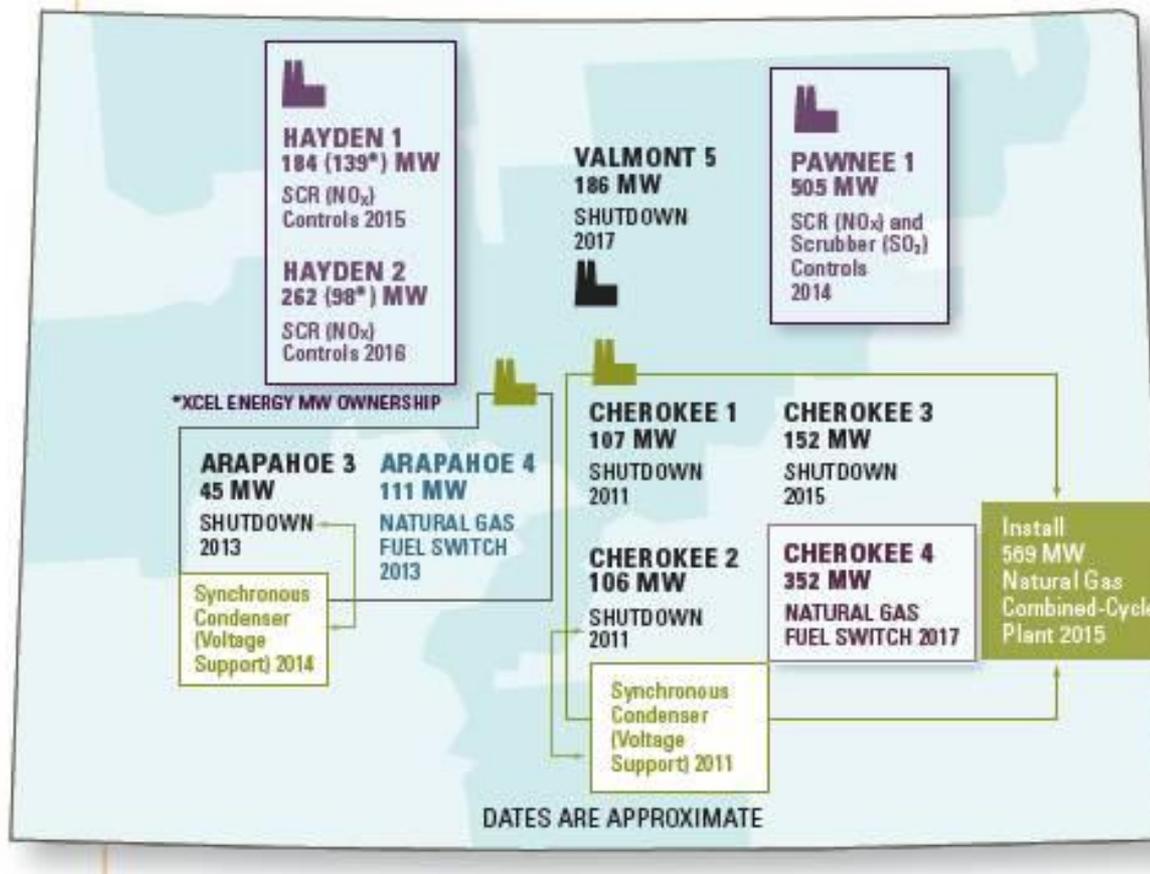
Cherokee Natural Gas Pipeline Project

Commerce City • May 9, 2011

Project Background

- **Needed as part of Clean Air-Clean Jobs Act**
 - **Passed by legislature April 2010**
 - **Addresses air quality mandates**
 - **Creates pathway for emissions-reduction plan**
- **PUC approved Xcel Energy's Clean Air-Clean Jobs plan on Dec. 15, 2010**

Clean Air-Clean Jobs Plan



Cherokee Pipeline Specifics

- **New 24” natural gas transmission pipeline**
- **34-miles from a new facility in Ft. Lupton to Cherokee Power Plant in metro Denver**
- **Communities impacted include:**
 - **Adams County**
 - **Ft. Lupton**
 - **Lochbuie**
 - **Weld County**
 - **Brighton**
 - **Commerce City**

Project Benefits

- **Cleaner air – full implementation of CACJ results in 80% to 90% reduction in CO₂, NO_x, SO_x**
- **Reinforces natural gas system, especially for future downtown Denver needs**
- **Potential to serve future gas needs of communities along route**

Pipeline Safety – Design

- Meet and exceed federal, state standards and safety requirements
- Includes extra mainline valves and shut-offs
- Valve shut-offs are remotely operated
- Continuous monitoring

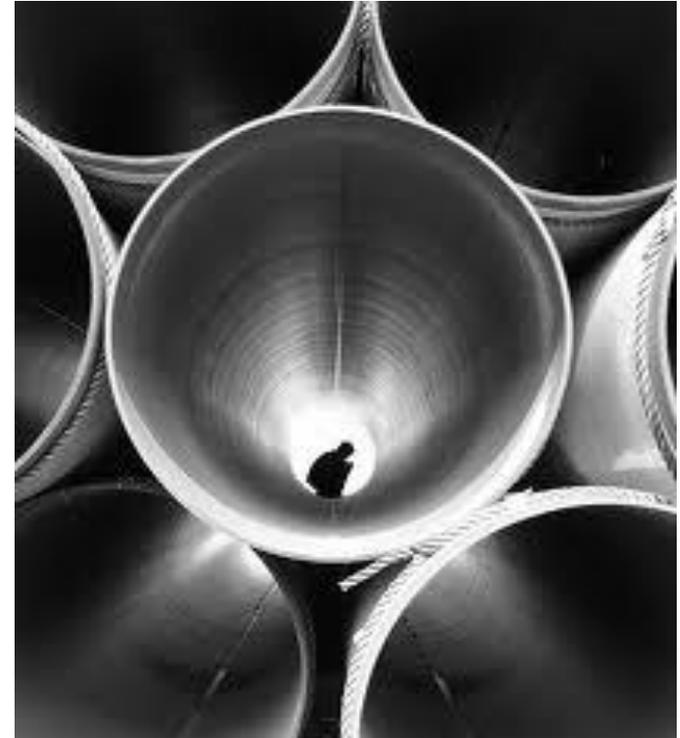


Pipeline Safety – Construction Integrity Management

- **During installation:**
 - **Corrosion prevention program used to eliminate metal loss during life of pipeline**
 - **Third party inspects all welds with x-ray**
- **Before put into service pipeline:**
 - **Undergoes hydrostatic pressure test**
 - **Inspected internally with state-of-the-art inspection equipment**

Pipeline Safety – Long-Term Integrity Management

- Pipeline patrolled on annual, semi-annual and quarterly intervals, based on location and population density
- Pipeline's entire structural integrity will be inspected at least every 7 years with in-line inspection tools.



Route Selection

- **Analysis by engineers and planners**
- **Considerations:**
 - **Wetlands, parks, rivers, and creeks**
 - **High population areas**
 - **Endangered species**
 - **Rights-of-Way**
 - **Utility Easements**

Project Schedule

- **March 2011 – Route analysis, preferred route chosen**
- **April 2011 – Aerial survey work complete**
- **May 2011 – Preliminary engineering nearing completion**
- **May/June 2011 – Public open houses on project**
- **Summer 2011 – Detailed engineering begins**
- **September 2011 – Apply for permits**
- **Spring 2013 – Construction starts**
- **Summer/Fall 2014 – Pipeline testing**
- **Oct. 1, 2014 – Pipeline fully operational**

Public Outreach

■ Objectives:

- **Ensure all stakeholders are fully informed about the project**
- **Collect feedback from, work with stakeholders about potential obstacles and develop community support**
- **Provide opportunities for stakeholders to ask questions, voice concerns and gain assistance when needed**

Public Outreach Methodology

■ Multi-Channel approach:

- Public meetings
- Direct mail
- Email
- Website
- Hotline
- News Media
- Advertising
- PSAs



Contact Information

■ **Preston Gibson, Area Manager at 303-425-3944**
preston.e.gibson@xcelenergy.com

■ **Todd Anderson, Area Manager at 303-245-2285**
todd.anderson@xcelenergy.com





Council Communication

City Council Meeting: 09 May 2011

Prepared: 29 Apr 2011

Number of Attachments: N/A

Subject: Update from the Neighborhood Identification Project - Lead by Community Enterprise of Commerce City

Presenter: Cristie Jophlin, Executive Director Community Enterprise

Recommended City Council Action:

No action by City Council is required at this time. Staff felt that before the citizens group goes out in the community to obtain feedback on a proposed map with names of each of the neighborhoods in the southern part of the city; that it would be advantageous to present to City Council.

