

A G E N D A
Planning Session
<https://thorntonco.zoom.us/j/82440879335>
May 18, 2021
5:45 p.m.

I. CALL TO ORDER, REVIEW OF AGENDA, AND STAFF COMMENTS

II. BRIEFINGS

- A. COVID-19 Update (Estimated 15 Minutes)
- B. Thornton Shopping Center Update (Estimated 15 Minutes)
- C. Council Hiring Process for the City Attorney (Estimated 15 Minutes)
- D. Tobacco Code Ordinance Recommendations (Estimated 15 Minutes)

III. OPEN DISCUSSION

IV. BRIEFINGS CONTINUED

- E. Executive Session, pursuant to C.R.S. 24-6-402(4)(e), determining positions relative to matters that are subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding an incentive agreement for Sashco. (Estimated 15 Minutes)
- F. Executive Session, pursuant to C.R.S. 24-6-402(4)(e), determining positions relative to matters that are subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding an incentive agreement for Heaven Dragon. (Estimated 15 Minutes)
- G. Executive Session pursuant to C.R.S. 24-6-402(4)(b), conferences with an attorney for the local public body for the purposes of receiving legal advice on special legal questions and (e), determining positions relative to matters that are subject to negotiations, developing strategy for negotiations, and instructing negotiators relating to the Thornton Water Project in Weld and Larimer counties. (Estimated 15 Minutes)

**Planning Session
Agenda Summary
May 18, 2021**

BRIEFINGS:

A. COVID-19 Update

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

B. Thornton Shopping Center Update

Staff will provide City Council with updates on the Thornton Shopping Center.

C. Council Hiring Process for the City Attorney

- City Council

This is a City Council lead discussion regarding the current hiring process for the City Attorney.

D. Tobacco Code Ordinance Recommendations

- Seve Ghose, Parks and Recreation Director

The City of Thornton recently updated Administrative Directive 1-03 Nicotine/Tobacco in the Workplace to include: *3.3 The City will provide signage designating a tobacco-free environment, including "No Tobacco Use" or "Tobacco, Smoke, and Vape-Free" at appropriate entrances and locations [of city buildings].*

This is an opportune time to designate certain city-owned and operated public areas, such as playgrounds, parks, and/or open space, as tobacco, smoke and vape free in order to be in-line with public health best practices for our community and its residents.

The City of Thornton is one of just a few of the Front Range municipalities that does not have city code in place prohibiting the use of tobacco, smoking or vaping in some of the above mentioned areas.

By updating the city code, Thornton leaders will help ensure that the health and wellbeing of Thornton's residents of all ages are better protected in our city's parks, playgrounds, and/or open spaces.

E. Executive Session, pursuant to C.R.S. 24-6-402(4)(e), determining positions relative to matters that are subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding an incentive agreement for Sashco.

- John Cody, Economic Development Director

F. Executive Session, pursuant to C.R.S. 24-6-402(4)(e), determining positions relative to matters that are subject to negotiations, developing strategy for negotiations, and instructing negotiators regarding an incentive agreement for Heaven Dragon.

- John Cody, Economic Development Director

BRIEFINGS CONTINUED:

- G. Executive Session pursuant to C.R.S. 24-6-402(4)(b), conferences with an attorney for the local public body for the purposes of receiving legal advice on special legal questions and (e), determining positions relative to matters that are subject to negotiations, developing strategy for negotiations, and instructing negotiators relating to the Thornton Water Project in Weld and Larimer counties.
- Bill Tuthill, Acting City Attorney

PLANNING SESSION COMMUNICATION

| | | | | | |
|--|--------------------------|--------------------------------|-----------------|-----------------------------|--|
| Meeting Date: May 18, 2021 | Agenda Item: A | Agenda Location: N/A | Goal(s): | Legal Review: N/A | <input type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading |
| Subject: COVID-19 Update | | | | | |
| Recommended by: Kevin S. Woods <i>KW</i> Approved by: Kevin S. Woods <i>KW</i> | | | | | Ordinance previously introduced by: _____ |
| Presenter(s): 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)

Incident Overview

- Case, Hospital and Vaccination Data
- CDC Mask Guidance

PLANNING SESSION COMMUNICATION

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|--|--------------------------|--------------------------------|-----------------|-----------------------------|--|
| Meeting Date: May 18, 2021 | Agenda Item: B | Agenda Location: N/A | Goal(s): | Legal Review: N/A | <input type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading |
| Subject: Thornton Shopping Center Update | | | | | |
| Recommended by: Kevin S. Woods <i>KW</i> Approved by: Kevin S. Woods <i>KW</i> | | | | | Ordinance previously introduced by: _____ |
| Presenter(s): Kevin Woods, City Manager | | | | | |

SYNOPSIS:

Staff will provide City Council with updates on the Thornton Shopping Center.

