

Board Officers

Sue Horn, Chair
Jack Hilbert, Vice Chair
Rachel Zenzinger, Secretary
Jackie Millet, Treasurer
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Jennifer Schaufele, Executive Director

AGENDA
BOARD OF DIRECTORS
→ WEDNESDAY, SEPTEMBER 18, 2013 ←
6:30 P.M.
1290 Broadway
First Floor Independence Pass Conference Room

1. 6:30 Call to Order
2. Pledge of Allegiance
3. Roll Call and Introduction of New Members and Alternates
4. *Motion to Approve Agenda
5. 6:35 Report of the Chair
 - Report on Regional Transportation Committee
6. 6:45 Report of the Executive Director
7. 7:00 Public Comment

Up to 45 minutes is allocated at this time for public comment and each speaker will be limited to 3 minutes. If there are additional requests from the public to address the Board, time will be allocated at the end of the meeting to complete public comment. The chair requests that there be no public comment on issues for which a prior public hearing has been held before this Board. Consent and action items will begin immediately after the last speaker.

***Motion Requested**

**TIMES LISTED WITH EACH AGENDA ITEM ARE APPROXIMATE
IT IS REQUESTED THAT ALL CELL PHONES BE SILENCED
DURING THE BOARD OF DIRECTORS MEETING. THANK YOU**

Disabled attendees are asked to notify DRCOG at least 48 hours in advance of the need for auxiliary aids or services.

We make life better!



GUEST PRESENTATIONS

8. 7:45 Presentation by Colorado Energy Office on Compressed Natural Gas Fueling Stations
(Attachment A) Tom Hunt, Colorado Energy Office
9. 8:00 Presentation on MPACT64 and Metro Transportation District
(Attachment B) Don Hunt, Executive Director, Colorado Department of Transportation and Jim Gunning, Mayor, City of Lone Tree

CONSENT AGENDA

10. 8:15 *Move to Approve Consent Agenda
 - Minutes of July 17, 2013
(Attachment C)
 - A resolution allocating FTA 5310 (Enhanced Mobility of Senior and Individuals with Disabilities) program funding to projects in fiscal years 2014-2015
(Attachment D) Jacob Riger, Transportation Planning Coordinator, Transportation Planning & Operations
 - A resolution approving Traffic Signal System Improvement Program Pool Projects
(Attachment E) Greg MacKinnon, Transportation Operations Program Manager, Transportation Planning & Operations
 - A resolution allocating funding in the Regional Transportation Demand Management (TDM) pool to projects in fiscal years 2014-2015
(Attachment F) Melina Dempsey, Transportation Planner, Transportation Planning & Operations
 - Approve the FY14-15 Station Area Master Plan/Urban Center Studies recommended by the project review panel
(Attachment G) Brad Calvert, Senior Planner, Regional Planning & Operations

ACTION AGENDA

11. 8:20 *Move to adopt a resolution approving the 2013 Cycle 1 Amendments to the 2035 Metro Vision Regional Transportation Plan (2035 MVRTP), including the Fiscally Constrained 2035 Regional Transportation Plan, and the associated 2013 Amendment Cycle 1 DRCOG CO and PM10 Conformity Determination, and the 2013 Amendment Cycle 1 Denver Southern Subarea 8-Hour Ozone Conformity Determination, concurrently
(Attachment H) Jacob Riger, Transportation Planning Coordinator, Transportation Planning & Operations
(This action requires an affirmative majority (29) of the total participating membership)
12. 8:25 * Move to replace the requirement for an Annual Review of FasTracks with the requirement for a FasTracks SB-208 Change Report
(Attachment I) Jacob Riger, Transportation Planning Coordinator, Transportation Planning & Operations

***Motion Requested**

ACTION AGENDA (cont.)

13. 8:35 *Move to affirm the project delay language in the TIP Policy
(Attachment J) Todd Cottrell, Senior Transportation Planner, Transportation Planning & Operations

INFORMATIONAL BRIEFINGS

14. 8:40 Report on the Sustainable Communities Initiative
(Attachment K) Paul Aldretti, Sustainable Communities Initiative Coordinator, Regional Planning & Operations
15. 8:50 Update on organizational direction
Jennifer Schaufele, Executive Director
16. 9:00 Committee Reports
- A. Report on State Transportation Advisory Committee – Beth Humenik
 - B. Report from Metro Mayors Caucus – Doug Tisdale
 - C. Report from Metro Area County Commissioners– Don Rosier
 - D. Report from Advisory Committee on Aging – Cliff Mueller
 - E. Report from Regional Air Quality Council – Joyce Thomas/Jackie Millet
 - F. Report on Metro Vision Implementation Task Force – Jim Taylor
 - G. Report on E-470 Authority – Ron Rakowsky
 - H. Report on FasTracks – Bill Van Meter

INFORMATIONAL ITEMS

17. Draft minutes of the August 21, 2013 Administrative Committee meeting
(Attachment L)
18. Update on Metro Vision 2040
(Attachment M)
19. Relevant clippings and other communications of interest
(Attachment N)
Included in this section of the agenda packet are news clippings which specifically mention DRCOG. Also included are selected communications that have been received about DRCOG staff members.

ADMINISTRATIVE ITEMS

20. Next Meeting – October 16, 2013
21. Other Matters by Members
22. 9:10 Adjournment

***Motion Requested**

SPECIAL DATES TO NOTE

October 10 Fall SCI Consortium Meeting

CALENDAR OF FUTURE MEETINGS

September 2013

17	Regional Transportation Committee	8:30 a.m.
18	Administrative Committee	5:30 p.m.
	Board of Directors	6:30 p.m.
20	Advisory Committee on Aging	Noon – 3 p.m.
23	Transportation Advisory Committee	1:30 p.m.

October 2013

2	Metro Vision Issues Committee	4 p.m.
15	Regional Transportation Committee	8:30 a.m.
16	Administrative Committee	5:30 p.m.
	Board of Directors	6:30 p.m.
18	Advisory Committee on Aging	Noon – 3 p.m.
28	Transportation Advisory Committee	1:30 p.m.

November 2013

6	Metro Vision Issues Committee	4 p.m.
15	Advisory Committee on Aging	Noon – 3 p.m.
19	Regional Transportation Committee	8:30 a.m.
20	Administrative Committee	5:30 p.m.
	Board of Directors	6:30 p.m.
25	Transportation Advisory Committee	1:30 p.m.

December 2013

4	Metro Vision Issues Committee	4 p.m.
17	Regional Transportation Committee	8:30 a.m.
18	Administrative Committee	5:30 p.m.
	Board of Directors	6:30 p.m.
20	Advisory Committee on Aging	Noon – 3 p.m.
23	Transportation Advisory Committee	1:30 p.m.

Acronym List

* Denotes DRCOG Program, Committee or Report

AAA	Area Agency on Aging	MOU	Memorandum of Understanding
AASHTO	American Association of State Highway and Transportation Officials	MPO	Metropolitan Planning Organization*
ADA	Americans with Disability Act of 1990	MSA	Metropolitan Statistical Area
AMPO	Association of Metropolitan Planning Organizations	MVIC	Metro Vision Issues Committee*
APA	American Planning Association	MVITF	Metro Vision Implementation Task Force
APCD	Air Pollution Control Division	MVPAC	Metro Vision Planning Advisory Committee
AQCC	Air Quality Control Commission	NAAQS	National Ambient Air Quality Standards
ARRA	American Recovery and Reinvestment Act	NARC	National Association of Regional Councils
BMPs	Best Management Practices	NEPA	National Environmental Policy Act
CAAA	Clean Air Act Amendments	NFRMPO	North Front Range Metropolitan Planning Organization
CAC	Citizens Advisory Committee	NFRQPA	North Front Range Water Quality Planning Association
CARO	Colorado Association of Regional Organizations	NHS	National Highway System
CBD	Central Business District	NOx	Nitrogen oxides
CCI	Colorado Counties, Inc.	NWCCOG	Northwest Colorado Council of Governments
CDPHE	Colorado Department of Public Health and Environment	O&M	Operations and Maintenance
CDOT	Colorado Department of Transportation	O ₃	Ozone
CFR	Code of Federal Regulations	PM _{2.5}	Particulates or fine dust less than 2.5 microns in size
CMAQ	Congestion Mitigation/Air Quality	PM ₁₀	Particulates or fine dust less than 10 microns in size
CMAQ	Coalition for Mobility and Air Quality	PnR	park-n-Ride
CML	Colorado Municipal League	PPACG	Pikes Peak Area Council of Governments
CMS	Congestion Management System	RAQC	Regional Air Quality Council
CO	Carbon monoxide	RFP	Request for Proposal
CWA	Clean Water Act	RFQ	Request for Qualifications
CWP	Clean Water Plan*	RMRA	Rocky Mountain Rail Authority
DBE	Disadvantaged Business Enterprise	ROD	Record of Decision
DEIS	Draft Environmental Impact Statement	ROW	Right-of-way
DMCC	Denver Metro Chamber of Commerce	RPP	Regional Priorities Program
DoLA	Colorado Department of Local Affairs and Development	RSA	Regional Statistical Area*
DOT	Department of Transportation (U.S.)	RTC	Regional Transportation Committee*
DRCOG	Denver Regional Council of Governments	RTD	Regional Transportation District
DRMAC	Denver Regional Mobility and Access Council	RTP	Regional Transportation Plan*
DUS	Denver Union Station	SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
E&D	Elderly and Disabled	SB	Senate Bill
EA	Environmental Assessment	SCI	Sustainable Communities Initiative
EIS	Environmental Impact Statement	SIP	State Implementation Plan for Air Quality
EPA	Environmental Protection Agency	SOV	Single-occupant Vehicle
FAA	Federal Aviation Administration	STAC	State Transportation Advisory Committee
FCC	Federal Communications Commission	STIP	State Transportation Improvement Program
FEIS	Final Environmental Impact Statement	STP	Surface Transportation Project (STP-Metro, STP-Enhancement)
FEMA	Federal Emergency Management Agency	TAC	Transportation Advisory Committee*
FHWA	Federal Highway Administration	TAZ	Traffic Analysis Zone
FIRE	Firefighter Intra-regional Recruitment & Employment*	TCM	Transportation Control Measures
FONSI	Finding of No Significant Impact	TDM	Transportation Demand Management
FRA	Federal Railroad Administration	TEA-21	1998 Transportation Equity Act for the 21 st Century
FTA	Federal Transit Administration	TIP	Transportation Improvement Program*
FY	Fiscal Year – DRCOG (Jan. 1 to Dec. 31) (Colorado Jul. 1 to Jun. 30)	TLRC	Transportation Legislative Review Committee
GIS	Geographic Information System	TMA	Transportation Management Area
HB	House Bill	TMO/TMA	Transportation Management Organization/Transportation Management Agency
HC	Hydrocarbons	TMDL	Total Maximum Daily Load
HOT Lanes	High-occupancy Toll Lanes	TOD	Transit Oriented Development
HOV	High-occupancy Vehicle	TPR	Transportation Planning Region
HUTF	Highway Users Trust Fund	TSM	Transportation System Management
IGA	Intergovernmental Agreement	TSSIP	Traffic Signal System Improvement Program
ICMA	International City Management Association	UGB/A	Urban Growth Boundary/Area
ISDS	Individual Sewage Disposal System	UPWP	Unified Planning Work Program
IPA	Integrated Plan Assessment*	V/C	Volume-to-capacity ratio
ISTEA	Intermodal Surface Transportation Efficiency Act	VMT	Vehicle Miles of Travel
ITE	Institute of Traffic Engineers	VOC	Volatile Organic Compounds
ITS	Intelligent Transportation System	WHSRA	Western High Speed Rail Authority
JARC	Job Access/Reverse Commute	WQCC	Water Quality Control Commission
LOS	Level of Service	WQCD	Water Quality Control Division (CDPHE)
LRT	Light Rail Transit		
MAP-21	Moving Ahead for Progress in the 21st Century		
MIS	Major Investment Study		
MOA	Memorandum of Agreement		

To: Chair and Members of the Board of Directors

From: Jennifer Schaufele, Executive Director
303-480-6701 or jschaufele@drcog.org

Meeting Date	Agenda Category	Agenda Item #
September 18, 2013	Informational	8

SUBJECT

Tom Hunt, Policy Programs Manager, Colorado Energy Office (CEO) will present the CEO proposal for the use of CMAQ (Congestion Mitigation and Air Quality) funds for a statewide compressed natural gas (CNG) vehicles and fueling stations program.