Summary Statement:

Working under the leadership of Community Enterprise, a significant number of members of the Commerce City community have come together to help identify neighborhoods in the historic parts of Commerce City.

This group of citizens has taken the approach of first agreeing on a larger number of neighborhoods whose names have been identified and agreed upon by the community for years. Then, the group will explore ways to identify the neighborhoods whose names may be more contentious and to establish a process by which to gather feedback and obtain buy-in from the residents in those neighborhoods. Ultimately, the goal is to have all the neighborhoods in the historic part of the City identified.

Additionally, a sub-group of this initiative is working with the City Attorney's office to prepare an action item for City Council where Council will be asked to establish a formal process by which they identify and partner with neighborhood groups for the benefit of a specific neighborhood and the City at large.

Next Steps: There are no further steps for City Council to take on this matter. In the coming months there will be another presentation to City Council on the outcome of the community engagement phase of this initiative. Also there will be an action item presented to City Council in coming months where Council will be asked to establish a process by which to identify and partner with neighborhood groups for the benefit of the particular neighborhood as well as the City at large.

Expenditure Required: none at this time.

Source of Funds: No City funds have been spent on this project at this time. In the later part of this project there will be expenses incurred for the purpose of placing signs that identify neighborhoods.

Policy Issue: N/A

Alternative: N/A

Background Information:

For a few months, members of the community have worked under the leadership of Community Enterprise of Commerce City with the support of City staff to work on an exciting project. This community group has two main efforts currently: 1) establish Neighborhoods in the historic part of Commerce City, including neighborhood names and boundaries, and 2) work to establish the criteria for Council to formally recognize Neighborhood groups. The team members feel that identifying these neighborhoods will help instill community pride and give a voice to residents at a neighborhood scale.

This presentation will provide Council with a review of the work that has occurred to date, present a draft map, and outline future outreach steps that will take place over the summer.

Neighborhood Identification Project

May 9, 2010

Agenda

- Brief overview of Community Enterprise
- Neighborhood Boundary Identification Initiative
- Draft Map
- Next Steps

Brief overview of Community Enterprise

Community Engagement

- Walkability Assessments/LiveWell Colorado
- Imagine! Coalition – 3 priorities
 - Neighborhood boundary identification
 - Standing water issues
 - Create community involvement across ages

Neighborhood Boundary Identification Initiative

- Why Neighborhood boundaries matter?
 - Sense of pride in neighborhood
 - Builds a Common Identity and allows for collaboration on neighborhood-local issues
 - Promote local business and organization
 - Creates a basis for further interaction
 - Neighborhood voice with the City
 - Neighborhood Plans
 - Gather stats at a neighborhood level

Neighborhood Boundary Identification Initiative

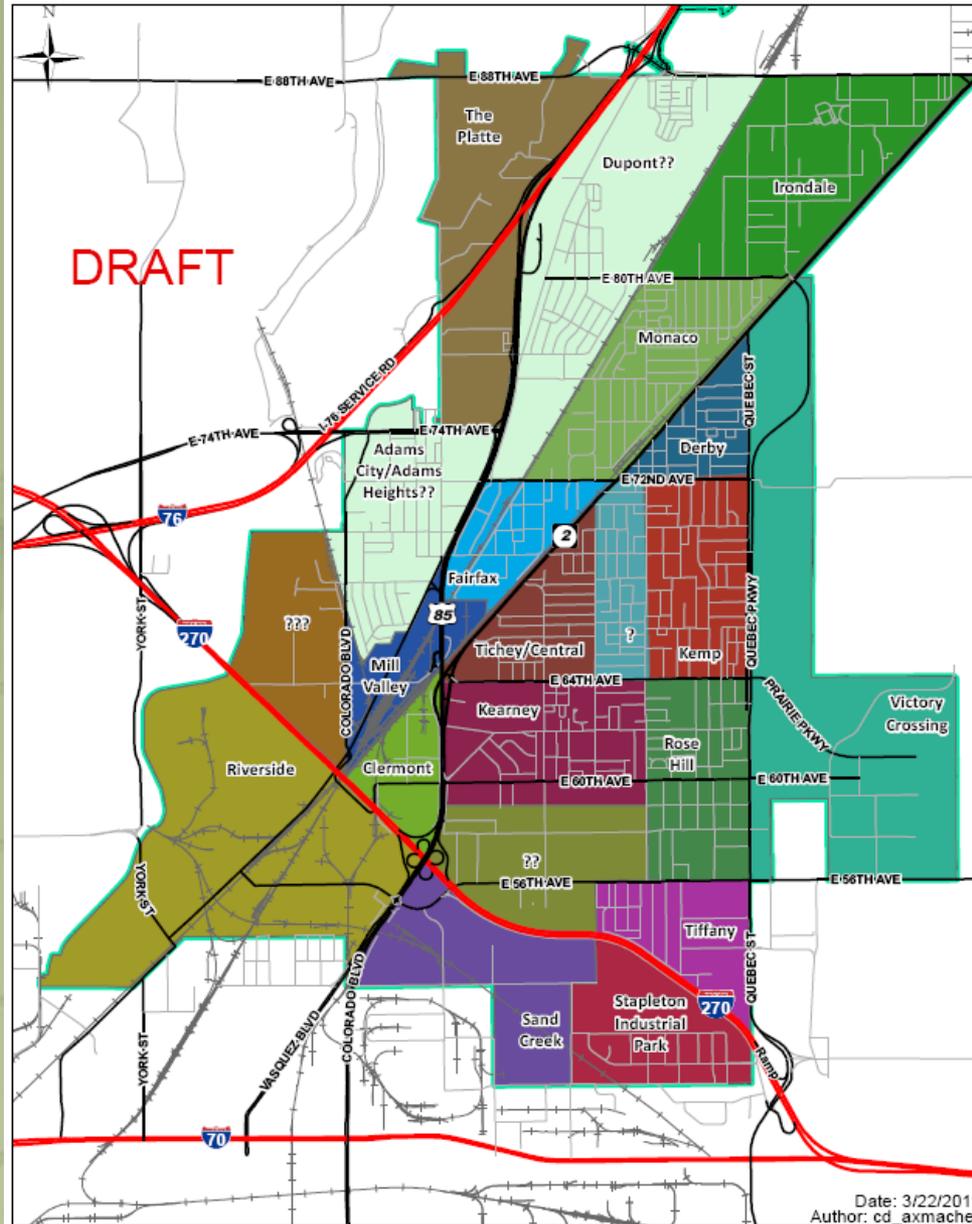
- Process to date
- Formation of NBI² committee
 - List of members

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7887 EAST 60th AVENUE

Neighborhood Boundary Identification Initiative

- Initially created draft maps
- Held three sub-committee meetings
- Result – draft map

Draft Map



Next Steps

- Methodology of resident engagement
 - ??????
- Timeline
 - ??????
- Bring back updates to council

Neighborhood Association Team

– Sub Group was developed to look at developing a City Program that would allow for partnerships with identified Neighborhood Association

– List of members:

- Hannah Ewert-Krocker
- Tove Forgo
- Karen Stevens
- Mizraim Cordero

Neighborhood Association Team

–Process:

- Group reviewed the neighborhood partnership programs from the following:
 - » Minneapolis, MN
 - » Burlington, VT
 - » Madison, WI
 - » Denver, CO

Neighborhood Association Team

–Process Cont.:

- Will draft a concept for such a program in Commerce City by July.
- Will present to City Council for feedback and Comments by August
- Hopefully will implement the program by the end of the year.

Questions?

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Council Communication

City Council Meeting: 09 May 2011

Prepared: 30 Apr 2011

Number of Attachments: 1

Subject: Presentation of 2011 Citizen Survey Results

Presenter: Michelle Halstead

Recommended City Council Action:

This is an informational presentation, no City Council action is required at this time.

Summary Statement:

Staff will present the results from the 2011 Citizen Survey for council review and consideration. The goal of the survey was to better understand perceptions of and satisfaction with city services and facilities. In addition, the research aimed to better understand residents' opinions about the city's needs in terms of growth and development in the future.

As discussed during the Feb. 14 2011 council briefing and council retreat, the survey provides quantitative data that enhances the findings of the strategic communications audit conducted in 2010. Further, the data presented can be used by council and city management to refine existing priorities, adjust policy direction and improve the 2011 strategic communications plan.