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)

Thornton Shopping Center Redevelopment Update

- Staff is completing studies necessary to file eminent domain;
- Staff continues to meet with development prospects; and
- Staff continues to meet with both CDPHE and Thornton, LLC to discuss options for accelerating cleanup.

PLANNING SESSION COMMUNICATION

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|--|--------------------------|--------------------------------|-----------------|-----------------------------|--|
| Meeting Date: May 18, 2021 | Agenda Item: C | Agenda Location: N/A | Goal(s): | Legal Review: N/A | <input type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading |
| Subject: Council Hiring Process for the City Attorney | | | | | |
| Recommended by: Kevin S. Woods <i>KW</i> Approved by: Kevin S. Woods <i>KW</i> | | | | | Ordinance previously introduced by: _____ |
| Presenter(s): City Council | | | | | |

SYNOPSIS:

This is a City Council lead discussion regarding the current hiring process for the City Attorney.

RECOMMENDATION:

This item is for informational purposes only.

BUDGET/STAFF IMPLICATIONS:

The City has engaged the services of a recruitment firm that has had local success in hiring candidates for other jurisdictions in the Denver Metro area. The estimated total cost of the recruitment is approximately \$18,500, plus travel expenses.

ALTERNATIVES:

This item is for informational purposes only.

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

The City has begun the initial steps involved in the hiring of a City Attorney. The executive search firm, Prothman, has begun meeting with stakeholders including, but not limited to, City Council. The tentative timeline is to accept applications on May 18 through June 6.

PLANNING SESSION COMMUNICATION

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|--|--------------------------|--------------------------------|-----------------|-----------------------------|--|
| Meeting Date: May 18, 2021 | Agenda Item: D | Agenda Location: N/A | Goal(s): | Legal Review: N/A | <input type="checkbox"/> 1 st Reading <input type="checkbox"/> 2 nd Reading |
| Subject: Tobacco Code Ordinance Recommendations | | | | | |
| Recommended by: Seve Ghose <i>SG</i> Approved by: Kevin S. Woods <i>KW</i> Presenter(s): Jill Collins, RD, Wellness Coordinator Tri-County Health Department (TCHD) Representatives | | | | | Ordinance previously introduced by: <hr/> |

SYNOPSIS:

The City of Thornton recently updated Administrative Directive 1-03 Nicotine/Tobacco in the Workplace to include: *3.3 The City will provide signage designating a tobacco-free environment, including “No Tobacco Use” or “Tobacco, Smoke, and Vape-Free” at appropriate entrances and locations [of city buildings].*

This is an opportune time to designate certain city-owned and operated public areas, such as playgrounds, parks, and/or open space, as tobacco, smoke and vape free in order to be in-line with public health best practices for our community and its residents.

The City of Thornton is one of just a few of the Front Range municipalities that does not have city code in place prohibiting the use of tobacco, smoking or vaping in some of the above mentioned areas.

By updating the City Code, Thornton leaders will help ensure that the health and wellbeing of Thornton’s residents of all ages are better protected in our city’s parks, playgrounds, and/or open spaces.

RECOMMENDATION:

It is the recommendation of Tri-County Health Department (TCHD) that parks, playgrounds, trails and open spaces in Thornton be designated as completely tobacco, smoke and vape free in the city code. It is the recommendation of the Wellness Coordinator, Recreation Superintendent, the Superintendent of Parks, Forestry and Golf, and the Community Services Director that, at the very minimum, consumption of tobacco, smoking and vaping within 100 feet of any youth present is prohibited.