PROPOSED ACTION/RECOMMENDATIONS

This item is for information.

ACTION BY OTHERS

N/A

SUMMARY

In April the Board received a briefing on the recommendation of the Colorado Department of Transportation (CDOT) to hold in reserve CMAQ funds for each of FY 2014-2017 pending the outcome of the CEO's study.

The study has been completed and the CEO proposes to request \$10 million of CMAQ funds in FY 2014 plus an additional \$20 million over the FY 2015-2017 period for a total of \$30 million. The funds will be used to construct CNG fueling stations throughout the state on major highway corridors and to subsidize the purchase of CNG vehicles.

Traditionally the Metropolitan Planning Organizations (MPOs) allocated CMAQ funds to deal with air quality problems (non-attainment of 8-hour ozone standards) via a formula whereby DRCOG received approximately 80 percent of the funds. MAP-21 allows for the expenditure of CMAQ funds for CNG fueling stations and related infrastructure as well as purchase of CNG vehicles outside the non-attainment/maintenance areas. However, this also represents another change in how the state is modifying long-standing tradition in working with the MPOs.

The Transportation Commission will hear the CEO's presentation September 13 and will likely act on a recommendation regarding the CEO's request at its October meeting.

PREVIOUS DISCUSSIONS/ACTIONS

[April 17, 2013 Board meeting](#) (see Attachment J)

PROPOSED MOTION

No action necessary, this item is provided for information.

ADDITIONAL INFORMATION

If you need additional information, please contact Jennifer Schaufele, Executive Director, at 303-480-6701 or jschaufele@drcog.org or Steve Cook, Acting Transportation Director at 303 480-6749 or scook@drcog.org.

ATTACH B

To: Chair and Members of the Board of Directors

From: Jennifer Schaufele, Executive Director
303-480-6701 or jschaufele@drcog.org

Meeting Date	Agenda Category	Agenda Item #
September 18, 2013	Information	9

SUBJECT

The Board will hear a presentation from Don Hunt, Executive Director, Colorado Department of Transportation (CDOT) and Jim Gunning, Mayor, City of Lone Tree and Chair of the Metro Mayors Caucus about MPACT 64 and the Metro Denver MTD Governance Committee.

PROPOSED ACTION/RECOMMENDATIONS

This is for information only.

ACTION BY OTHERS

N/A

SUMMARY

Several organizations throughout the state (e.g., Metro Mayors Caucus, Metro Area County Commissioners, Progressive 15, Action 22, Club 20 and others) have been meeting to discuss transportation funding. This effort is known as MPACT 64.

A collection of individuals known as the Metro Denver MTD Governance Committee also has been meeting as part of this effort.

PREVIOUS DISCUSSIONS/ACTIONS

Metro Vision Issues Committee, [June 5, 2013](#) (see Attachment C)

PROPOSED MOTION

N/A

ATTACHMENT

N/A

ADDITIONAL INFORMATION

If you need additional information, please contact Jennifer Schaufele, Executive Director, at 303-480-6701 or jschuafele@drcog.org.

ATTACH C

MINUTES
BOARD OF DIRECTORS
WEDNESDAY, JULY 17, 2013

Members/Alternates Present

Sue Horn, Chair	Town of Bennett
Bill Holen	Arapahoe County
Wayne Anderson (Alternate)	City & County of Broomfield
Tim Mauck	Clear Creek County
Rocky Piro (Alternate)	City & County of Denver
Robin Kniech (Alternate)	City & County of Denver
Jack Hilbert	Douglas County
Don Rosier	Jefferson County
Rachel Zenzinger	City of Arvada
Bob Roth	City of Aurora
KC Becker	City of Boulder
Anne Justen	Town of Bow Mar
Cynthia Martinez	City of Brighton
Cathy Noon	City of Centennial
Jim Benson	City of Commerce City
Todd Riddle	City of Edgewater
Randy Penn	City of Englewood
Mark Gruber	Town of Erie
Sharon Richardson (Alternate)	City of Federal Heights
Ron Rakowsky	City of Greenwood Village
Brad Wiesley	City of Lafayette
Phil Cernanec (Alternate)	City of Littleton
Jackie Millet	City of Lone Tree
Hank Dalton	City of Louisville
Julie Van Domelen	Town of Lyons
Chris Wolfe	Town of Morrison
Joe Gierlach	Town of Nederland
John Diak	Town of Parker
Cliff Mueller	City of Sheridan
Debra Williams	Town of Superior
Val Vigil	City of Thornton
Joyce Jay	City of Wheat Ridge
Debra Perkins Smith	Colorado Department of Transportation
Simon Tafoya	Office of the Governor
Bill Van Meter	Regional Transportation District

Others Present: Jennifer Schaufele, Executive Director, Connie Garcia, Executive Assistant/Board Coordinator, DRCOG; Jeanne Shreve, Adams County; Mac Callison, Aurora; Anthony Graves, Denver; Joe Fowler, Douglas County; Casey Tighe, Jefferson County; Sandy Banta, Lyons; Beth Martinez Humenik, Gene Putman, Thornton; Rachel Leigh, Susan Wood, RTD; Rick Wells, LC Fulenwider Inc.; Ron Nies, Martin/Martin Consulting; Peter Wall, CRL Associates; Mark Shotkoski, Northwest Parkway; and DRCOG staff.

Chair Sue Horn called the meeting to order at 6:32 p.m. Roll was called and a quorum was present. The chair recognized Bill Van Meter, the new Regional Transportation District nonvoting member to the Board of Directors, and Anthony Graves, Mayor Michael Hancock's recently appointed Director of Regional Affairs.

Motion to Approve Agenda

Robin Kniech **moved, seconded** by Cathy Noon, to approve the agenda. The motion **passed** unanimously.

Public Hearing on Cycle 1, 2013 proposed amendments to the 2035 Metro Vision Plan, the 2035 Metro Vision Regional Transportation Plan, and associated air quality conformity determinations

Jacob Riger, DRCOG staff, provided a brief overview of the proposed amendments.

Public comment was received from Rick Wells, speaking on behalf of LC Fulenwider Inc., in support of the Aviation Station amendment. Cliff Mueller asked Mr. Wells if a light rail hub is included as part of the project. Mr. Wells replied that the full build-out of the plan includes residential, retail, employment, parking, and related infrastructure.

Report of the Chair

- The Chair summarized actions taken at the July 16 Regional Transportation Committee (RTC) meeting. The RTC approved two items on the Board's consent agenda: the *2014-2015 Unified Planning Work Program*, and amendments to the *2012-2017 Transportation Improvement Program*. The Committee also received a report on current and upcoming activities associated with Metro Vision 2040.
- Chair Horn reported on the recent trip to Washington DC made by the Chair, Executive Director Jennifer Schaufele, Area Agency on Aging Director Jayla Sanchez-Warren, and DRCOG's federal lobbyist, Mickey Ferrell. The purpose of the trip was to meet with Colorado's legislators and others on reauthorization of the Older Americans Act (OAA) and to offer first-hand information on the effects of sequestration on seniors in our region. The information flyer presented during the trip was placed at members seats. Members were encouraged to contact their representatives and their peers across the country to speak to them about the OAA reauthorization and the sequestration cuts. Future sequestration cuts are coming to non-defense discretionary funding; OAA programs will be affected by these cuts for nine more years. Although the Colorado Legislature acted this year to increase funding for the Older Coloradans fund, those funds won't cover future cuts to the program.

Report of the Executive Director

No report was provided.

Public comment

Gene Putman, City of Thornton, provided comment on agenda item 11, regarding a proposed change to the Annual Review of FasTracks. He stated that residents in the North area are in limbo with regard to FasTracks. Until questions regarding delays with the North Metro line are resolved, changing the requirement for an annual report would be a disservice to residents in

the North metro area. He also reported a mistake discovered on one of the maps in the Traffic Congestion Report.

Motion to approve consent agenda

Bill Holen **moved, seconded** by Sharon Richardson, approval of the consent agenda. Items on the consent agenda included:

- Minutes of May 15, 2013
- Resolution No. 8, 2013, adopting the *2014/2015 Unified Planning Work Program*
- Resolution No. 9, 2013, amending the 2012-2017 Transportation Improvement Program (TIP).

The motion **passed unanimously**.

Move to approve appointments and reappointments to the Metro Vision Issues Committee (MVIC) in accordance with the committee guidelines established by the Board

Appointments/reappointments to MVIC (Metro Vision Issues Committee) occur annually, with members serving 2-year staggered terms. Approval of the proposed list establishes the membership for 2013/2014. Jim Benson clarified that Jason McEldowney should be listed as the member for Commerce City, and he should be listed as the alternate.

Jackie Millet **moved, seconded** by Sharon Richardson, to approve the appointments/reappointments to MVIC in accordance with the committee guidelines established by the Board, as amended to reflect the change for Commerce City. The motion **passed unanimously**.

Move to approve a resolution replacing the requirement for an annual review of FasTracks with the requirement for a FasTracks SB-208 Change Report

Jennifer Schaufele stated the purpose of the agenda item is to modify how the Board fulfills its FasTracks SB-208 responsibilities. The change would modify the timing of the report, not the scale of the report. It is by DRCOG resolution that there is a FasTracks annual report. Under the proposal, RTD would report on all substantial changes, i.e., changes to the financial plan, changes in technology, and changes to the implementation schedule. Reporting would be based on calendar year and at the time when changes are occurring. RTD can't legally build or make any of these substantial changes without getting DRCOG's approval. The purpose of making the change is to be more flexible, and to allow for a response to what's happening at the time that it's happening. Adoption of the draft resolution would nullify the requirement for RTD to submit a report in February 2014, and would instead defer a report until RTD has something to report, such as after the completion of the Northwest Area Mobility (NAM) study.

Val Vigil noted for the record: "At this point in time there are three corridor extensions and two corridors that have not been completed. These are not in the 2035 Regional Transportation Plan and it remains to be seen what will show up in the 2040 Plan. We can understand why RTD would not want to go through the annual report process unless something triggered that; but the proposed DRCOG resolution says that RTD will submit an SB-208 change report

whenever it proposes significant changes. What is a significant change? There is no definition for that. What plan are they looking to when they say “what the plan is” so DRCOG can determine whether there’s a significant change? The three corridor extensions and two corridors are not in the 2035 RTP, so what Plan are we talking about reviewing”? Council Member Vigil asked for clarification on those two points.

Jennifer Schaufele noted that significant changes are listed on the second page of the resolution: changes in project definition/scope, financial plan addressing FasTracks costs and revenue sources, technology, implementation schedule, operating characteristics, or level of bus service.