The 2011 Citizen Survey information was gained through a telephone survey of adults in Commerce City using a random digit dialing sampling approach in April 2011. Key topic areas evaluated include:

- Reasons for living in Commerce City
- Perceptions of Commerce City
- Perceptions of government
- Desired improvements
- City communication
- Geographic differences

While there is room for improvement in the areas of customer service and communication, survey data indicates respondents' highest priorities for city improvements clearly involve economic development. For those in the northern areas of the city, this takes the form of convenient access to shopping and services, while in the South, this is simply in the form of job creation. Regardless of the area, however, the economy is clearly on residents' minds as they evaluate their overall level of satisfaction

with living in Commerce City.

The draft presentation is included for review. The complete survey report will be available Monday.

Next Steps: - Make data available for future council retreats and discussions.
- Update the 2011 strategic communications plan to reflect citizen feedback.
- Share survey information with residents and businesses through communication channels.

Expenditure Required: N/A

Source of Funds: N/A

Policy Issue:

Alternative:

Background Information:

The city last conducted a citizen survey in 2008. Prior to that, the first survey was completed in 2005. The communications division strongly suggests future survey efforts occur (at a minimum) on a biannual basis to best gauge perceptions and opinions. This will help better guide staff and council efforts.

2011 Citizen Survey Results

DRAFT PRESENTATION



Quality Community for a Lifetime

Why Do a Survey?

- Consistent with Council direction
 - 2010 goals
 - 2011 retreat
- Can't manage what can't measure
- Provides quantitative data of resident perception and opinions
- Need identified during strategic communications audit
- Help guide future Council priorities and staff actions

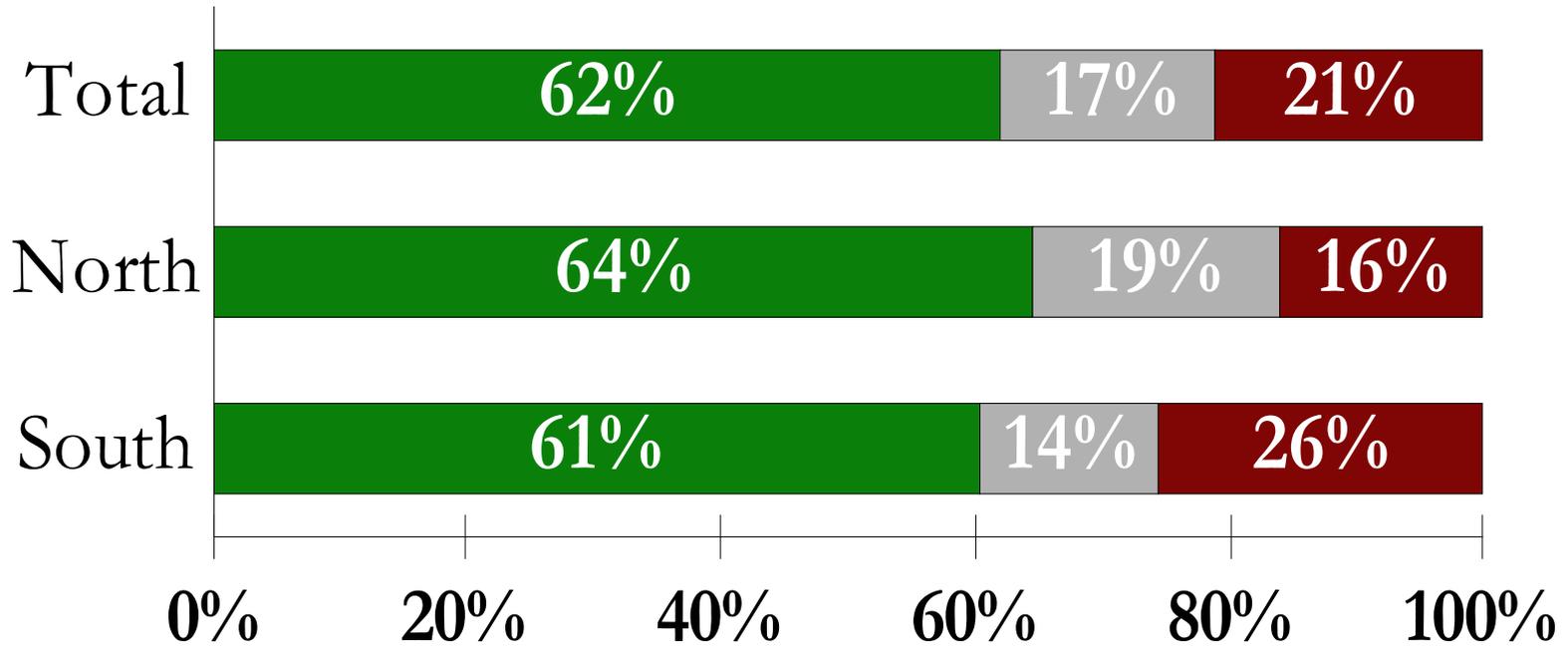
About the Survey

- Telephone survey conducted April 1 – 18
- Survey design incorporated some questions from 2005, 2008 with new
- 400-person survey sample
 - Reflects equal distribution of respondents north vs. south
 - Set quota of no fewer than 175 men
- Margin of error provides confidence in data results.
 - Maximum raw margin error 4.8%
 - Weighted margin error 7.8%

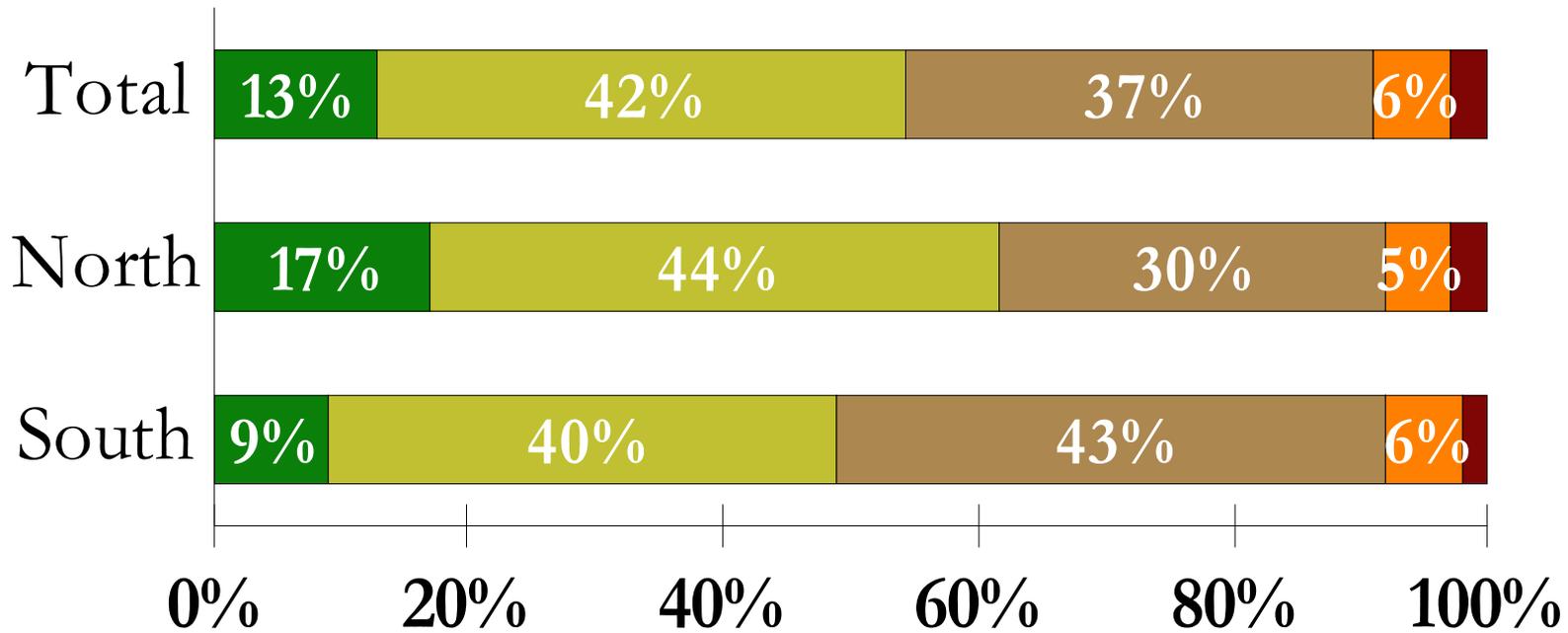
Raw Survey Demographics

- Geographic location
 - North: 49%
 - South: 46%
 - Didn't know: 4%
- Living in City
 - 1-2 years: 19%
 - 3-4 years: 17%
 - 5-9 years: 45%
 - 10+ years: 18%
- Age
 - 18-34: 13%
 - 35-44: 15%
 - 45-54: 18%
 - 55-64: 24%
 - 65+: 27%
 - Refused: 3%
- Gender
 - Male: 43%
 - Female: 57%