Tobacco-free playgrounds, parks, and open spaces have multiple public and environmental health benefits. They diminish litter in parks and reduce the risk of fire. They also eliminate exposure of youth to the modeling of smoking, vaping, and tobacco consumption behaviors and reduce secondhand smoke and vaping exposure. At least 39 municipalities and two unincorporated counties in Colorado have smoke-free or tobacco-free parks – including neighboring Northglenn, Commerce City, and Brighton. (There are likely more, as the list is only updated annually). A few do exempt parking lots, some exempt golf courses, and some are only playground and sports field areas and their surrounding areas, but do not include open spaces and large fields.

Please see Exhibit A for a complete list of Thornton’s “comparable cities”, other neighboring municipalities, and their respective smoking, tobacco use and vaping codes and what areas are covered under those codes.

In consultation with Legal, it is the recommendation to make a code update in Code Sec. 46-42(a) Prohibited Activities in Parks to add (8), highlighted in green below:

Sec. 46-42. - Prohibited activities.

(a) The following activities are prohibited within any park, parkway, city-owned open space, recreation facility or recreation area, or on any body of water owned by the city unless expressly permitted by public posting:

- (1) Ice skating.
- (2) Ice hockey.
- (3) Snowmobiling.
- (4) Swimming and wading.
- (5) Boating or rafting.
- (6) Sledding. Sledding shall also be prohibited on water areas, vehicle roadways or uphill from any water area or roadway where sleds would coast across such water areas or roadways.
- (7) Gas powered model boats.
- (8) Use of tobacco, smoking or the use or electronic cigarettes

In addition to the code language update, the city would also focus on education and would place signage in appropriate areas. Please see Exhibit B for sample parks, playground and open space signage designed by Communications and the signage that is being installed on 319 external access doors of city buildings.

BUDGET/STAFF IMPLICATIONS:

The budget for all aspects of a communications campaign, including any signage, mailers or other educational materials, will be covered by TCHD and the City of Thornton will not incur any expenses to move forward with these recommendations.

Staff Implications

- Parks staff will need to install the signage in all agreed upon, designated areas. The Superintendent of Parks, Forestry and Golf will have his staff members do the installations during normal working hours, around other projects and responsibilities, resulting in no additional overtime costs.
- The Wellness Coordinator will need to dedicate time to working in partnership with TCHD staff as well as internal and external stakeholders through the planning stage, implementation stage and communications plan.
- Police and Code Enforcement: Smoke- and Tobacco-free parks often need little to no enforcement. Signage is the most important component, and educational awareness is key. The former police chief of Greenwood Village likened it to leash laws, “If we see something, we’re going to say something, but we’re not going to write a ticket for it.” TCHD very strongly encourages only educational enforcement. They would also want to ensure that awareness of

the new rules includes the fact that “it’s about the smoke, not the smoker.” Laws like these should be used to protect people only and not to criminalize any individual or any behavior.

ALTERNATIVES:

- As an alternative to updating Code of Ordinances *Sec. 46-42. Prohibited Activities*, the Code of Ordinances, *Sec. 38-459 Smoking Restrictions* could be updated instead, and this is the route some municipalities choose to go rather than including the code language under city codes related to Parks and Recreation Facility Rules.
- As an alternative to designating parks, playgrounds, trails and open spaces in Thornton as tobacco, smoke and vape free, at the very minimum, consumption of tobacco, smoking and vaping within 100 feet or any youth present should be prohibited.

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

The following internal City of Thornton Departments or individuals were consulted as part of this recommendation:

1. City Manager’s Office: Assistant City Manager, Robb Kolstad
2. Parks and Recreation Division:
 - Wellness Coordinator, Jill Collins
 - Recreation Superintendent, Chris Steinke
 - Superintendent of Parks, Forestry and Golf, Paul Burkholder
 - Community Services Director, Seve Ghose
3. Legal Department:
 - Assistant City Attorney, Shaun McCullough
 - Deputy City Attorney, John Mallonee

The following external subject matter experts were consulted as part of this recommendation:

1. Tri County Health Department Public Health Staff:
 - Maura Proser
 - Jessica Reeder
 - Kathy Staats
 - Taylor Roberts
2. Wellness Partners:
 - Uthona Mikrut, Hays Companies
 - Kylee Geffre, CWPC, Senior Engagement Consultant, Cigna
 - Melissa Ford, MPH, Workforce Health Consultant, Kaiser Permanente

In addition, there has been previous discussion and action around tobacco usage in the City of Thornton:

1. Assistant City Manager, Joyce Hunt, attended at least one of the Adams County Tobacco Retail Learning Community meetings pre-COVID, and was considering options for tobacco retail licensing.
2. Thornton’s Winterfest was designated a tobacco-free event this past year and staff and Community Services Director, Seve Ghose, report that this effort was successful and well received.