Val Vigil noted that the list of criteria does not define what a significant change is, and, what Plan are we dealing with? There is no plan for the three extensions and the two corridors, that leaves them in limbo and no one has to report on them. Ms. Schaufele noted that RTD does have a plan, and at this time it does not include the North corridor. The NAM study is underway to determine what the North Corridor will look like, and when the study is complete, RTD will bring it back to DRCOG. In the past, DRCOG staff has always brought changes forward to the DRCOG Board for their decision on whether or not proposed changes are significant enough to warrant a full SB 208 review. Val Vigil stated that he feels that the changes being recommended by staff negatively impact the North area, and he finds it hard to justify to his constituents. Ms. Schaufele noted that the Board can still require RTD to submit a report in February 2014 as currently scheduled, but it would not include a plan for the North corridor. RTD would then have to prepare a second report in spring 2014 that includes the North corridor plan.

Jack Hilbert noted that today there isn’t a plan for the North area, but he believes that RTD is working diligently to complete the NAM study and get something going in the North corridor. He believes the North area members would want RTD to bring the study forward to expedite implementation of that plan. He stated he believes that making this change presents an opportunity to be more flexible to implement the NAM study results. Jackie Millet noted that she agrees with making the change; she would rather have RTD spend money building FasTracks rather than writing reports.

Jackie Millet **moved, seconded** by Jack Hilbert, to approve the staff recommendation to replace the requirement for an annual review of FasTracks with the requirement for a FasTracks SB-208 change report. There was discussion.

Jim Benson noted he agrees with what Val Vigil said. The term significant is not defined, and he does not agree with changing from a mandatory yearly report to whenever RTD proposes something significant. What if that’s two or three years down the road? It’s been nine years and there’s been nothing built north of I-70. He noted he thinks RTD should have to provide a report every six months. He stated RTD’s plan should be to stop building south of I-70 and start building north of I-70.

Julie Van Domelen said she understands trying to be nimble, but believes there may be unintended consequences. She feels the annual reporting is helpful in keeping track of

what's going on with the FasTracks program and thinks eliminating the requirement may negate the validity of DRCOG's role. She would like to see at least a yearly reporting.

Phil Cernanec stated his frustration with the lack of information being provided by RTD. Some consideration should be given to putting in timelines.

Bill Holen stated it is the consensus of the Board that the North line should be built, but he does not agree with requiring reporting for reporting's sake. He agreed with adding a definition of "substantial." He expressed support for the recommendation.

Ron Rakowsky stated it's his understanding that the electronic RFP for the north line has already received 40 downloads. Bill Van Meter stated that is the case, and noted the deadline for the RFP is September. Mayor Rakowsky stated he believes that there will be a great change of a positive nature to move the North line along faster once that RFP period closes.

Bill Van Meter noted that RTD staff is generally supportive of the change in reporting, and have heard the concerns expressed. The RTD Board has not yet had a chance to weigh in. RTD staff believes that the North Metro RFP will yield results that will get the line beyond 72nd Avenue.

Robin Kniech thinks that perhaps informal communications from RTD could be separated from the required formal reporting requirements.

Jennifer Schaufele stated she agrees with adding an RTD information briefing to the list of other committee reports. She noted current state law requires that RTD bring changes to DRCOG for approval, and the Board decides whether a change is significant enough to trigger a full SB 208 review. Action on this item is not pressing, and can be brought back to the Board in August.

After discussion, the motion was **withdrawn**.

This item was sent back to staff for additional review and revision of the resolution, and further discussions with those who expressed concerns.

Annual Report on Traffic Congestion

Steve Cook provided a brief overview of the Traffic Congestion Report. The report looks at regional trends in vehicle travel, congestion and other related information. This report is part of the federally required congestion management process. Phil Cernanec asked if there's a way to get information on intersections not listed in the report. Mr. Cook replied that staff can provide information on some other intersections. Rocky Piro asked how much of the percentage is based on incidents. Mr. Cook replied that it's about half, which makes incident management important for communities.

Committee Reports

- State Transportation Advisory Committee (STAC) – Beth Humenik reported the STAC received a federal/state legislative update. The Transportation Legislative Review Committee (TLRC) has planned a series of field hearings to determine top transportation needs in Colorado. CDOT clarified that MPACT64 is driving ballot proposal efforts, with CDOT providing data and responding to a request for a list of potential state highway projects by working with MPOs and TPRs. Currently different funding scenarios are being developed at MPACT64. CDOT’s goals are to reduce the number and rates of fatalities and serious injuries. DRCOG will develop comparable goals. CDOT is developing a new pavement analysis tool, called drivability life. Updates on RAMP and transit programs were received.
- Metro Mayors Caucus – The Metro Mayors Caucus did not meet. Their next meeting is scheduled for Wednesday, August 7.
- Metro Area County Commissioners (MACC) – Don Rosier reported that Robin Kniech brought Tom Bognitz, CEO of the Colorado Association of Manufacturing and Technology. He provided an update on their activities, and reported on areas where commissioners can be involved. Tim Harris and Rebecca White, CDOT, spoke about the consolidation of CDOT Regions 1 and 6. An update on RAMP applications was received. They discussed the annual legislative reception. Updates from the MTD and MPACT 64 groups were received
- Aging Advisory Committee – Cliff Mueller reported that the Aging Advisory Committee did not meet.
- Regional Air Quality Council – Jackie Millet reported that the RAQC will meet August 2.
- Metro Vision Implementation Task Force – The Task Force has not met.
- E-470 Authority – Ron Rakowsky reported that E470 has hit an all-time high for the number of transactions in 1 day, and is doing well financially. Jim Benson reported that discussion occurred about bond refinancing.

Next meeting – August 17, 2013

Other Matters by members

No other matters were discussed.

Adjournment

The meeting adjourned at 8:07 p.m.

Sue Horn, Chair
Board of Directors
Denver Regional Council of Governments

ATTEST:

Jennifer Schaufele, Executive Director

ATTACH D

To: Chair and Members of the Board of Directors

From: Jennifer Schaufele, Executive Director
jschaufele@drcog.org or 303 480-6701

Meeting Date	Agenda Category	Agenda Item #
September 18, 2013	Consent	10

SUBJECT

This action concerns approval of projects to be funded through the FTA Section 5310 Program for fiscal years 2014-2015.

PROPOSED ACTION/RECOMMENDATIONS

Staff recommends approval of the projects recommended by the FTA 5310 Peer Review Panel (the "Panel") to satisfy DRCOG's role in selecting the best projects to address mobility needs of seniors and individuals with disabilities (see [Table 1](#)).

ACTION BY OTHERS

- The TAC (Transportation Advisory Committee) recommended approval July 29.
- The RTC (Regional Transportation Committee) will provide a recommendation on September 17.

SUMMARY

DRCOG is charged with selecting projects for the FTA 5310 program for FY 2014 and FY 2015 within the Denver-Aurora Urbanized Area for RTD.

The FTA 5310 program funds capital, operating, mobility management, and regional coordination/brokerage activities by non-profit and public agencies to enhance mobility for seniors and individuals with disabilities.

DRCOG received 14 project applications requesting a total of \$2.89 million in federal funds. Approximately \$3.20 million is estimated to be available during the two year period. Staff and the FTA 5310 Peer Review Panel (the "Panel") recommend maintaining a small reserve of unallocated funds due to continued federal budget uncertainty.

DRCOG staff convened a panel of subject matter experts to review the applications and make initial project funding recommendations. The Panel was comprised of staff from DRCOG's divisions of Aging and Transportation, CDOT Division of Transit and Rail, Colorado Department of Health and Human Services, and the State Coordinating Council for Specialized Transportation. Individuals from these groups were chosen because of their previous experience selecting and administering 5310 projects, and because of their expertise in specialized transit coordination issues.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

Move to adopt a resolution allocating FTA Section 5310 (*Enhanced Mobility of Seniors and Individuals with Disabilities*) program funding to projects in fiscal years 2014-2015.

ATTACHMENT

Draft resolution

ADDITIONAL INFORMATION

If you need additional information, please contact Jennifer Schaufele, Executive Director at 303-480-6701, or jschaufele@drcog.org, or Jacob Riger, Transportation Planning Coordinator, at 303-480-6751 or jriger@drcog.org

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATE OF COLORADO

BOARD OF DIRECTORS

RESOLUTION NO. _____, 2013

A RESOLUTION ALLOCATING FTA SECTION 5310 (ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES) PROGRAM FUNDING TO PROJECTS IN FISCAL YEARS 2014-2015.

WHEREAS, the Denver Regional Council of Governments is responsible for selecting projects for Federal Transit Administration (FTA) 5310 (Enhanced Mobility of Seniors and Individuals with Disabilities) Program funding in the Denver-Aurora Urbanized Area for RTD.

WHEREAS, the 2012-2017 Transportation Improvement Program includes the FTA 5310 Pool (TIP #2012-107) to fund projects that serve the mobility needs of seniors and individuals with disabilities for fiscal years 2014 and 2015; and

WHEREAS, Denver Regional Council of Governments staff reviewed applications for 5310 funding and received concurrence from FTA staff that the proposed projects are eligible under FTA program guidelines; and

WHEREAS, a Peer Review Panel reviewed the 5310 applications and made project funding recommendations for fiscal years 2014 and 2015; and

WHEREAS, the Regional Transportation Committee recommended the list of projects to be funded.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Denver Regional Council of Governments hereby approves funding requests from the FTA 5310 Pool for fiscal year 2014 and fiscal year 2015 to be allocated to the following projects in the amounts indicated:

A RESOLUTION ALLOCATING FTA SECTION 5310 (ENHANCED MOBILITY OF SENIORS AND INDIVIDUALS WITH DISABILITIES) PROGRAM FUNDING TO PROJECTS IN FISCAL YEARS 2014-2015.

Resolution No. ____, 2013

Page 2

FTA 5310 Projects to be Funded	Sponsor	FY 2014 and FY 2015 FTA 5310 Funding
Capital: replace vehicles, purchase Route Match software	Broomfield	\$154,700
Mobility Mgmt.: Getting There Guide, other transp. coord.	DRMAC	\$341,434
Mobility Mgmt.: regional trip eligibility/scheduling tools	DRMAC	\$87,020
Capital & Operating: purchase vehicles, operating support	Developmental Pathways	\$178,522
Capital: contract for paratransit service	Douglas County	\$211,860
Mobility Mgmt.: continue funding mobility manager, call center	Douglas County	\$248,484
Capital: purchase 2 paratransit buses	Easter Seals	\$93,580
Capital & Operating: purchase vehicles, operating support	Imagine!	\$51,832
Capital & Operating: purchase vehicles, operating support	Lakewood	\$140,000
Capital: replace 7 vehicles	Seniors Resource Center	\$406,400
Operating: operating assistance	Seniors Resource Center	\$347,000
Mobility Mgmt.: mobility manager, volunteer driver coord	Seniors Resource Center	\$124,800
Operating: continue/expand coordinated brokerage	Seniors Resource Center	\$200,000
Capital: expand travel training	Via Mobility	\$307,040
TOTAL FTA 5310 Funding:		\$2,892,672

RESOLVED, PASSED AND ADOPTED this ____ day of _____, 2013 at Denver, Colorado.