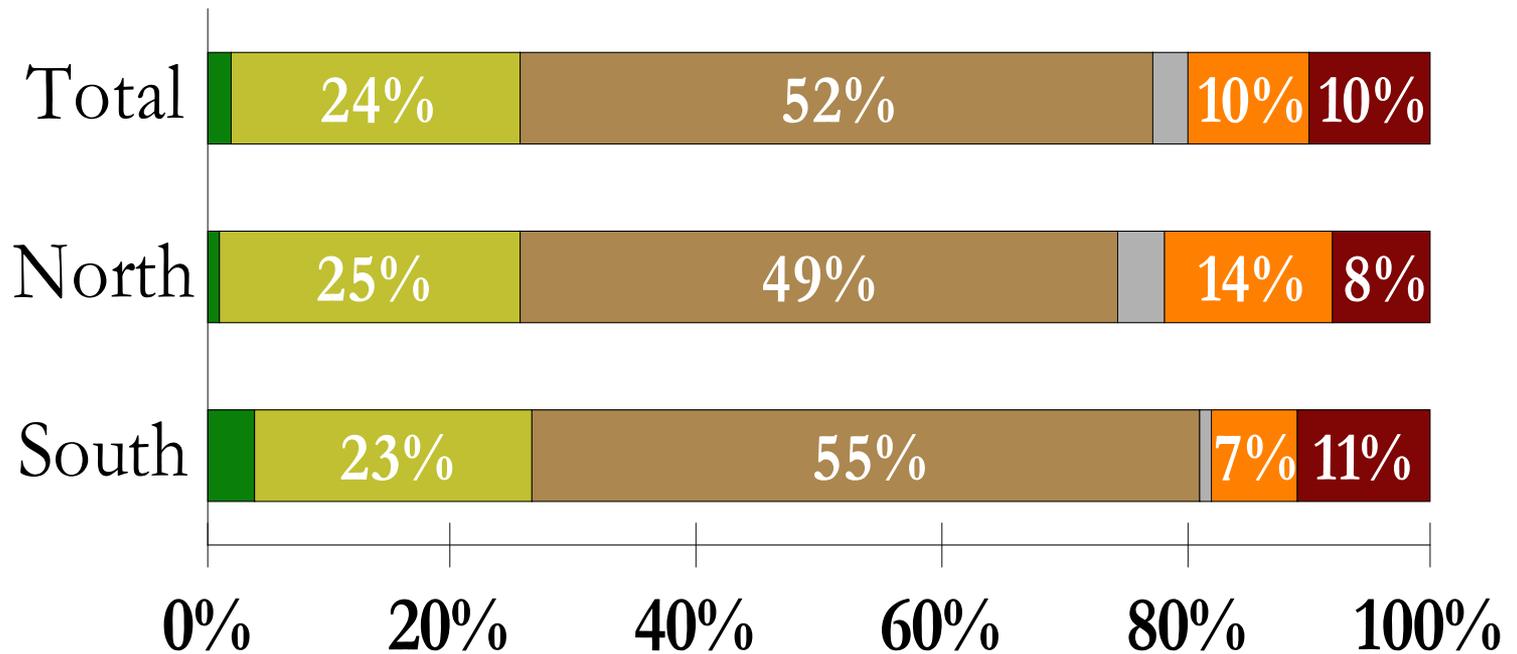
General Impressions of Metro Area



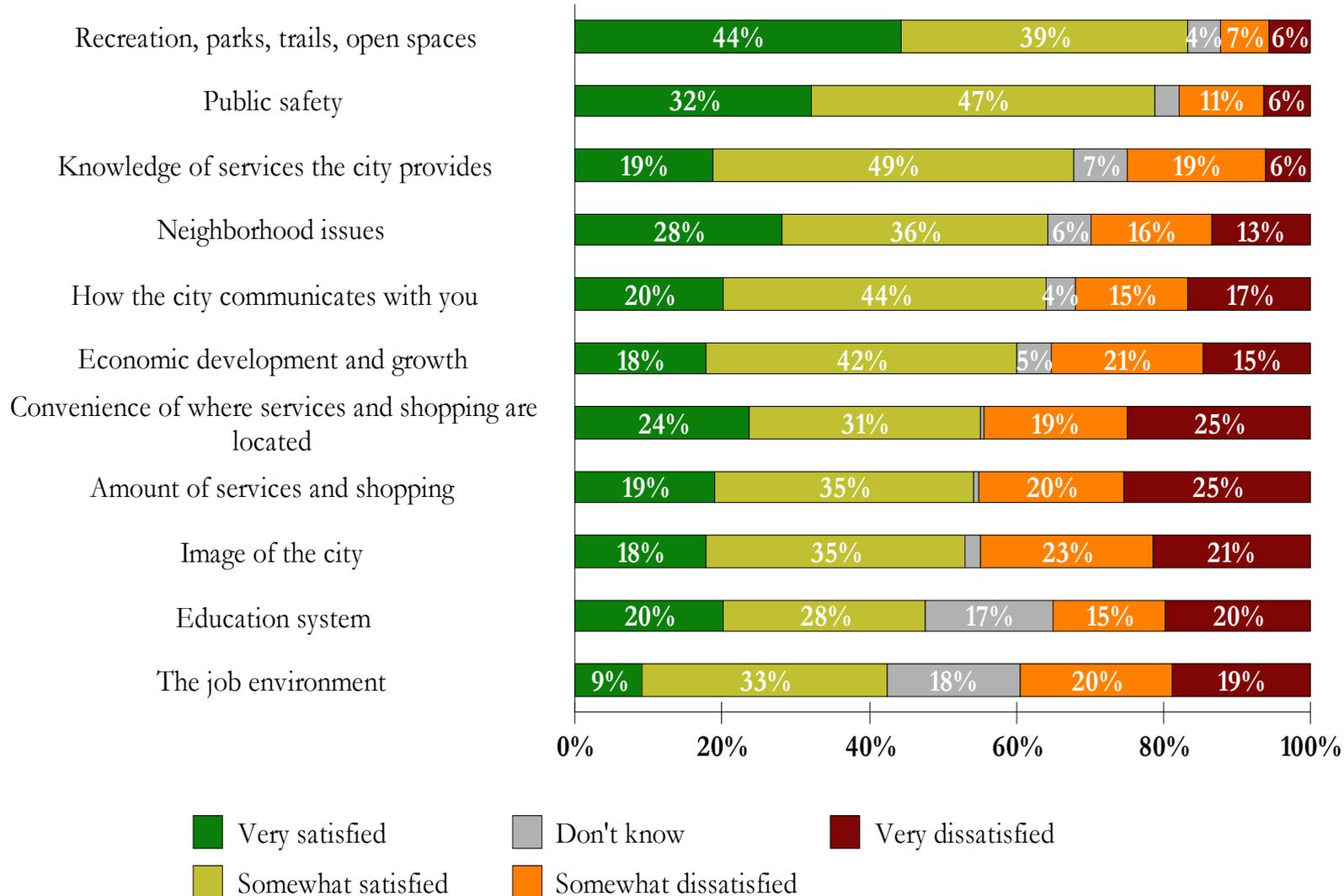
Quality of Life in City