- Community Services staff members have had initial meetings with TCHD staff to learn more about best practices and options around tobacco-free policy-level work in municipalities.

EXHIBIT A

| City | Smoke-free parks? | Includes | Exempts | Definition of Smoking | Code |
|---------------|-------------------|---|------------------------------------|-----------------------------|---|
| Arvada | Yes | Any outdoor facility open to the public: parks, trails, golf course, public transit waiting areas and stations, sports venues | Nothing specifically stated | Includes vaping/use of ESDs | Sec 38-304 Smoking Prohibited |
| Aurora | Nothing in code | | | | |
| Boulder | Yes | Any park, parkland, or facility, open space and mountain parks property, any trail or multi-use path, within 25 feet of a path | Nothing specifically stated | Includes vaping/use of ESDs | Sec 6-4-3.5 Smoking Prohibited in Public Areas |
| Broomfield | Yes | Any park which includes parks, playgrounds, and open space owned, leased, or under control of the city; areas used for athletic or sporting activities | Nothing specifically stated | Includes vaping/use of ESDs | Sec 8-02-030 Prohibition of smoking in certain public places |
| Brighton | Yes | Parks, playgrounds, sports fields/venues, outdoor seating areas of sports venues, recreation areas | Parking areas | Includes vaping/use of ESDs | Sec. 8-44-65 Smoking Prohibited |
| Commerce City | Yes | All park property | Golf Course Parking Areas | Not defined in code | Sec. 7-1014 Parks and Recreation |
| Denver | Nothing in code | | | | |
| Fort Collins | Yes | Sports arenas, city-owned or city-leased parks, trails, open space, natural areas, adjacent sidewalks | Sidewalks and streets not adjacent | Includes vaping/use of ESDs | Sec. 12-58.8, 12-59 Smoking Prohibited on City-owned Property Smoking Prohibited in Public Places |
| Lakewood | Yes | Playgrounds, pools, skate parks, athletic fields, picnic shelters, tennis courts, similar locations (specific locations within parks but not all park property) | Golf Courses | Includes vaping/use of ESDs | Sec 9.38.030 General Smoking Restrictions |
| Longmont | Nothing in code | | | | |
| Northglenn | Yes | Public park property, parks, trails, open spaces, playgrounds, outdoor recreation facilities | Nothing specifically stated | Includes vaping/use of ESDs | Sec. 9-14 Smoking in Public Places |
| Westminster | Nothing in code | | | | |

EXHIBIT B

Signage at entryways for city buildings and a good option for parks, open spaces, trails, etc.:



Signage designed as an option for playgrounds, sports fields, parks, open spaces, trails, etc.:



EXHIBIT B (Continued)

Alternative option for parks, open spaces, trails, etc.:





City of Thornton

**Tobacco, Smoke and Vape Free
Parks, Playgrounds, Trails and Open Spaces
2021**

**Presenters: Jill Collins, RD, City of Thornton, Wellness Coordinator
Theresa Smith, RD, Tobacco Policy and Prevention Specialist, Tri-
County Health Dept.**

Purpose: Ensure that the health and wellbeing of Thornton's residents of all ages are better protected by designating parks, playgrounds, trails and/or open spaces in Thornton as completely tobacco, smoke and vape free in the City Code.

Agenda:

Why it Matters

Implementation

Summary

Council Questions

Why it Matters?

- Encourages Healthy Living
- Exposure to Second Hand Smoke is Unhealthy
- Less Litter and Less Clean Up
- Norming for Youth



Many Municipalities Already Have Smoke-Free Parks

- 1,500+ municipalities nationwide already have laws establishing smoke-free and tobacco-free parks.

- At least 39 municipalities and two unincorporated counties in Colorado have smoke-free or tobacco-free parks, including:

Northglenn

Arvada

Boulder

Broomfield

Brighton

Commerce City

Lakewood

Implementation

Relies on signage and education to promote the policy

What supports success?