 Jack Hilbert, Vice Chair
 Board of Directors
 Denver Regional Council of Governments

ATTEST:

 Jennifer Schaufele, Executive Director

ATTACHE

To: Chair and Members of the Board of Directors

From: Jennifer Schaufele, Executive Director
jschaufele@drcog.org or 303 480-6701

Meeting Date	Agenda Category	Agenda Item #
September 18, 2013	Consent	10

SUBJECT

This action concerns approval of the *Traffic Signal System Improvement Program 2013 Update*, which guides the expenditure of federal funds to implement improvements to the region's traffic signal systems.

PROPOSED ACTION/RECOMMENDATIONS

Staff recommends approval of the *Traffic Signal System Improvement Program 2013 Update* as proposed by the Regional Transportation Operations Working Group.

ACTION BY OTHERS

- The TAC (Transportation Advisory Committee) recommended approval July 29.
- The RTC (Regional Transportation Committee) will provide a recommendation on September 17.

SUMMARY

The [Traffic Signal System Improvement Program 2013 Update](#) (TSSIP) document covers the period of fiscal years 2014 through 2019 and programs about \$23 million over six years to allow the partner agencies to continue the effective and successful reduction of congestion and pollutant emissions.

It guides expenditure of funds programmed in the *2012-2017 Transportation Improvement Program* (TIP Project #1997-045).

Annual funding is estimated at:

- \$2,200,000 for capital improvements
- \$ 300,000 for miscellaneous equipment purchase and contingency
- \$1,000,000 for signal timing and coordination
- \$ 200,000 for system engineering and design

The [Regional Transportation Operations Working Group](#) participated in the TSSIP update process through attendance at the RTO Working Group stakeholder meetings and reviewing distributed material. They also helped identify critical needs and proposed funding allocations. The critical needs are:

- Upgraded communications are needed for signals that have insufficient/unreliable communications.
- Communications needs to be extended to key signals that are not currently managed by a traffic signal system.
- Upgraded traffic signal systems and controllers are needed to better coordinate regional operations, conduct performance measurement, and provide center-to-center monitoring capabilities.

- Pilot traffic-adaptive signal control implementations needs to be implemented and evaluated.
- Pilot signal operations projects specific to transit, bicycles and pedestrians operations need to be implemented for evaluation.
- Equipment and systems that collect performance data are needed to assist in performance measurement.
- Continued traffic signal timing plan development and evaluation is needed to maintain good signal timing coordination.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

Move to adopt a resolution approving the *Traffic Signal System Improvement Program 2013 Update*.

ATTACHMENT

Draft resolution

ADDITIONAL INFORMATION

If you need additional information, please contact Jennifer Schaufele, Executive Director, at 303-480-6701 or jschafele@drcog.org, or Greg MacKinnon, Transportation Operations Program Manager, at gmacKinnon@drcog.org or 303-480-5633.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATE OF COLORADO

BOARD OF DIRECTORS

RESOLUTION NO. _____, 2013

A RESOLUTION ADOPTING THE *TRAFFIC SIGNAL SYSTEM IMPROVEMENT PROGRAM 2013 UPDATE*.

WHEREAS, the Denver Regional Council of Governments conducts a traffic operations program to assist local governments and the state in improving the efficiency of traffic signals in the region; and

WHEREAS, the efficient operation of traffic signals assists in relieving congestion, conserving energy, and reducing air pollutant emissions; and

WHEREAS, the Traffic Signal System Improvement Program was prepared by the Denver Regional Council of Governments in cooperation with local governments and the Colorado Department of Transportation and describes needed improvements of the region's traffic signal system and identified an implementation program to pursue these improvements; and

WHEREAS, the Board of Directors Resolution No. 3, 1994 approved and Resolutions No. 12, 1996, No. 24, 1999, No. 11, 2003, No.14, 2007, No. 17, 2010, updated the Traffic Signal System Improvement Program to provide guidance for implementation and the work activities of the traffic operations program from 1993 through 2016; and

WHEREAS, the Denver Regional Council of Governments, in cooperation with local governments, the Colorado Department of Transportation and the Regional Transportation District, has prepared another update of the Traffic Signal System Improvement Program extending the implementation program to fiscal years 2014-2019; and

WHEREAS, the Regional Transportation Committee of the Denver Regional Council of Governments has recommended approval of the *Traffic Signal System Improvement Program 2010 Update*.

NOW, THEREFORE, BE IT RESOLVED that the Denver Regional Council of Governments hereby approves the *Traffic Signal System Improvement Program 2013 Update* to provide guidance for the implementation of cost-effective traffic signal system, timing and coordination improvements over fiscal years 2014-2019 and for the work activities of the traffic operations program.

RESOLVED, PASSED AND ADOPTED this _____ day of _____, 2013 at Denver, Colorado.

Jack Hilbert, Vice Chair
Board of Directors
Denver Regional Council of Governments

ATTEST:

Jennifer Schaufele, Executive Director

To: Chair and Members of the Board of Directors

From: Jennifer Schaufele, Executive Director
jschaufele@drcog.org or 303 480-6701

Meeting Date	Agenda Category	Agenda Item #
September 18, 2013	Consent	10

SUBJECT

This action concerns approval of projects to be funded in the Regional Travel Demand Management (TDM) Pool for fiscal years 2014 and 2015.

PROPOSED ACTION/RECOMMENDATIONS

Staff recommends approval of the projects proposed by the TDM Pool Project Review Panel (“the Panel”) (see [Table 1](#)).

ACTION BY OTHERS

- The TAC (Transportation Advisory Committee) recommended approval July 29.
- The RTC (Regional Transportation Committee) will provide a recommendation on September 17.

SUMMARY

The recommended projects are listed in [Table 1](#). Eighteen project applications were submitted for a total request of \$3.80 million, but only \$2.15 million is estimated to be available. Eleven projects were recommended to receive funding totaling \$2.13 million, leaving \$20,000 in reserve.

The Project Review Panel, comprised of TDM experts in the region (see [Table 2](#)), met twice and had three separate opportunities to review, discuss, and rank projects.

FHWA informed the Project Review Panel some components of the project application scopes were ineligible; specifically, certain incentives and gifts intended to reduce driving alone. As a result, applicants were afforded the opportunity to submit revised applications.

The Project Review Panel considered base scores of projects as well as other overall factors (e.g., average project rank of panelists, geography, and duplication of effort) to come up with the a package of recommended projects. The panel also recommended two projects be placed on a ranked waitlist to be funded if funding becomes available.

Staff also proposes continuing the funding for the Regional TDM Program “partnership” at the levels noted for fiscal years 2014 and 2015. This would be reflected in the Transportation Improvement Program through an “administrative modification.”

PREVIOUS DISCUSSIONS/ACTIONS

DRCOG Board approved the establishment of the Panel, and the Regional TDM Pool process for fiscal years 2014 and 2015 on [April 17, 2013](#) (Board Minutes, see page 4).

PROPOSED MOTION

Move to adopt a resolution allocating funding in the Regional Travel Demand Management (TDM) Pool to projects in fiscal years 2014-2015.

ATTACHMENT

Draft resolution

ADDITIONAL INFORMATION

If you need additional information, please contact Jennifer Schaufele, Executive Director, at 303-480-6701 or jschaufele@drcog.org, or Melina Dempsey, Transportation Planner, at mdempsey@drcog.org or 303-480-5628.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATE OF COLORADO

BOARD OF DIRECTORS

RESOLUTION NO. _____, 2013

A RESOLUTION ALLOCATING FUNDING IN THE REGIONAL TRAVEL DEMAND MANAGEMENT (TDM) POOL TO PROJECTS IN FISCAL YEARS 2014-2015.

WHEREAS, the Denver Regional Council of Governments, as the Metropolitan Planning Organization, is responsible for carrying out and maintaining the continuing comprehensive transportation planning process designed to prepare and adopt regional transportation plans and programs; and

WHEREAS, the urban transportation planning process in the Denver region is carried out through cooperative agreement between the Denver Regional Council of Governments, the Regional Transportation District, and the Colorado Department of Transportation; and

WHEREAS, a Transportation Improvement Program containing transportation projects expected to be carried out in the period 2012-2017 was adopted by the Board of Directors on March 16, 2011; and

WHEREAS, the document *Regional Travel Demand Management Strategic Plan*, adopted June 27, 2012, identifies Board policy and describes those strategies; and

WHEREAS, said Transportation Improvement Program included a pool called the Regional Transportation Demand Management Program (TIP #1999-097) to fund transportation demand management projects that promote alternative transportation mode use and stated that specific projects to be funded would be approved by the Denver Regional Council of Governments; and

WHEREAS, the Denver Regional Council of Governments solicited applications for funding from local governments and agencies; and

WHEREAS, applications were reviewed and scored by a project review panel; and

WHEREAS, the Regional Transportation Committee recommended the list of Transportation Demand Management projects.

NOW, THEREFORE, BE IT RESOLVED that the Denver Regional Council of Governments hereby allocates the funds in the Regional Transportation Demand Management Program in the amount of \$1,546,891 in fiscal year 2014 and \$1,626,890 in fiscal year 2015 to the following projects in the amounts indicated.

A RESOLUTION ALLOCATING FUNDING IN THE REGIONAL TRAVEL DEMAND MANAGEMENT (TDM) POOL TO PROJECTS IN FISCAL YEARS 2014-2015

Resolution No. _____, 2013

Page 2

TDM Pool Projects Recommended to be Funded FY's 2014-2015		
Sponsor Agency	Project Title	CMAQ Allocation
36 Commuting Solutions	US 36 Bus Rapid Transit (BRT) Research, Marketing and Incentive Program (RMIP)	\$200,000
Bike Denver	Ride On Auraria	\$149,954
Boulder Bike Sharing	Boulder B-cycle's first and final mile bike sharing campaign	\$120,847
Boulder County	Trip Tracker Expansion Program for Boulder Valley & St. Vrain Valley School Districts	\$220,360
Downtown Denver Partnership	Let's Go, LODO	\$145,255
eGo Carshare	Affordable Housing Multi-modal Toolkit [Boulder and Denver]	\$292,990
Groundwork Denver	Denver's West-Line Corridor Community-Based Social Marketing SOV and VMT Reduction Program	\$193,447
RAQC	Every Trip Counts - Jefferson County	\$288,877
Smart Commute Metro North	North I-25 Managed Lanes Alternative Transportation Options (ALTO) Program	\$200,000
Stapleton Foundation	Northeast Connect [Denver]	\$177,170
Transportation Solutions	Personalized Travel Planning Pilot Project [South Denver Rail Stations]	\$144,882
SubTotal		\$2,133,782

Regional TDM Program FY's 2014-2015		
Sponsor Agency	Project Title	CMAQ Allocation
36 Commuting Solutions	Regional TDM Program	\$160,000
Boulder Transportation Connections	Regional TDM Program	\$160,000
Denver South TMA	Regional TDM Program	\$160,000
Downtown Denver Partnership	Regional TDM Program	\$160,000
Stapleton Foundation	Regional TDM Program	\$160,000
Transportation Solutions	Regional TDM Program	\$160,000
Smart Commute Metro North	Regional TDM Program (FY 2015)	\$80,000
SubTotal		\$1,040,000
Total		\$3,173,782

RESOLVED, PASSED AND ADOPTED this ____ day of _____, 2013 at Denver, Colorado.

Jack Hilbert, Vice Chair
Board of Directors
Denver Regional Council of Governments

ATTEST:

Jennifer Schaufele, Executive Director

ATTACH G

To: Chair and Members of the DRCOG Board of Directors

From: Jennifer Schaufele, Executive Director
303-480-6701 or jschaufele@drcog.org

Meeting Date	Agenda Category	Agenda Item #
September 18, 2013	Consent	10

SUBJECT

This action concerns approval of projects to be funded in the Station Area Master Plan/Urban Center Studies Pool for fiscal years 2014 and 2015.

