

**CITY OF THORNTON  
CITY MANAGER'S OFFICE**

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**A G E N D A  
Council Update**

<https://thorntonco.zoom.us/j/475272999>

**April 14, 2020**

**5:45 p.m.**

- I. CALL TO ORDER AND REVIEW OF UPDATE AGENDA**
  
- II. REVIEW OF THE FORMAL COUNCIL MEETING AGENDA**
  
- III. BRIEFINGS**
  - A. COVID-19 Update (Estimated 30 Minutes)
  - B. Small Business Recovery Strategy (Estimated 15 Minutes)
  - C. Thornton Shopping Center Timeline (Estimated 15 Minutes)
  - D. Discussion regarding an ordinance amending the Thornton City Code to waive traffic control permit fees and a resolution amending the Rights-of-Way Closure Fees (Estimated 10 Minutes)

# PLANNING SESSION COMMUNICATION

<b>Meeting Date:</b> April 14, 2020	<b>Agenda Item:</b> A	<b>Agenda Location:</b> N/A	<b>Goal(s):</b>	<b>Legal Review:</b> N/A	<input type="checkbox"/> 1 <sup>st</sup> Reading <input type="checkbox"/> 2 <sup>nd</sup> Reading
<b>Subject:</b> COVID-19 Update					
<b>Recommended by:</b> Kevin S. Woods			<b>Approved by:</b> Kevin S. Woods		<b>Ordinance previously introduced by:</b>  _____
<b>Presenter(s):</b> Kevin Woods, City Manager					

**SYNOPSIS:**

Staff will provide City Council with updates on the COVID-19 pandemic.

**RECOMMENDATION:**

This item is for informational purposes only.

**BUDGET/STAFF IMPLICATIONS:**

None.

**ALTERNATIVES:**

This item is for informational purposes only.

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

# COUNCIL UPDATE COMMUNICATION

<b>Meeting Date:</b> April 14, 2020	<b>Agenda Item:</b> B	<b>Agenda Location:</b> N/A	<b>Goal(s)</b>	<b>Legal Review:</b> N/A	<input type="checkbox"/> 1st Reading <input type="checkbox"/> 2nd Reading
<b>Subject:</b> Discussion regarding an ordinance amending the Thornton City Code to waive traffic control permit fees and a resolution amending the Rights-of-Way Closure Fees					
<b>Recommended by:</b> Brett Henry				<b>Approved by:</b> Kevin S. Woods	
<b>Presenter(s):</b> Darrell Alston, Traffic Engineer				<b>Ordinance previously introduced by:</b> _____	

**SYNOPSIS:**

The proposed ordinance will amend Subsection 38-523(G)(4) of the Thornton City Code to grant the Traffic Engineer, or designee, the authority to reduce or waive traffic control and rights-of-way fees using established guidelines for unique circumstances.

The proposed resolution will amend Resolution C.D. No. 2019-006 by revising Attachment 10 to adjust the fees and charges for the City in the following ways:

- Revise the fee structure for traffic control and rights-of-way closures.
- Establish fees for violation of traffic control and rights-of-way closure requirements.
- Further define the conditions for application of traffic control and rights-of-way closure fees.

**RECOMMENDATION:**

Staff recommends Alternative No. 1, approval of the ordinance and resolution at the April 14, 2020 City Council meeting to grant the City’s Traffic Engineer the authority to reduce or waive fees for traffic control permits and rights-of-way closure and to revise traffic control and rights-of-way closure fees, establish fees for violation of traffic control and rights-of-way closure requirements, and further define the conditions for application of such fees.

**BUDGET/STAFF IMPLICATIONS:**

The proposed ordinance will allow for the reduction or waiving of fees for traffic control permits and rights-of-way closure, which will impact revenues associated with such permits and closures. The proposed revised fee structure will reduce permitting costs for applicants. However, fees are established for violations.

**ALTERNATIVES:**

1. Approve the ordinance and approve the resolution at the April 14, 2020 City Council meeting.
2. Do not approve the ordinance, but approve the resolution at the April 14, 2020 City Council meeting.
3. Do not approve the ordinance and/or the resolution at the April 14, 2020 City Council meeting with direction to staff to modify ordinance or resolution.
4. Do not approve the ordinance and do not approve the resolution at the April 14, 2020 City Council meeting.

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

## COUNCIL UPDATE COMMUNICATION

### PAGE 2

On January 22, 2019, City Council approved Ordinance 3514, which amended Thornton City Code Section 113.5 Duties and powers of the traffic engineer or other designated traffic official to add the language "The traffic engineer shall also have the authority to set appropriate fees to be charged for the issuance of such permit, to be established by resolution and adopted by Council." The purpose of the language was to allow for rights-of-way closure fees to be established for the issuance of a traffic control permit.