- Adequate Signage
- Community Education
- Consideration and Cooperation with people who use tobacco
- Cessation Resources Available and Accessible



Summary

TCHD and City of Thornton staff recommend that all parks, playgrounds, trails, and open spaces in the City are designated as tobacco, smoke, and vape-free.

Opportunities, Ideas and Resources to Support Awareness, Compliance and Enforcement of a Tobacco-Free Parks Ordinance in the City of Thornton

The following activities can be planned and implemented in collaboration with Tri-County Health Department (TCHD). TCHD has grant funding through Amendment 35 to support the implementation of tobacco control policies at the local level.

Between now and the vote on the ordinance- focus on community education activities to address priority tobacco prevention issues and resources [these activities are consistent with what TCHD is doing across Adams, Arapahoe, and Douglas counties, and don't focus on specific policy messages]

- 1) Work collaboratively with TCHD to plan and provide education and information regarding resources for cessation, the dangers of secondhand smoke and benefits of preventing youth use of tobacco. For example:
 - In order to increase awareness surrounding second-hand smoke exposure, and e-cigarettes. TCHD could work with the city to have outreach workers at community events where affected demographic would be present (e.g. Harvest Fest, Carpenter Recreation Center etc.)
- 2) TCHD can assist the City of Thornton with educational newsletter articles, social media, and any other print and electronic media resources for tobacco-related education and cessation opportunities for Thornton. For example:
 - Information on cessation resources including the Colorado Quitline, web-based self-help resources, cessation support groups/classes, etc.
 - Raising smoke/tobacco-free kids campaign messages (public service announcement, dangers of secondhand smoke, prevention strategies to support tobacco-free youth, etc.)
 - Education about electronic cigarettes, risks to youth, health concerns, etc.

Prior to implementation date (after law passes, but before it goes into effect, these activities are specific to a Thornton policy message)

- 1) Host a series of planning meetings with key city departments, and major stakeholder organizations to identify unique department/organization needs for communications, resources and programs. For example:
 - update City website with information, templates for signs (which can be downloaded/printed)
 - Work with building, parks and recreation, finance, economic development, public works, and other departments to identify information (i.e., FAQs for new ordinance, brochures about “complying with Thornton’s new law”, for example) and signage needs (i.e., park entrance signs, smoke-free recreation signs, etc.), and opportunities for special classes or events (i.e., offering classes on resources for quitting, events to celebrate the Great American Smoke Out, etc.)
 - TCHD can assist with funding for priority signs at entryways and large gathering places, community events, etc.
 - TCHD can support large events with communication and compliance with the new ordinance (e.g. meeting with event stakeholders and sponsors, assisting with resources to support compliance with the new ordinance)
- 2) Offering presentations to key community groups to address the new ordinance, the science to support comprehensive policies, resources to support implementation and enforcement, etc. For example:
 - Youth sports leagues, community leaders, elected officials, etc.
- 3) Continued dissemination of educational materials at community events to educate community and build support for the ordinance and compliance with the ordinance and offer resources.
- 4) Working with city staff to prepare and disseminate public information resources designed to address information gaps and concerns of various sectors of the community
 - Identify priority community concerns and prepare responsive communication to address concerns (i.e., about use of city resources, economic and health benefits of smoke-free policies, etc.)
- 5) Meet with Thornton Police Department, Code Enforcement, Parks and Recreation staff to discuss protocol and sample language for policy violations.

- 6) Continue to provide information about tobacco cessation resources (free help to quit); though this information is not tied to the smoke-free policy campaign, policy efforts tend to boost motivation to quit for many and we want to be sure to have helpful, accessible resources for people who smoke and have interest in quitting.
 - This could include free cessation classes offered at Thornton Recreation Center or Community Center through the American Lung Association or other entities.

At/after implementation/effective date

- 1) Host a celebration event to mark the implementation date of the new ordinance
- 2) Develop and disseminate news articles, media campaigns and other communication to support awareness of the ordinance.
- 3) Posting of priority signage (temporary signage can also be posted prior to implementation date)
- 4) Support for compliance complaints/concerns
 - Provide sample language and talking points to address policy violations.

Ongoing Support

- 1) Maintenance of signage
- 2) Support with communication and media coverage
- 3) Continue to work with local law enforcement to respond to emerging compliance issues.