PROPOSED ACTION/RECOMMENDATIONS

The FY14-15 Station Area Master Plan/Urban Center Studies project review panel recommends funding 12 proposed [studies](#). All recommended projects support local planning to create visions and action strategies that contribute to the achievement of [regional goals](#).

ACTION BY OTHERS

N/A

SUMMARY

Thirteen applications were received requesting \$2.22 million in federal funds (CMAQ). \$1.985 million is estimated to be available during the two year period.

The project review panel included representatives from local governments which chose not to apply as part of the call for studies. DRCOG and RTD also served on the panel. (Note: RTD recused themselves when the panel deliberated on the study proposed by RTD).

The panel recommended full funding for most recommended projects. Two projects in Denver were recommended contingent upon adjustments to the study boundaries. Final recommended award amounts and study boundaries for all Denver projects were developed in consultation with Denver staff.

PREVIOUS DISCUSSIONS/ACTIONS

The DRCOG Board approved the establishment of the Station Area Master Plan/Urban Centers Studies Pool, eligibility rules, and evaluation criteria on [May 15, 2013](#) (Attachment F: pages 43-50).

In May 2013 MVIC voted to recommend the Board modify TIP Policy as proposed by staff and the Metro Vision Policy Advisory Committee (MVPAC) with two amendments in the Evaluation Criteria (meeting summary [here](#) – pages 3-4).

PROPOSED MOTION

Move to approve the FY14-15 Station Area Master Plan/Urban Center Studies [recommended](#) by the project review panel.

ATTACHMENT

N/A

ADDITIONAL INFORMATION

If you need additional information, please contact Jennifer Schaufele, Executive Director, at 303-480-6701 or jschuafele@drcog.org or Brad Calvert, Senior Planner, at 303-480-6839 or bcalvert@drcog.org.

ATTACH H

To: Chair and Members of the Board of Directors

From: Jennifer Schaufele, Executive Director
jschaufele@drcog.org or 303 480-6701

Meeting Date	Agenda Category	Agenda Item #
September 18, 2013	Action	11

SUBJECT

This action concerns adoption of amendments to the [2035 Metro Vision Regional Transportation Plan \(2035 MVRTP\)](#). Twice a year, DRCOG staff asks partner agencies and local governments for proposed amendments.

PROPOSED ACTION/RECOMMENDATIONS

Staff recommends the 2013 Cycle 1 amendments to the 2035 MVRTP as they represent fiscally constrained regionally significant changes and were shown to not impact air quality conformity.

ACTION BY OTHERS

- The TAC (Transportation Advisory Committee) recommended approval July 29.
- The RTC (Regional Transportation Committee) will provide a recommendation on September 17.

SUMMARY

The proposed amendments were the subject of a public hearing before the DRCOG Board on July 17, 2013. A summary of comments heard at the public hearing and during the initial 30-day comment period, along with staff responses, is available [here](#).

The proposed [amendments](#) to 2035 MVRTP, both requested by RTD, are:

- Change the network staging period for the construction of the segment of the North Metro Rail Line from the National Western Stock Show station to the 72nd Avenue station from 2025-2035 to 2015-2024.
- Add a non-FasTracks-funded station, to be known as Aviation Station, on the East Rail Line at 61st Avenue and Peña Boulevard.

The [Summary Document for the Public Hearing](#) further describes each of the proposed 2035 MVRTP amendments.

The amended roadway and transit networks have been modeled for air quality conformity and the results were used by the state Air Pollution Control Division to calculate pollutant emissions. All pollutant emission tests were passed, as shown in the air quality conformity documents ([DRCOG CO and PM10 Conformity Determination](#) and [Denver Southern Subarea 8-hour Ozone Conformity Determination](#)).

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

Move to adopt a resolution approving the 2013 Cycle 1 amendments to the *2035 Metro Vision Regional Transportation Plan*, including the *Fiscally Constrained 2035 Regional Transportation Plan*, and the associated *2013 Amendment Cycle 1 DRCOG CO and PM-10 Conformity Determination*, and the *2013 Amendment Cycle 1 DRCOG Denver Southern Subarea 8-Hour Ozone Conformity Determination*, concurrently.

ATTACHMENT

Draft resolution

ADDITIONAL INFORMATION

If you need additional information, please contact Jennifer Schaufele, Executive Director, at 303-480-6701 or jschaufele@drcog.org, or Jacob Riger, Transportation Planning Coordinator, at 303-480-6751 or jriger@drcog.org

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATE OF COLORADO

BOARD OF DIRECTORS

RESOLUTION NO. _____, 2013

A RESOLUTION APPROVING THE 2013 CYCLE 1 AMENDMENTS TO THE 2035 METRO VISION REGIONAL TRANSPORTATION PLAN (2035 MVRTP), INCLUDING THE FISCALLY CONSTRAINED 2035 REGIONAL TRANSPORTATION PLAN, AND THE ASSOCIATED 2013 AMENDMENT CYCLE 1 DRCOG CO AND PM-10 CONFORMITY DETERMINATION, AND THE 2013 AMENDMENT CYCLE 1 DENVER SOUTHERN SUBAREA 8-HOUR OZONE CONFORMITY DETERMINATION, CONCURRENTLY.

WHEREAS, it is a function and duty of the Denver Regional Council of Governments, as a regional planning commission under the laws of the State of Colorado, to make and adopt a regional plan for the physical development of the territory within its jurisdiction; and

WHEREAS, the Denver Regional Council of Governments, as the Metropolitan Planning Organization, is responsible for the operation and maintenance of the continuing transportation planning process designed to prepare and adopt transportation plans and programs, pursuant to state and federal statutes and regulations; and

WHEREAS, the transportation planning process is carried out by the council through a cooperative agreement with the Regional Transportation District and the Colorado Department of Transportation; and

WHEREAS, state and federal statutes require that a long-range Regional Transportation Plan be prepared, including highway and transit facilities that can reasonably be provided over a 20-year time horizon; and

WHEREAS, the *Metro Vision 2035 Plan* that guides the region's growth and development was adopted on February 16, 2011 and amended on August 17, 2011, September 19, 2012, and February 20, 2013; and

WHEREAS, the *2035 Metro Vision Regional Transportation Plan*, including the *Fiscally Constrained 2035 Regional Transportation Plan* was prepared by the Denver Regional Council of Governments in cooperation with the Colorado Department of Transportation and Regional Transportation District, and was updated and adopted on February 16, 2011; and amended on August 17, 2011, September 19, 2012, and February 20, 2013; and

WHEREAS, Section 176(c) of the federal Clean Air Act as amended requires that the Metropolitan Planning Organization not give its approval to a transportation plan or program unless such plan or program conforms to an approved or promulgated implementation plan for air quality; and

WHEREAS, the amendments to the *2035 Metro Vision Regional Transportation Plan*, including the *Fiscally Constrained 2035 Regional Transportation Plan*, reflect changes to the regional transportation network maps; and

A RESOLUTION APPROVING THE 2013 CYCLE 1 AMENDMENTS TO THE 2035 METRO VISION REGIONAL TRANSPORTATION PLAN (2035 MVRTP), INCLUDING THE FISCALLY CONSTRAINED 2035 REGIONAL TRANSPORTATION PLAN, AND THE ASSOCIATED 2013 AMENDMENT CYCLE 1 DRCOG CO AND PM-10 CONFORMITY DETERMINATION, AND THE 2013 AMENDMENT CYCLE 1 DENVER SOUTHERN SUBAREA 8-HOUR OZONE CONFORMITY DETERMINATION, CONCURRENTLY.

Resolution No. _____, 2013

Page 2

WHEREAS, the amended financial plan of the *Fiscally Constrained 2035 Regional Transportation Plan* meets fiscal constraint based on a reasonable estimate of funds available from 2012 through 2035; and

WHEREAS, an air quality analysis of the amended *Fiscally Constrained 2035 Regional Transportation Plan and 2012-2017 Transportation Improvement Program* has been prepared consistent with the requirements of the Clean Air Act as amended, and regulations promulgated by the U. S. Environmental Protection Agency; and

WHEREAS, this analysis indicates that the amended *Fiscally Constrained 2035 Regional Transportation Plan and 2012-2017 Transportation Improvement Program* conform to the State Implementation Plan for air quality; and

WHEREAS, on July 17, 2013, a public hearing before the Denver Regional Council of Governments was held and comments received on the Summary Document of Amendments to the *2035 Metro Vision Regional Transportation Plan*, including the *Fiscally Constrained 2035 Regional Transportation Plan*, were addressed; and

WHEREAS, the Transportation Advisory Committee and the Regional Transportation Committee have recommended that the Board of Directors of the Denver Regional Council of Governments adopt the proposed amendment to the *2035 Metro Vision Regional Transportation Plan*, including the *Fiscally Constrained 2035 Regional Transportation Plan*, and find that the *Fiscally Constrained 2035 Regional Transportation Plan* conforms to the State Implementation Plan for air quality.

NOW, THEREFORE, BE IT RESOLVED that, pursuant to its *Articles of Association*, authority granted under Sections 30-28-106 and 43-1-1101 through 1105 of the Colorado Revised Statutes, and as the Metropolitan Planning Organization for the Denver region, the Board of Directors of the Denver Regional Council of Governments hereby approves the amendments to the *2035 Metro Vision Regional Transportation Plan*, including the *Fiscally Constrained 2035 Regional Transportation Plan*, as described in the document titled *2013 Cycle 1 Amendments to the 2035 Metro Vision Regional Transportation Plan* and includes them as part of the regional master plan of the Denver region. This plan, as amended herein, supersedes any regional master plan previously adopted by the Denver Regional Council of Governments for the described area.

BE IT FURTHER RESOLVED that the Board of Directors of the Denver Regional Council of Governments, as the Metropolitan Planning Organization, hereby determines that the amended *Fiscally Constrained 2035 Regional Transportation Plan* conforms to the applicable implementation plans approved or promulgated under the Clean Air Act, as amended, by virtue of the demonstrations incorporated in the *2013 Amendment Cycle 1 DRCOG CO and PM-10 Conformity Determination* and the *2013 Amendment Cycle 1 Denver*

A RESOLUTION APPROVING THE 2013 CYCLE 1 AMENDMENTS TO THE 2035 METRO VISION REGIONAL TRANSPORTATION PLAN (2035 MVRTP), INCLUDING THE FISCALLY CONSTRAINED 2035 REGIONAL TRANSPORTATION PLAN, AND THE ASSOCIATED 2013 AMENDMENT CYCLE 1 DRCOG CO AND PM-10 CONFORMITY DETERMINATION, AND THE 2013 AMENDMENT CYCLE 1 DENVER SOUTHERN SUBAREA 8-HOUR OZONE CONFORMITY DETERMINATION, CONCURRENTLY.

Resolution No. _____, 2013

Page 3

Southern Subarea 8-hour Ozone Conformity Determination required pursuant to Section 176(c) of the Clean Air Act, as amended.

BE IT FURTHER RESOLVED that the Chair of the Denver Regional Council of Governments is hereby authorized to certify copies of the plan amendments to all counties and municipalities lying wholly or partly in the Denver region.

RESOLVED, PASSED AND ADOPTED this _____ day of _____, 2013 at Denver, Colorado.