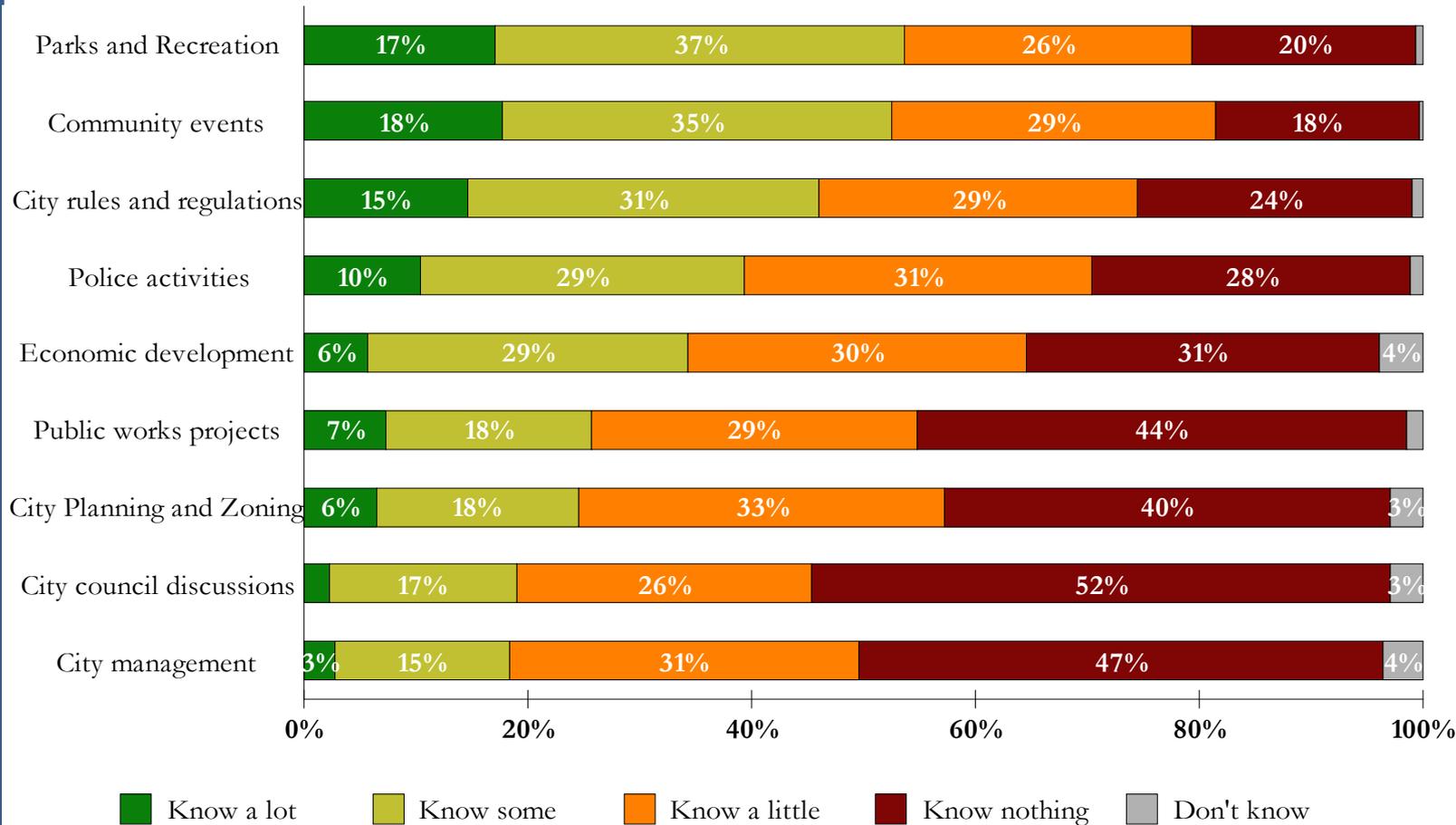
Economic Conditions Mixed



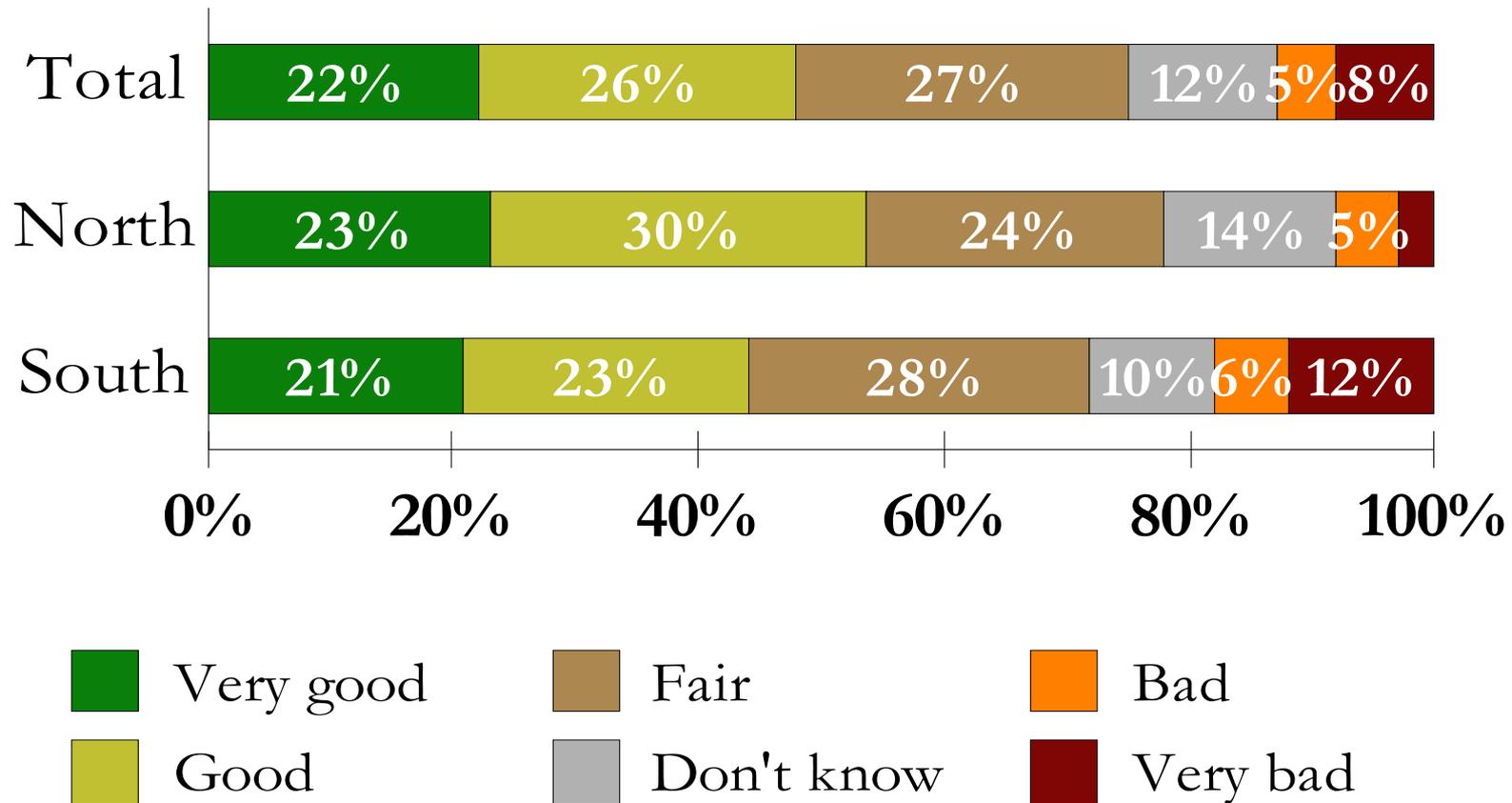
Residents More Satisfied than Not



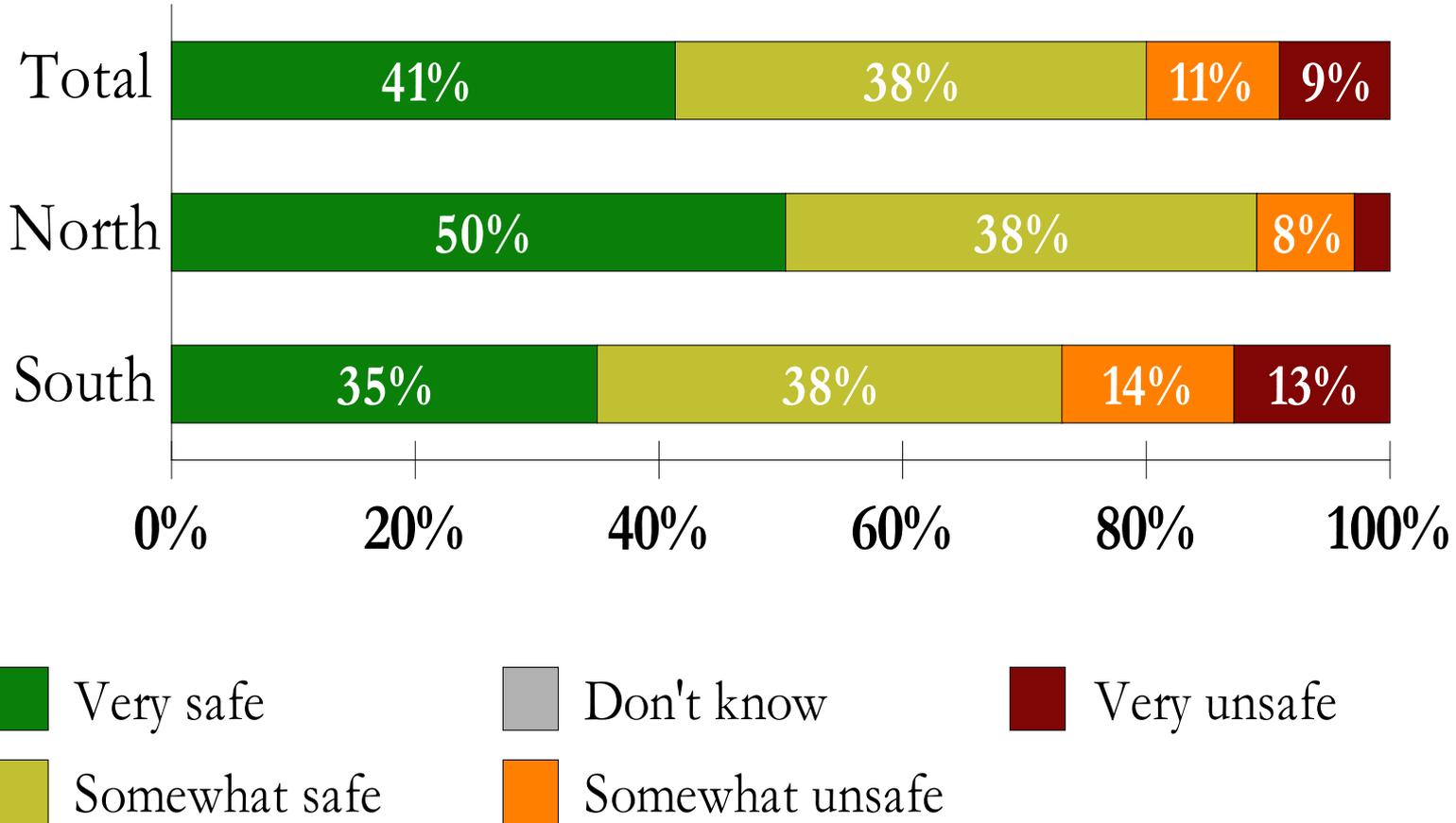