On January 8, 2019, City Council adopted Resolution C.D. No. 2019-006, a resolution that amended Attachment 10 of Resolution C.D. No. 2018-214 to institute rights-of-way closure fees.

On July 27, 2010, City Council approved Ordinance 3139, which adopted the 2010 Model Traffic Code (MTC) for Colorado Municipalities with amendments to meet local concerns. The ordinance is codified in Section 38-521 of the Thornton City Code.

Ordinance 3139 enacted a new Subsection 38-523(G) of the Thornton City Code which is titled 113.5 Duties and powers of the traffic engineer or other designated traffic official. This Subsection states, "The traffic engineer shall have the authority and duty to set standards and establish procedures for issuing temporary and/or special permits for street or alley closures, curb loading operations, construction sites and maintenance locations, parking restrictions for the movement of vehicles for parades, processions or other similar restrictions or curb or street markings on or relating to the uses of streets and rights-of-way which would constitute a hazard to life or property within the City."

Attachment 10 establishes the fees for Rights-of-Way management. On January 8, 2019, Resolution C.D. No. 2019-006 amended Attachment 10 to institute Rights-of-Way Closure Fees. Rights-of-way Closure Fees are a set of fees that can be charged when roads, sidewalks, trails, or alleys are closed. The fees were established to encourage closures to be in as short of a timeframe as possible to allow the public full, unencumbered use of the roads, sidewalks, trails, and alleys within the City. The fees are not applicable to on-street containers for residences, block parties, or special events such as parades, walks/races, etc. and are limited to \$50 for emergency utility repairs for residential properties.

Through application of fees to various requests for rights-of-way closures, it has been discovered there may be unique circumstances in which fees may need to be reduced or waived to accommodate such circumstances. The proposed ordinance seeks to grant the Traffic Engineer, or designee, the authority to reduce or waive traffic control and rights-of-way fees through the use established guidelines. Such guidelines would address issues such as fees for rights-of-way closures in which work is being done by a non-City entity, but partially or wholly funded through City contributions, City funds, or incentive agreements specific to such work. Guidelines would also allow for reduction or waiving of fees if traffic flow is maintained (number of travel lanes is not reduced) or in cases where a unique hardship exists that is not solely tied to a financial burden associated with the cost of fees for a requested rights-of-way closure. The guidelines would be revised from time to time as necessary to address unforeseen issues.

Through application of the current fees, it has been discovered that the fees may be high in comparison to other local agencies in Colorado and the United States. Due to the number of categories and calculation method for the fees, it is difficult for permit applicants to determine approximate permitting costs and difficult for staff to administer the fees. There are also no penalties or fees in place for violations of traffic control permit conditions.

COUNCIL UPDATE COMMUNICATION  
PAGE 3

Staff presented the proposed changes to the City Code and fees to the development community at City Development's February 27, 2020 Residential Development Coordination Meeting. No concerns were raised by the development community at this meeting.

# Traffic Control Permit and Rights-of-Way Closure Fees

Amending City Code Subsection 38-523(G)(4) pertaining to the authority given to the traffic engineer to set fees to be charged for the issuance of traffic control permits

Amending Attachment 10, Chapter 2, Rights-of-Way Management of Resolution C.D. 2019-111, to amend the Rights-of-Way Closure Fees

# Agenda

- Purpose of amendments
- Amending City Code Subsection 38-523(G)(4)
  - Fee structure
  - Fees for violating the permit
- Amending Attachment 10, Chapter 2
  - Guidelines for waiving or reducing fees

# Purpose of Amendments

- Current fee structure is difficult to calculate
- Fees are higher compared to other local agencies
- Currently no fee for violating the permit
- Circumstances where fees may not be applicable or appropriate (ability to waive or reduce fees)

# Amending City Code Subsection 38-523(G)(4)

## Current Fee Structure

### Arterial

- Bike Lane -  $\$0.15 * \# \text{ of Days} * \text{Length of Traffic Control Zone}$
- Parking Lane -  $\$0.53 * \# \text{ of Days} * \text{Length of Traffic Control Zone}$
- 1<sup>st</sup> Lane -  $\$0.53 * \# \text{ of Days} * \text{Length of Traffic Control Zone}$
- 2<sup>nd</sup> Lane -  $\$1.06 * \# \text{ of Days} * \text{Length of Traffic Control Zone}$
- 3<sup>rd</sup> Lane -  $\$2.12 * \# \text{ of Days} * \text{Length of Traffic Control Zone}$
- 1<sup>st</sup> Left Turn Lane -  $\$0.15 * \# \text{ of Days} * \text{Length of Traffic Control Zone}$
- 2<sup>nd</sup> Left Turn Lane -  $\$0.30 * \# \text{ of Days} * \text{Length of Traffic Control Zone}$
- Right Turn Lane -  $\$0.15 * \# \text{ of Days} * \text{Length of Traffic Control Zone}$
- Full Road Closure -  $\$0.53 * \# \text{ of Days} * \text{Length of Detour}$
- Sidewalk -  $\$0.03 * \# \text{ of Days} * \text{Length of Closure}$