Jack Hilbert, Vice Chair
Board of Directors
Denver Regional Council of Governments

ATTEST:

Jennifer Schaufele, Executive Director

ATTACH I

To: Chair and Members of the Board of Directors

From: Jennifer Schaufele, Executive Director
jschaufele@drog.org or 303 480-6701

Meeting Date	Agenda Category	Agenda Item #
September 17, 2013	Action	12

SUBJECT

This agenda item modifies how the Board fulfills its FasTracks SB-208 responsibilities. This item has been revised based on direction received at the July 17 Board meeting.

PROPOSED ACTION/RECOMMENDATIONS

DRCOG staff recommends replacing the FasTracks annual review process with the requirement RTD submit a “FasTracks SB-208 Change Report” whenever it proposes significant modifications, e.g., funding, alignment or technology changes. This recommendation adjusts the timing, not the scale, of the review and helps DRCOG respond as changes occur.

ACTION BY OTHERS

N/A

SUMMARY

DRCOG reviews the status of FasTracks according to two directives: One directive, State Senate Bill 1990-208 (SB-208), codified in Colorado Revised Statutes [32-9-107.7](#), requires DRCOG to approve the method of financing and technology of FasTracks prior to RTD initiating construction. The second directive, established by the Board in April 2004, ([Resolutions Nos. 8-18, 2004](#)) requires an annual FasTracks review to identify major changes and to determine if further SB 208 action is needed.

FasTracks’ current status is very different from that in 2004. Approximately 70 percent of the FasTracks program is currently under construction or completed. Given this, DRCOG staff believes the annual review process may no longer be the most effective way for DRCOG to perform its SB-208-required review functions.

DRCOG staff proposes to change the timing, not the scale, of the review process to occur as needed to be more nimble and responsive to specific changes, funding sources, or environmental actions as they occur.

DRCOG staff worked with the North Area Transportation Alliance (NATA) and other Board members with questions or concerns to revise the resolution to specifically require RTD to submit:

- One more full FasTracks Annual Report timed with completion of the Northwest Area Mobility Study for DRCOG Board action, and
- an annual FasTracks Status Report that provides a high-level summary of FasTracks’ status and finances for DRCOG Board information.
- RTD supports this proposal.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

Move to replace the requirement for an Annual Review of FasTracks with the requirement for a FasTracks SB-208 Change Report.

ATTACHMENT

Draft resolution

ADDITIONAL INFORMATION

If you need additional information, please contact Jennifer Schaufele, Executive Director, at 303-480-6701 or jschaufele@drcog.org, or Jacob Riger, Transportation Planning Coordinator at jriger@drcog.org or 303 480-6751.

DENVER REGIONAL COUNCIL OF GOVERNMENTS

STATE OF COLORADO

BOARD OF DIRECTORS

RESOLUTION NO. _____, 2013

A RESOLUTION REPLACING THE REQUIREMENT FOR AN ANNUAL REVIEW OF
FASTRACKS WITH THE REQUIREMENT FOR A FASTRACK SB-208 CHANGE REPORT.

WHEREAS, Senate Bill 90-208 (32-9-107.7 CRS), enacted by the Colorado General Assembly, requires the Metropolitan Planning Organization (MPO) to approve the specific technology and method of financing of regional fixed guideway mass transit projects proposed by the Regional Transportation District (RTD) before any action relating to construction may take place; and

WHEREAS, the Denver Regional Council of Government (DRCOG) is the Metropolitan Planning Organization for the Denver region and is responsible for the operation and maintenance of a continuing, comprehensive transportation planning process, including the preparation and adoption of transportation plans and programs; and

WHEREAS the Denver Regional Council of Governments Board of Directors (hereafter "Board of Directors") established a process for the review of regional fixed guideway mass transit projects including specific criteria to be used in evaluating such projects; and

WHEREAS, the Regional Transportation District submitted the FasTracks Plan system to DRCOG for its review and approval pursuant to section 32-9-107.7 CRS; and

WHEREAS, the Board of Directors, on April 21, 2004, approved each component part and corridor of the FasTracks Plan, as well as the system as a whole in resolution number 18, 2004, pursuant to section 32-9-107.7 CRS; and

WHEREAS, the Board of Directors' approval of resolution number 18, 2004, was subject to several understandings including that RTD will submit an annual report identifying any changes to project definition/scope; costs, financing, and revenues; implementation schedule; operations; and bus service in the FasTracks Plan for review through the MPO processes ("Annual Report"); and that if the DRCOG Board of Directors makes a determination that the changes are substantial, they would take appropriate action to approve or not approve the change

WHEREAS, although many of the corridors and programs included in the FasTracks Plan are currently under construction or completed, proposals to change the FasTracks Plan in order to complete the remaining corridors corridor extensions, and programs sooner can be time sensitive and may not correspond with the current annual review process; and

A RESOLUTION REPLACING THE REQUIREMENT FOR AN ANNUAL REVIEW OF FASTRACKS WITH THE REQUIREMENT FOR A FASTRACK SB-208 CHANGE REPORT.

WHEREAS, a more time-sensitive, flexible review process that better fits FasTracks' current circumstances and responds to changes or funding opportunities as they occur may assist in completing the entire FasTracks program sooner.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Denver Regional Council of Governments hereby revises the requirement to provide an Annual Report identifying changes to the FasTracks Plan (e.g., technology, method of financing) to allow RTD to submit a Proposed FasTracks Plan Change Report at such time as deemed necessary by RTD, subject to the following understandings:

1. RTD will submit a 2014 FasTracks Plan Baseline Report for DRCOG Board action that establishes the current financial status of the FasTracks Plan no later than August 1, 2014 which will include the results of the Northwest Area Mobility Study by the RTD Board, and any other changes that the RTD Board wants to reflect in the Baseline Report.
2. RTD will annually provide a FasTracks Status Report for informational purposes summarizing FasTracks' financial and schedule status after completion of the Annual Program Evaluation, or no later than May 1 each year.
3. RTD will submit a Proposed FasTracks Plan Change Report for DRCOG Board action whenever RTD proposes changes from the most recent DRCOG-approved FasTracks Plan to any categories listed in Senate Bill 90-208 (32-9-107.7 CRS).
4. The DRCOG Board of Directors will determine if the changes in the following categories require further action pursuant to SB-208:
 - Project definition/scope
 - Financial Plan addressing FasTracks costs and revenue sources
 - Implementation schedule
 - Operating characteristics
 - Level of bus service
5. DRCOG staff will recommend to the Board if an independent financial consultant should be retained as part of DRCOG's review of RTD's Proposed FasTracks Plan Change Report.
6. If the Proposed FasTracks Plan Change Report triggers the need for an amendment to the Fiscally Constrained Regional Transportation Plan (RTP), it can be processed concurrently with the SB-208 review or following it.
7. RTP amendment requests submitted by RTD shall provide sufficient information for DRCOG to amend the RTP appropriately and demonstrate air quality conformity. Additionally, RTD shall demonstrate the financial viability of the proposed amendment of the FasTracks Plan to address RTP fiscal constraint.
8. The RTD Board shall approve FasTracks RTP amendment requests and financial plans prior to submittal to DRCOG.
9. RTD will notify DRCOG of significant changes to planned bus service as defined in the Chapter VI of Review of the RTD FasTracks Plan Final Report, dated April 21, 2004, and included in subsequent annual RTD Reports and related DRCOG approvals, prior to such changes being implemented.

A RESOLUTION REPLACING THE REQUIREMENT FOR AN ANNUAL REVIEW OF
FASTRACKS WITH THE REQUIREMENT FOR A FASTRACK SB-208 CHANGE
REPORT.

BE IT FURTHER RESOLVED that this action supersedes all prior DRCOG
adopted resolutions concerning FasTracks annual review procedures.

RESOLVED, PASSED AND ADOPTED this _____ day of _____, 2013 at
Denver, Colorado.

Jack Hilbert, Vice Chair
Board of Directors
Denver Regional Council of Governments

ATTEST:

Jennifer Schaufele, Executive Director

To: Chair and Members of the DRCOG Board of Directors

From: Jennifer Schaufele, Executive Director
303-480-6701 or jschaufele@drcog.org

Meeting Date	Agenda Category	Agenda Item #
September 18, 2013	Action	13

SUBJECT

DRCOG staff anticipates at least one project sponsor may fail to meet conditions placed on it by the Board after having requested a one-year delay.

Removing a project from the TIP – in spite of adopted policy – is expected to spark discord. This action affirms the Board-adopted TIP Policy regarding project delays.

PROPOSED ACTION/RECOMMENDATIONS

DRCOG staff recommends no change in the TIP Policy due to previous federal guidance on project delay.

ACTION BY OTHERS

N/A

SUMMARY

The Board-adopted 2012-2017 TIP Policy states if a sponsor fails to achieve completion of a particular phase or entire project *that previously encountered a one year delay* [emphasis added], DRCOG-allocated funding will be removed from the TIP. Further, the policy states this action cannot be appealed to the Board. (See [Policy on Transportation Improvement Program Preparation for the 2012-2017 TIP](#), page 20 of the pdf).

The Board adopted this policy as a direct result of Federal Highway Administration (FHWA) MPO certification review of DRCOG. Federal MPO certification is an investigative activity to assure the metropolitan planning process is addressing applicable laws, rules and guidance.

In certification, FHWA identified DRCOG's project delay rule as too lenient. When the TIP Policy Work Group (Board members and others charged with recommending TIP policies to MVIC) convened their first meeting, the FHWA regional administrator attended specifically with the message that eliminating projects languishing in TIPs was a key national goal because they tied up scarce funds others could be using. In addition, it was noted making a case for more federal money was made more difficult when TIPs across the country had money tied up in delayed projects.

It has come to the attention of DRCOG staff at least one TIP project already delayed one year may not meet the conditions placed on it by the Board and will, at the end of FY2013 (September 30), be removed from the TIP.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

Move to affirm the project delays language in the TIP Policy.

ATTACHMENT

N/A

ADDITIONAL INFORMATION

If you need additional information, please contact Jennifer Schaufele, Executive Director, at 303-480-6701 or jschuafele@drcog.org or Todd Cottrell, Senior Transportation Planner, at 303-480-6737 or tcottrell@drcog.org.

To: Chair and Members of the Board of Directors

From: Paul Aldretti, Sustainable Communities Initiative Coordinator, Regional Planning & Operations
303-480-6752 or paldretti@drcog.org

Meeting Date	Agenda Category	Agenda Item #
September 18, 2013	Informational Briefing	14

SUBJECT

DRCOG staff will provide a presentation on the Sustainable Communities Initiative (SCI).

PROPOSED ACTION/RECOMMENDATIONS

This item is for information only.

ACTION BY OTHERS

N/A

SUMMARY

General

- Match - The DRCOG staff have been meeting with Consortium Partners that have committed match to the project to ensure that match obligations will be met. Current match contributions submitted total just over 1 million dollars.
- Executive Committee – The next regularly scheduled meeting of the Executive Committee will discuss progress on match, exploration of potential benefits to Regional Resource Partners and have a presentation by Ismael Guerrero on the West Corridor Catalytic site process.
- Coordinating Committee – The Coordinating Committee is meeting on a bi-weekly basis. The CC has been exploring ways to create mutual value to Regional Resource Partners and the communities along the corridor as well as generate match as part of the effort.

Corridor Planning

- East Corridor Working Group cancelled its meeting in September to work on recommended Catalytic Sites which it will review at its October meeting.
- Gold Corridor Working Group held its fourth meeting Tuesday, September 3 and began the process of creating vision and goals.
- Prospective members of the Northwest Corridor Working Group were identified by jurisdictions and organizations in the Corridor and CDR Associates conducted interviews in August. The Corridor Working Group will hold its first meeting on Wednesday, September 18.