Mixed Knowledge of Government Activity



Good Experiences with Staff

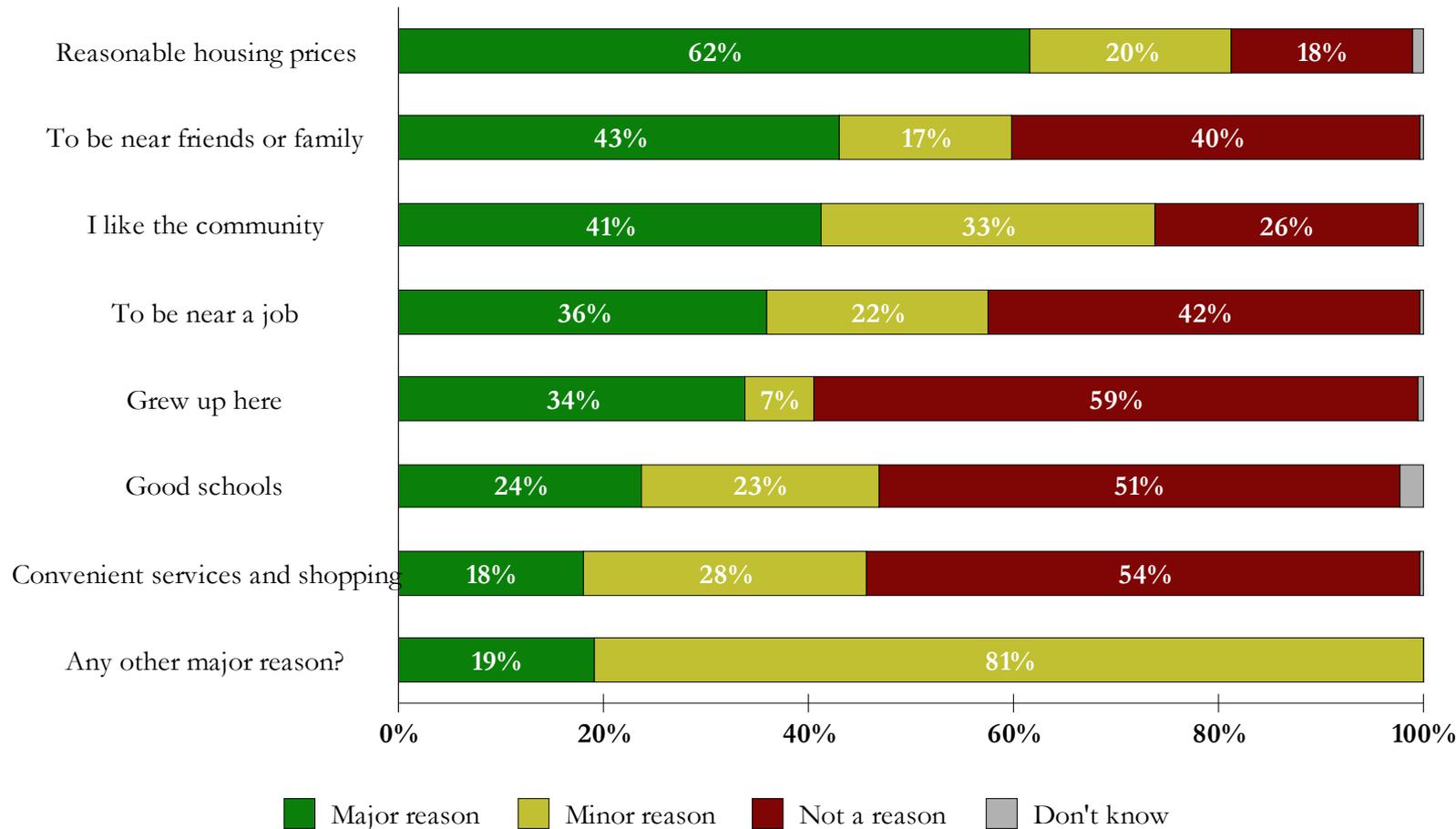


Most Residents Feel Safe