# Amending City Code Subsection 38-523(G)(4)

## Proposed Fee Structure

### Arterial

– \$0.02 \* # of Days \* SF of Closed Area

### Collector, Residential, or Local

– \$0.01 \* # of Days \* SF of Closed Area

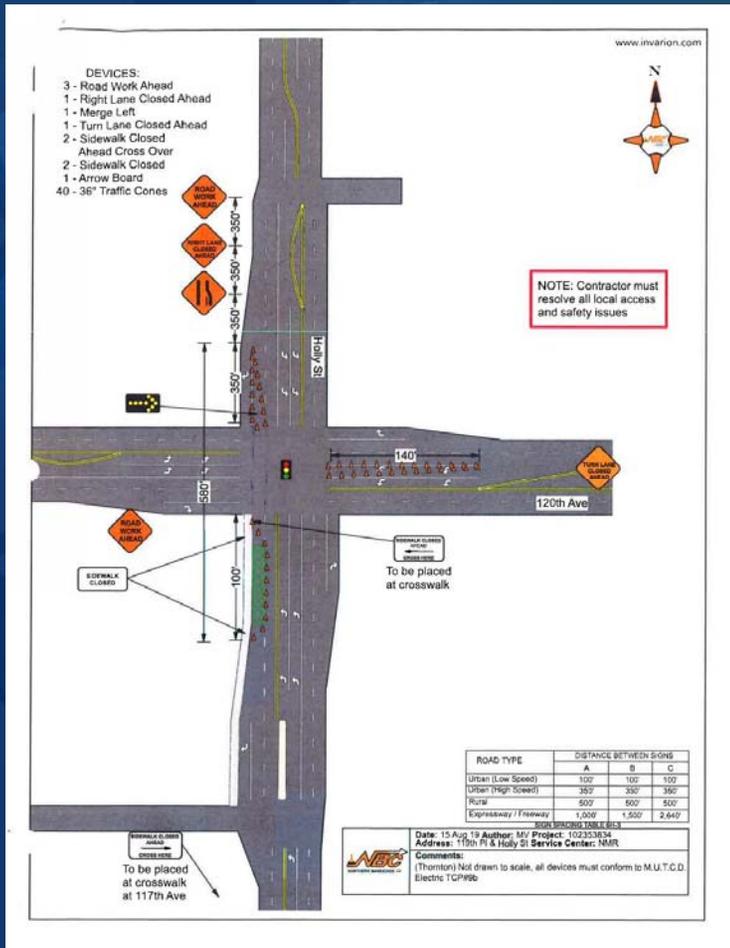
### Sidewalk or Trail Closure

– \$0.03 \* # of Days \* SF of Closed Area

# Example

Arterial: 590 total feet of lane closure (11' wide lanes) and 100 feet of sidewalk (6' wide)

- Current structure: \$360/day
- Revised structure: \$154/day



# Amending City Code Subsection 38-523(G)(4)

Restriction of rights-of-way without a permit, with an expired permit, or without a valid permit on site

- \$500 per day plus applicable rights-of-way closure fees for the number of days of violation
  - Warning for first violation
  - Fee charged on second violation
  - Fee charged on third violation along with revocation of permit (no permit on site)

# Amending City Code Subsection 38-523(G)(4)

Violation of permit conditions or permitted locations without approval

- \$500 per occurrence
  - Warning for first violation
  - Fee charged on second violation
  - Fee charged on third violation along with revocation of permit

Failure to correct traffic control deficiencies within the requested time period

- \$500 per occurrence

# Amending Attachment 10, Chapter 2

Grants the Traffic Engineer or designee the ability to waive or reduce traffic control fees.

## Guidelines for Waiving or Reducing Fees

1. Maintaining Existing Lanes
2. Projects Involving City Funds
  - Work performed by non-city entity but partially or wholly funded through city contributions, city funds, or incentive agreements
3. Unforeseen Circumstances
  - Unique hardship not solely tied to a financial burden
  - Evaluated upon request and on case-by-case basis
  - Supporting documentation is required

# Questions