Catalytic Projects

- The first West Line Catalytic Site community workshop is scheduled for Wednesday, Sept. 25.
- East Corridor Catalytic Site – The Corridor Working group will review candidate Catalytic Sites at its next meeting on October 9.

- Gold Corridor Catalytic Site – DRCOG staff, CDR, and Reconnecting America are working on a revised work plan that will accelerate consideration of Catalytic Sites in the Gold and Northwest corridors.

Stakeholder Engagement

- East Corridor Stakeholder Committee (CSC) met for the seventh time August 27 and has provided valuable feedback on the design and function of the upcoming East Corridor Public Forum.
- Gold Corridor Stakeholder Committee met for the third time August 20. Transit Alliance introduced the Gold Corridor Citizens' Academy and will help with recruitment for the Academy.
- Northwest Corridor Stakeholder Committee recruitment began in late August with meetings expected to begin October 2013.
- Transit Alliance Corridor Academies – In addition to actively recruiting members for the October Gold Corridor Academy twenty participants were selected for the East Corridor Academy, which began September 7. DRCOG has developed a new logo and color scheme for Metro Vision 2040 which is being incorporated into Citizens Advisory Committee (CAC) outreach materials. Staff is also developing a Metro Vision 2040 1-sheeter to utilize with CAC outreach and MindMixer launch.

Outcome Assessment and Knowledge Sharing (OAKS)

- Consortium meeting – The Fall Consortium meeting is scheduled for October 10 at the Englewood Civic Center.
- The University of Colorado Denver team is expected to wrap-up the first set of Parking and Environmental Sustainability issues reports in September.

PREVIOUS DISCUSSIONS/ACTIONS

N/A.

PROPOSED MOTION

N/A

ATTACHMENT

N/A

ADDITIONAL INFORMATION

If you need additional information, please contact Jennifer Schaufele, Executive Director, at 303-480-6701 or jschuafele@drcog.org or Dr. Flo Raitano, Special Projects Manager, at 303-480-6789 or fraitano@drcog.org

ATTACH L

MINUTES
ADMINISTRATIVE COMMITTEE
Wednesday, August 21, 2013

Present via teleconference:

Jack Hilbert, Chair
Bill Holen
Rachel Zenzinger
Bob Roth
Sue Horn
Doug Tisdale
Chris Nevitt
Ron Rakowsky
Don Rosier
Adam Paul
Jackie Millet

Douglas County
Arapahoe County
Arvada
Aurora
Bennett
Cherry Hills Village
Denver
Greenwood Village
Jefferson County
Lakewood
Lone Tree

Others Present: Jennifer Schaufele, Executive Director; Connie Garcia, Executive Assistant/Board Coordinator, and DRCOG staff.

Chair Jack Hilbert called the meeting to order at 5:37 p.m. with a quorum present.

Motion to Adopt the Consent Agenda

Doug Tisdale **moved, seconded** by Adam Paul, to adopt the consent agenda. The motion **passed unanimously**. Items on the consent agenda included:

- Minutes of July 17, 2013
- Resolution No. 17, 2013 authorizing the Executive Director to negotiate and execute a contract with BBC Consulting to undertake the necessary activities to develop a comprehensive regional housing strategy, with a total SCI contribution to the overall project cost not to exceed \$107,800
- Resolution No. 18, 2013 authorizing the Executive Director to negotiate and execute a contract with the Colorado Department of Transportation for funding in support of the *FY 2014-2015 Unified Planning Work Program (UPWP)*.
- Resolution No. 19, 2013 authorizing the Executive Director to amend the regional economic strategy contract with Economic & Planning Systems, Inc. to increase the overall budget to an amount not to exceed \$160,000.

Report of the Chair

No report was given.

Report of the Executive Director

No report was given.

Administrative Committee Minutes
August 21, 2013
Page 2

Other Matters by Members

No other matters were discussed.

The meeting adjourned at 5:38 p.m.

Jack Hilbert, Chair
Administrative Committee
Denver Regional Council of Governments

ATTEST:

Jennifer Schaufele, Executive Director

DRAFT

ATTACH M

To: Chair and Members of the Board of Directors

From: Jennifer Schaufele, Executive Director
303-480-6701 or jschaufele@drcog.org

Meeting Date	Agenda Category	Agenda Item #
September 18, 2013	Informational Items	18

SUBJECT

Written update by staff on key projects: Metro Vision 2040.

PROPOSED ACTION/RECOMMENDATIONS

This item is for information only.

ACTION BY OTHERS

N/A

SUMMARY

Metro Vision 2040

- MVPAC –The committee will continue to meet regularly and information will be shared with the DRCOG committees and Board as applicable.
- CAC – The Citizens Advisory Committee will be introduced to MindMixer, DRCOG’s interactive web tool, and training has begun on hosting a series of Community Conversations on various topics related to MV 2040.
- Housing –DRCOG selected a lead consultant on this portion of the MV 2040 efforts in collaboration with the SCI project. DRCOG is finalizing work with BBC Research and Consulting on their contract.
- Economic development –DRCOG completed negotiations on a contract and Scope of Work with Economic & Planning Systems to complete the Regional Economic Strategy. Work will commence in late September.
- The Regional Equity Atlas (REA) – DRCOG staff are still finalizing the web platform for the REA. The Piton Foundation and Mile High Connects are primary partners in this effort. Beta testing should be underway in October.
- Boomer Bond – DRCOG recently executed a contract with Tri-County Health Department (TCHD) to lead further development of the Boomer Bond project. TCHD is charged with revising the previously developed Boomer Bond Assessment Tool and creating a comprehensive toolkit of best practices communities can implement to support healthy and successful aging. TCHD facilitated a meeting with the three Boomer Bond Pilot Communities (Lakewood, Lyons, and Wheat Ridge) on August 16. The Pilot communities provided feedback on their experiences with the Assessment Tool and direction to TCHD for improvements.

PREVIOUS DISCUSSIONS/ACTIONS

N/A

PROPOSED MOTION

N/A

ATTACHMENT

N/A

ADDITIONAL INFORMATION

If you need additional information, please contact Jennifer Schaufele, Executive Director, at 303-480-6701 or jschuafele@drcog.org or Dr. Flo Raitano, Special Projects Manager, at 303-480-6789 or fraitano@drcog.org

Colorado's elderly are facing dire cuts due to the sequester

The Denver Post
By Jennifer Schaufele
Guest Commentary
August 30, 2013

We've all heard so much about the recent federal budget action known as sequester, yet it seems some are tuning out its dire effects. Sequester reduced funding in the Older Americans Act (OAA) at a time when the nation's senior citizen population is rapidly growing. Service cuts include Meals on Wheels, rides to appointments like dialysis, and in-home assistance for the elderly. Ironically, in the instance of OAA funds, this debt-reducing measure will actually cost taxpayers more than it saves.

Sequester triggered \$1.5 trillion across-the-board cuts, but the first cut won't be the deepest. Future cuts will be more severe and continue for nine years. In addition to sequester, the budget action includes another \$1 trillion in cuts expected to be initiated later this year. Unlike sequester, however, these cuts will be made at the discretion of Congressional committees and will be devastating to seniors if Congress reaches its \$1 trillion goal by limiting cuts to only the non-defense areas of the budget.

According to the *Denver Regional Council of Governments (DRCOG)*, the average cost of OAA services for each older adult recipient in our region is \$350 a month. That figure covers home-delivered meals five days a week, three to four rides to appointments, and two or three in-home services each month. But when transportation services or meals are cut, individuals can quickly and prematurely be forced into an assisted living facility or nursing home at a cost of a hundredfold. A full year of DRCOG's OAA-funded services will cost taxpayers less than a single month's stay in a Medicare/Medicaid-funded care facility.

For nearly 50 years, DRCOG and the rest of the nation's Area Agencies on Aging have been the driving force to provide a lifeline to older adults. These services help fill the gap for seniors who are stretching fixed incomes to cover just basic living expenses. With OAA services, older Americans are able to stay in their homes — their clear preference — and do so at a fraction of the cost of nursing homes and assisted living facilities. OAA-funded services represent good social and fiscal policy.

Hundreds of older Coloradans are already on the waiting list for these basic services. Sequester cut nearly \$770,000 from the Denver region's budget and more, deeper cuts are ahead.

We call on Congress to waive OAA funding from future sequester cuts. OAA funds comprise only .05 percent of the total federal budget and will assuredly cost taxpayers and seniors far more as older Americans are forced into Medicare/Medicaid-subsidized facilities prematurely. Further, we call on Congress to support OAA reauthorization that invests, not cuts, vital services and

preserves older Americans' dignity and independence, maintains healthier communities, sustains robust local and national economies, and maximizes taxpayer dollars.

Jennifer Schaufele is executive director of the Denver Regional Council of Governments (DRCOG).

ATTACH N

Has condo development hit a wall in Denver?

Westword
By Melanie Asmar
September 05, 2013

In Denver, condominiums are an endangered species.

Their habitat — the empty lots and abandoned widget factories that serve as fertile ground for urban infill projects — has been overrun with for-rent apartments, a breed of housing that looks similar to condos but attracts a different sort of inhabitant to the city's jungle.

For instance, during 2007, at a time when residential construction was on the decline nationwide, there were 112 apartment units and 870 condo units built in the city's central neighborhoods, according to the Downtown Denver Partnership. As of this July, that ratio had been reversed in a major way. A whopping 7,148 apartments were planned or under construction, the organization says, while the number of condos being built was a meager 145 units.

And that lopsidedness isn't just a Denver phenomenon. Mayors and civic leaders throughout the metro area are concerned, not because apartment-dwellers are uncivilized brutes, they insist, but because having too many short-term renters and too few well-rooted owners threatens to upset the delicate balance that makes for a thriving city.

"All I'm advocating for is a variety," says Lakewood mayor Bob Murphy.

The primary predator? In his view, and the view of many others, the development of new condos is being stifled by construction-defect lawsuits.

Developers and builders report that they won't build new condo projects because of the high likelihood that they'll later be sued by the homeowners' association for shoddy construction, a claim they say is often exaggerated. Regardless of where the truth lies, most lawsuits end up settling for millions of dollars. That kind of liability has caused a majority of the companies who previously insured Colorado builders to bow out of the condo game altogether, local agents say, making the outlook for new construction even more bleak.

There's a saying among those who blame the condo decline on these types of lawsuits — and on the tenacious lawyers who file them on behalf of homeowners: "There are two types of condo projects: those that have been sued and those that will be sued."

"We have a very big target on our backs," says Dan Nickless, the Denver division president of Ryland Homes, which builds condos in most of its markets but not in Colorado.

But not everyone agrees — especially the lawyers for the homeowners, who believe there are politics at play. "They've come up with this bogus argument that they haven't built any condos since 2008 because of us," says attorney Scott Sullan, the undisputed king of construction-defect claims. The real reason why no one was building condos, he argues, was the recession. "The strategy now is to use that downturn and the fact that condos weren't built as an excuse to provide immunity to builders to build poor products and walk away from them."

A state bill introduced during this past legislative session that would have provided some legal protections to developers wanting to build condos near light-rail stations was killed by lawmakers after homeowners showed up and offered testimony about their leaking windows, sloping floors and freezing bedrooms. A massive lawsuit, while no fun for anyone involved, is often the only way to force builders to pay for necessary repairs, the homeowners said.

The builders, developers, mayors and economic-development officials behind the failed bill haven't given up, however. They've commissioned a \$40,000 study and have been meeting to discuss ways to tackle the issue anew when next year's legislative session starts in January. It's a complicated proposition, especially since the two sides disagree on most everything.