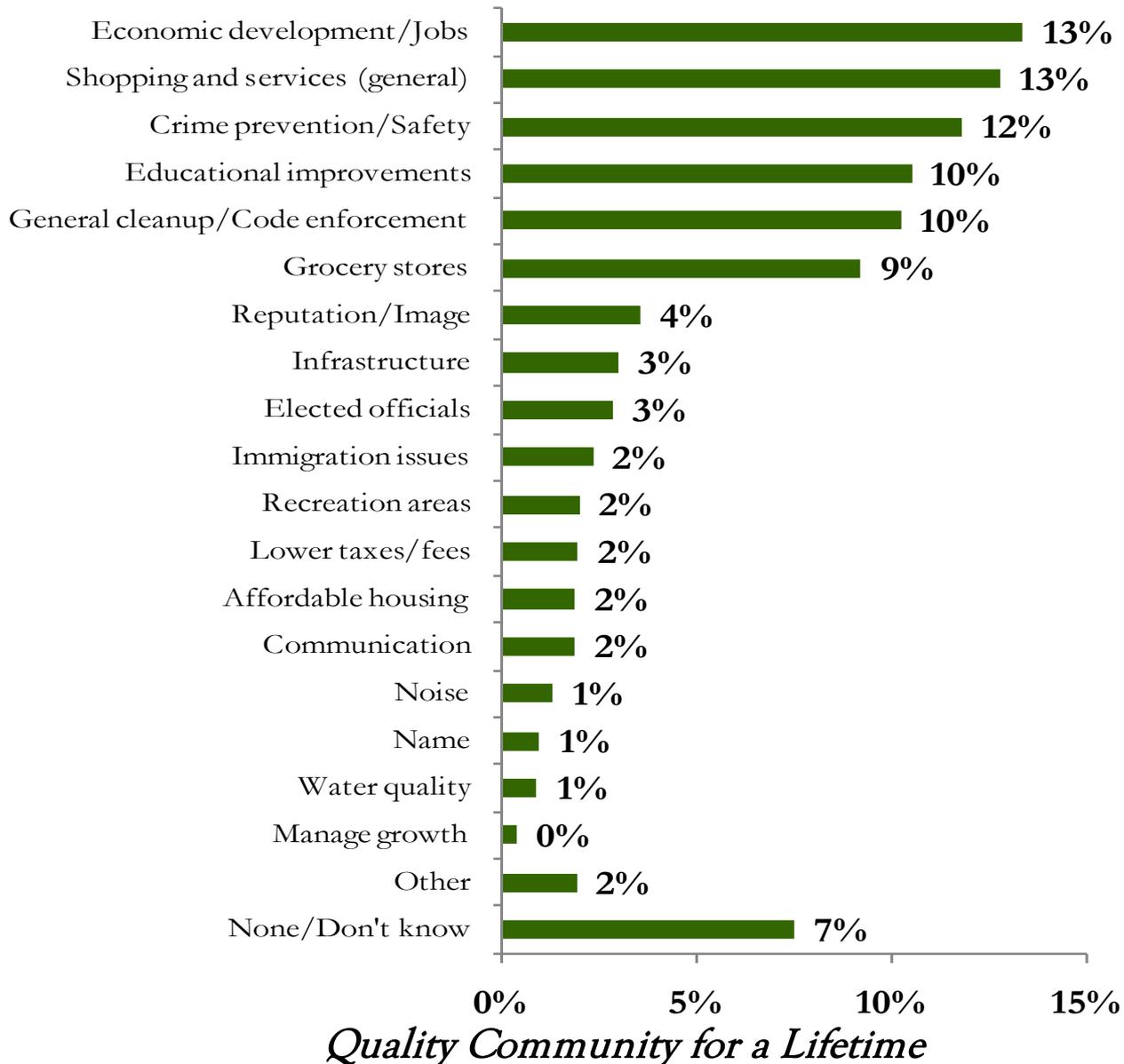


Very safe Don't know Very unsafe
Somewhat safe Somewhat unsafe

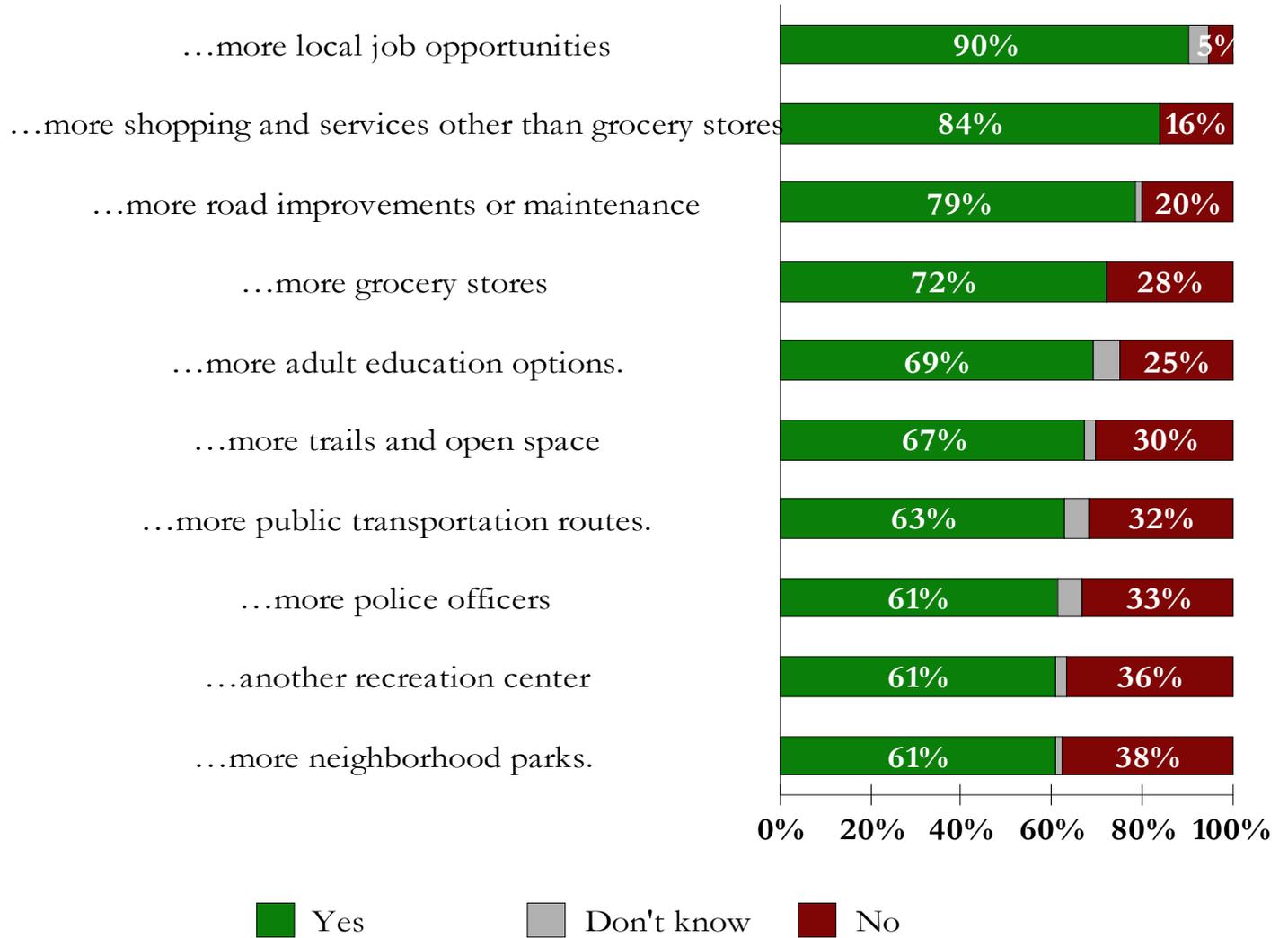
Why do you live in the city?



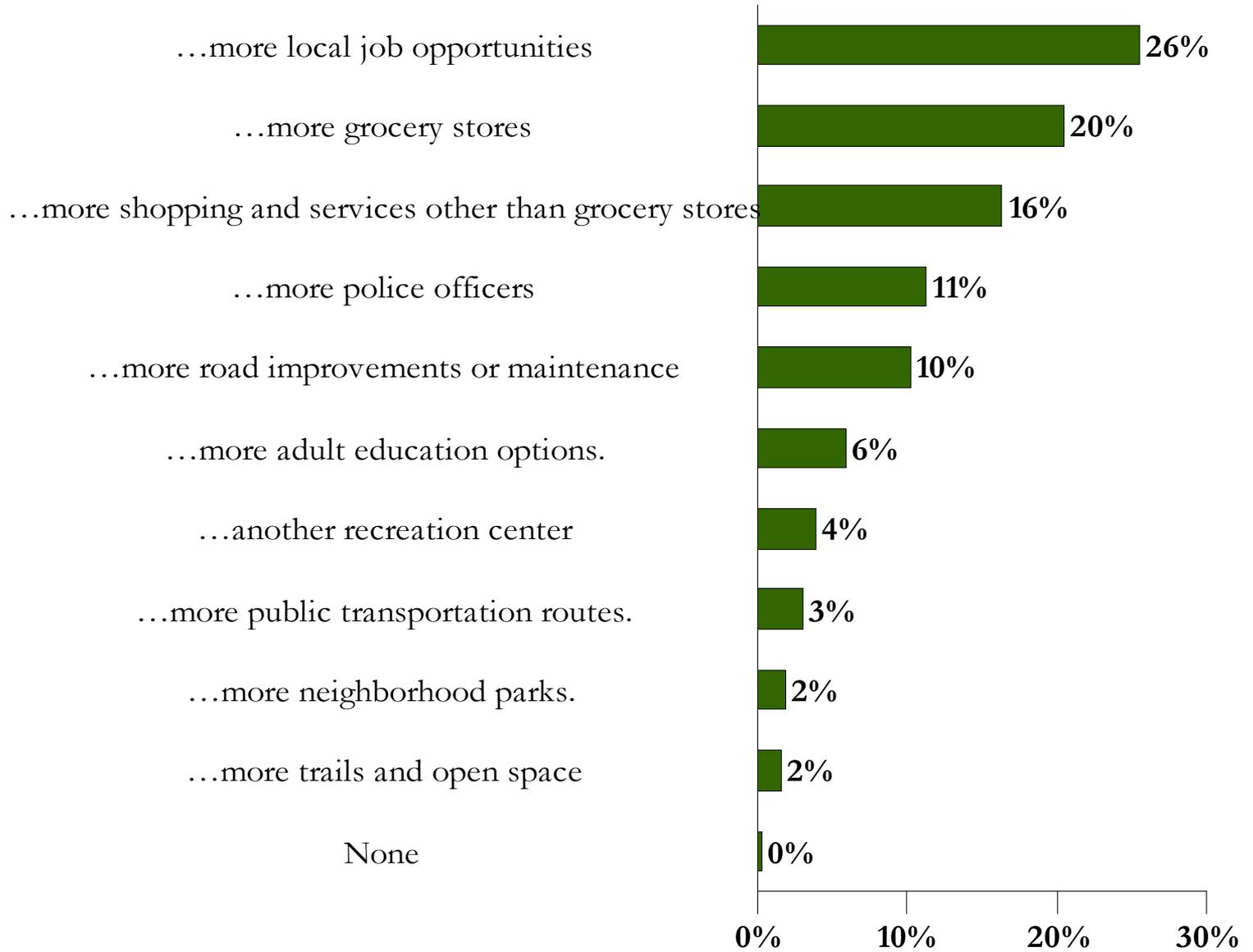
Most Pressing Issues Facing City



Residents want variety of services

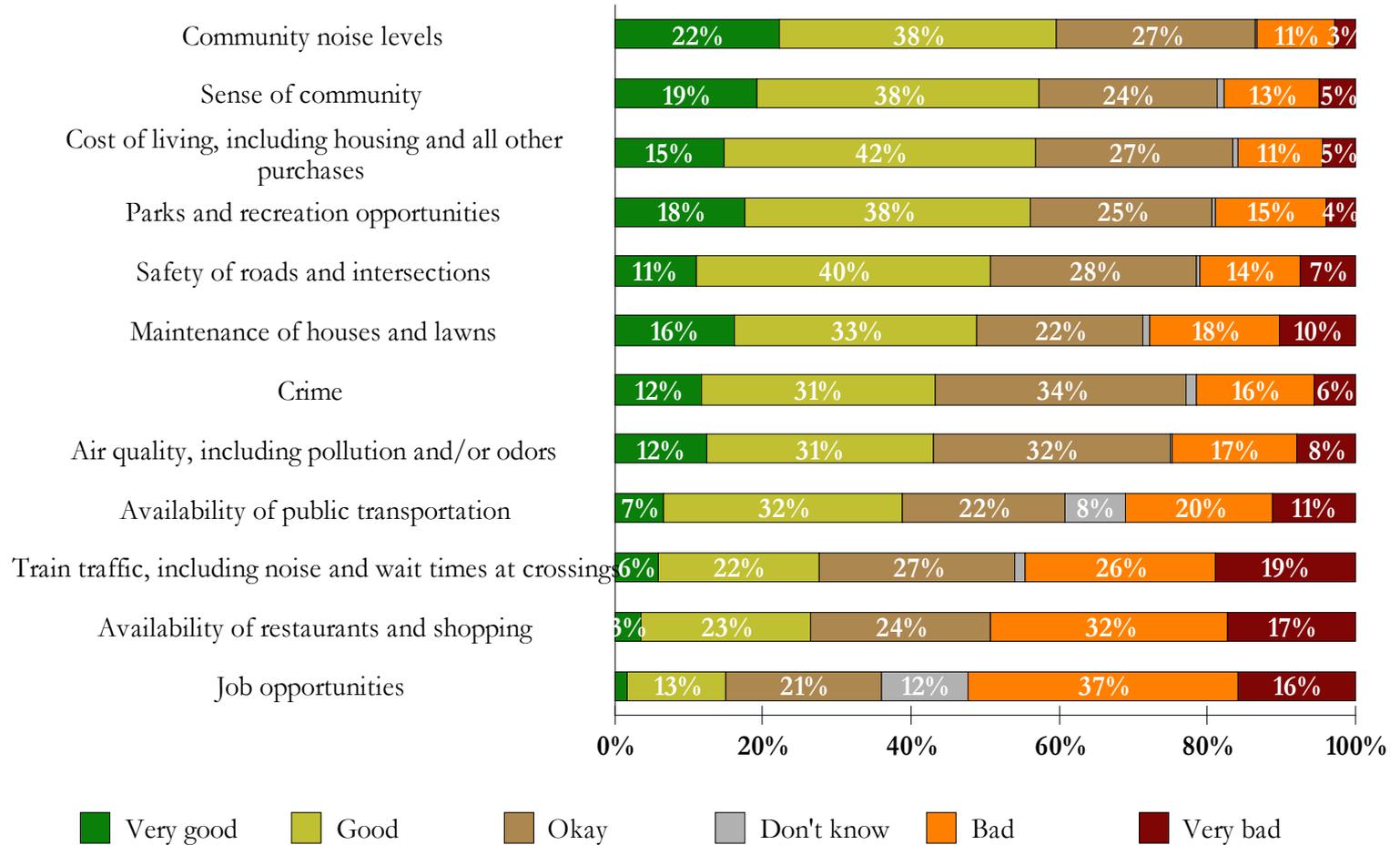


Priorities are ED, Jobs and Safety



Quality Community for a Lifetime

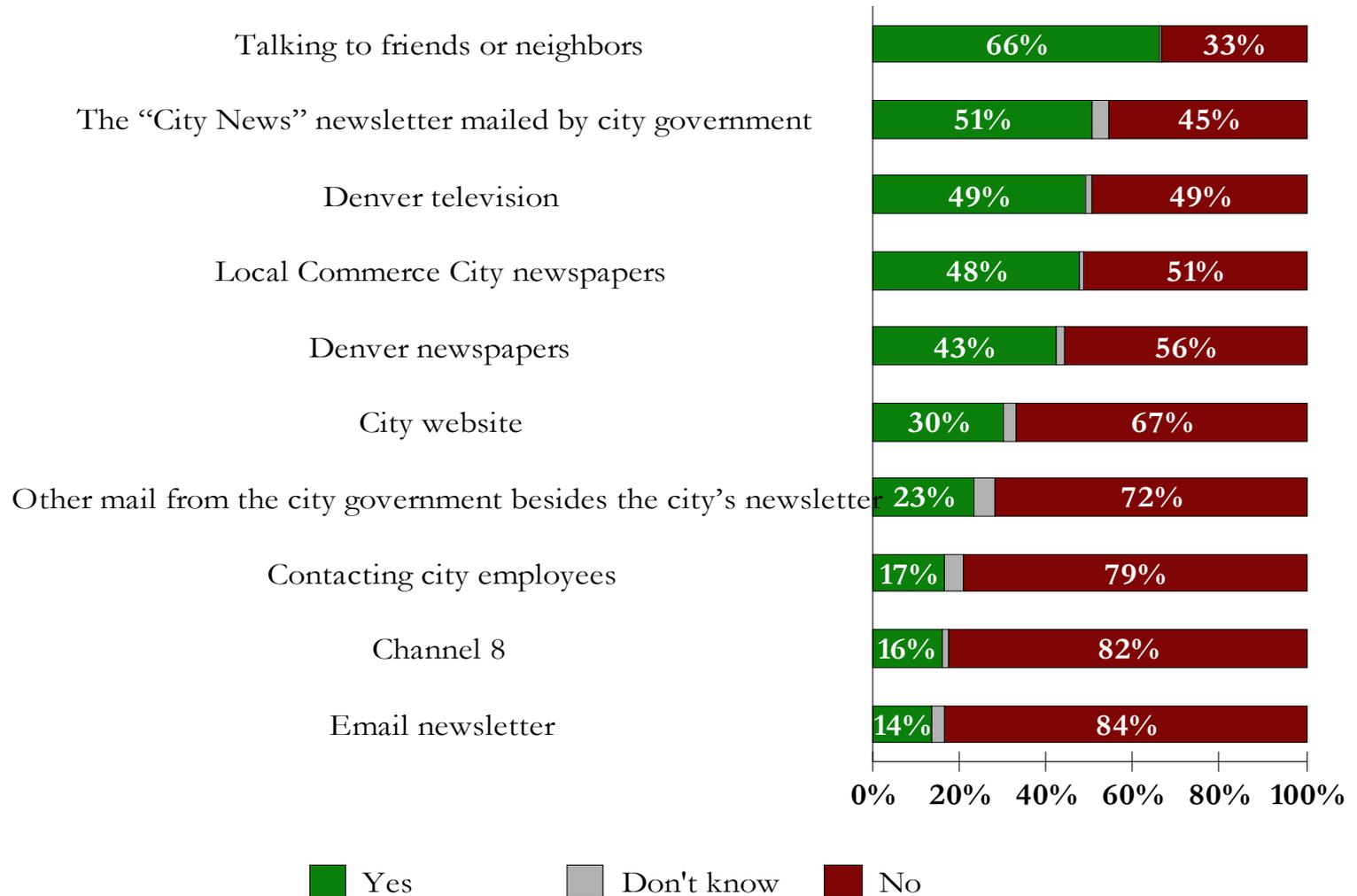
Positive Neighborhood Rankings



City Communication Lacking



Information Sources



Key Trends

- Include items here from 05, 08, 11

Summary

- Room for improvement in communications and customer service
- Highest priorities for city improvements clearly involve economic development
 - North: convenient access to shopping/services
 - South: job creation
- Majority of residents gave positive ratings to city quality of life
- Economy is clearly on residents' mind as evaluate overall level of satisfaction

Next Steps

- Complete survey results provided to council
- Consider information during June 13 retreat
- Staff reviewing results and how can incorporate findings in daily activities and planning

Questions?

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Quality Community for a Lifetime