"It's no secret that woven through this entire topic is conflict and litigation and lawyers and money," Senator Mark Scheffel, the sponsor of last year's bill, said during the debate. What's harder to figure out is who the villains are.

There are plenty of horror stories on both sides. Take what happened at The Point, a mixed-use urban-renewal project completed in 2003 in the historically African-American neighborhood of Five Points. The Point consists of 35 affordable rental units and 33 condo units, all of which sit above retail space occupied by a coffee shop, Coffee at The Point, and the Crossroads Theater.

While the \$13 million development stands out as a success among the empty storefronts that dot the neighborhood, homeowners say the construction does anything but.

"When I purchased my brand-new condo in 2004, it looked great," resident Jonathan Harris testified before lawmakers in April, "until the leaks started."

On a recent afternoon, attorneys Doug Benson and Heidi Storz lead a tour of The Point's problems, most of which can be traced back to improper waterproofing, they say. At The Point, it's caused damage to the ground-level garage, where chunks of the ceiling have rotted and flaked off, and the upper-level concrete patio, which has crumbled due to the water that pools on the surface and continually freezes and thaws in the colder months.

Worst of all, the water has seeped into the units themselves, two of which are now uninhabitable.

The front doors of these units are locked, and the rooms with the worst mold damage are sealed off by zippered plastic doors that give them the feel of a serious biohazard. "You can see the

mold actually eating the wood away," Benson says, pointing to an especially egregious corner where the drywall has been removed to show the rotted wood underneath.

In 2008, The Point's HOA contacted Benson's firm, which is one of the so-called "big three" in the Denver area that focus on construction-defect litigation. After unsuccessfully trying to work with the general contractor — and, more important, the general contractor's insurance company — to resolve the issues without resorting to legal action, the firm filed a lawsuit on behalf of the HOA in 2011. The case is set for trial in Denver District Court in October.

A little boy in a teddy-bear T-shirt who's been watching the attorneys move from abandoned unit to abandoned unit approaches them after they lock the last door. "I want you guys to fix this house and put my friends back in that house so I can see them again," he says.

"That's the goal," Benson tells him.

"I always find it interesting when builders blame us for [them] not building," Benson says later when reflecting on the situation. "To some extent, what they're saying is true. But it's not us who made that problem. All we're doing is showing them what they did wrong."

The people telling the horror stories on the other side have fewer teddy-bear T-shirts. "The home builders walk in, I walk in, and of course we're those grubby capitalists," says Tom Clark, the CEO of the Metro Denver Economic Development Corporation and the executive vice president of the Denver Metro Chamber of Commerce. "And the trial lawyers bring in somebody who genuinely got screwed."

But Clark, who testified for the bill aimed at encouraging condo construction around transit, and others say that if construction-defect lawsuits are allowed to continue to run rampant and stifle condo development, even more people will get screwed.

Fewer condos means fewer young couples who will be able to build wealth by buying a condo and then selling it for a profit once they have a kid and upgrade to a single-family home. It also means less-stable neighborhoods, which have been linked to poorer academic performance for children. Fewer condos is also bad news for empty-nesters who want to downsize but don't want to rent. And the environment is out of luck, too; if people can't buy condos in urban centers, the argument goes, they'll look to houses in far-flung neighborhoods, creating more sprawl and more traffic.

One of the pro-condo camp's most persuasive arguments has to do with the impact on FasTracks, the multi-billion-dollar, seven-county transit expansion project that voters elected to support with a sales-tax increase in 2004. "If we don't fix this problem now on the front end, we're going to have nothing but apartments around transit," Clark says. That's not what his organization, the largest financial contributor to the FasTracks campaign, promised voters. What it promised was vibrant mini-cities built around light-rail stations, featuring a diversity of housing options, people, shops and restaurants that would resemble what healthy downtowns used to look like.

"We are at risk of pouring a portion of this multi-billion-dollar FasTracks investment down the drain if we can't develop this like we've all envisioned it," says Lakewood mayor Murphy, who is chairman of the Metro Mayors Caucus's FasTracks Task Force.

He and the mayors of other cities FasTracks will expand into say the interest in building multi-family housing around transit is returning, but nearly every proposal is for apartments.

"I've gone to developers and said, 'Could you bring us some for-sale in addition to rental?'" says Arvada mayor Marc Williams. "And they're afraid to do that right now."

"It really becomes an issue of, do we feel comfortable in projects that have that dangling sword over them — this potential construction-defect issue? And for me and for many developers, the answer is no," says David Zucker, the director of development for Zócalo Community Development, the firm behind the popular RiverClay condos in Jefferson Park.

Zócalo is currently developing one of the new high-rises around Denver Union Station, the 132-year-old downtown train station that's being transformed into a multi-modal hub with eight commuter-rail tracks, including one to Denver International Airport, as part of the FasTracks project. Zócalo's high-rise, called Cadence, will comprise 219 luxury apartments. It's one of several such developments ringing Union Station; according to the Downtown Denver Partnership, a total of 2,725 apartment units are either planned or under construction there, though the organization stresses that it's unlikely that all of the planned units will be built. The number of condos under construction is zero.

So how did the condo-development industry end up in this mess? Some point to state laws.

When Colorado was founded in 1876, the law of the land was "buyer beware," says Bruce Likoff, an attorney who has researched the law and who sides with the mayors in thinking that construction-defect lawsuits have gotten out of hand. In the early 1960s, however, the Colorado Supreme Court issued a pair of decisions that set a different precedent: Builders were now required to guarantee that a home was constructed to code and suitable for habitation.

"That was, frankly, the beginning of the problem, but the problem didn't explode right away," Likoff says. The concept of suing a builder for shabby construction was born in California, he says, and imported here in the early '90s. The first high-profile cases involved single-family homes built on so-called expansive soils in suburbs like Highlands Ranch. These soils, which are common in Colorado, expand when wet, causing foundations and driveways to crack.

Sullan, who worked as a carpenter while he was in law school, quickly established himself as an expansive-soils expert. In 1996, he won a class-action lawsuit on behalf of 957 homeowners whose basements were built on concrete slabs instead of wood floors, which made the houses susceptible to damage from swelling soils. The case earned him a front-page story in the *Rocky Mountain News* and cemented his reputation as "the legal bane of homebuilders," a nickname that the *Denver Post* bestowed upon him years later.

Sullan is so legendary that he's been memorialized in a locally published novel: The predatory lawyer in a legal thriller about construction-defect lawsuits written by Boulder builder-cum-author Michael Ruddy is conspicuously named Steve Sanderson.

Other attorneys took note of Sullan's success, Likoff says. "Ultimately, there were settlements in those cases, and they were really big numbers. Lawyers said, 'Wow, there's some big money to be made here.'" But some questioned whether that money was being made ethically. Even though class-action lawsuits can involve thousands of homeowners, only a small percentage of the homes in these cases had actual damage, Likoff says.

Furthermore, attorneys like Sullan were going after triple damages. While that was allowed under Colorado's consumer-protection laws at that time, builders' insurance policies often don't cover anything above the cost to repair the actual defects, leaving builders on the hook for the rest — a cost they were forced to pass on to consumers.

Builders appealed to the state legislature for help. In 1999, they successfully lobbied for a law that limited the instances in which triple damages could be awarded to cases in which a builder acted in bad faith and built a poorly constructed home on purpose. In 2001, they returned to the legislature to pass a bill called the Construction Defect Action Reform Act, or CDARA.

Surprisingly, Sullan and other plaintiff's attorneys supported that bill, which, in their view, didn't erode homeowners' rights. The main thing it did was require that homeowners provide builders and subcontractors with a list of alleged defects within sixty days of filing a lawsuit or entering into arbitration. Two years later, in 2003, the builders went back to the Capitol to lobby for a law dubbed CDARA II. That law did several things, including set up a "notice of claim" process. The process requires homeowners to send builders the list of alleged defects before filing a lawsuit and then allow the builders to inspect the damage and tender an offer to fix it. The homeowners can choose to reject that offer and sue the builder anyway, but the law's goal is to avoid costly litigation. CDARA II also limited the amount of money homeowners could be awarded for consumer-protection violations and attorneys' fees to \$250,000 and eliminated the ability to file the huge class-action lawsuits that Sullan had become famous for.

After the law passed, the cover of the trade magazine published by the Colorado Association of Home Builders featured an illustration of a superhero standing over a vanquished pointy-eared foe. "I'm pretty sure that's supposed to be me," Sullan says.

But in 2007, the pendulum swung back the other way when lawmakers passed the Homeowner Protection Act. It was aimed at stopping builders from including clauses in their contracts with homeowners that required them to waive some of their rights to recover damages. According to Sullan, those contracts were a sneaky way for builders to swindle homeowners. But Likoff saw them differently. Instead of offering a general warranty, he says, most builders provided a warranty that included specific terms: if such-and-such breaks within a certain number of years, we'll replace it. Those warranties were a way for builders to manage their risk, he says, and the Homeowner Protection Act made them void.

In the end, each side thinks Colorado law favors the other.

"The builders wrote the law in 2003!" Sullan exclaims. "Do you think they'd write a law skewed in favor of homeowners?" He and other homeowners' attorneys say that placing a limit on the amount of damages homeowners can collect ensures that after they pay their lawyers (most of whom take these lawsuits on a contingency basis and then collect a third of the money awarded to homeowners), they won't have enough money left to make all of the repairs.

Plus, he says, Colorado law only gives homeowners six years to sue the person who built their home (although it may be extended up to eight years if the defect is discovered in the fifth or sixth year). It's one of the shortest windows of time — known as a statute of repose — in the country, according to a chart compiled by Sullan's law firm.

But those who represent builders and developers say the law is stacked against them, especially when it comes to condo projects. "The law has always favored homeowners," says defense attorney Brad Ramming. "Homeowners are people. They're voters."

After CDARA II outlawed class-action lawsuits involving single-family homes, defense attorneys say, the other side turned their attention toward condo lawsuits, which were a lucrative alternative, partly because an HOA board could vote to sue on behalf of all of the owners — and the more people potentially wronged, the higher the potential payday. Condo projects are also much bigger and more complicated to build than single-family homes, making the chances that they'd suffer from construction defects more likely.

Even though CDARA II set up a "notice of claim" process to encourage builders and homeowners to resolve their issues outside of court, builders' attorneys say the process rarely works the way it should. "There's not a lot that the builder can do to force the owner to make repairs if the owner elects not to go down that route," says attorney Ivan Sarkissian.

And even if the builder and the homeowner want to work it out, the builder's insurance company often refuses to pony up the money for the repairs without a court order or settlement agreement.

"Insurance companies don't want to pay," says Dennis Polk, an attorney who represents construction professionals in disputes with their own insurance companies. "They want to argue over what are covered damages and what aren't covered damages."

Perhaps the only winners in the entire deal are the attorneys who get paid to litigate these claims. HOAs don't like to be involved in lawsuits, because it's nearly impossible for owners to refinance or sell their units while litigation is pending, which essentially traps them in their defective homes. "You can't sell your unit because people will say, 'Oh, construction defect. Toxic property,'" says Larry Healy, the general manager of the Beauvallon, a luxury condo complex in the Golden Triangle. The Beauvallon sued its developer in 2007, settled the lawsuit in 2009 and then underwent two years of intrusive repairs that included wrapping the buildings in a sheath residents dubbed "the condominium condom" while workers waterproofed the stucco.

"But if you don't file the suit," Healy adds, "how are you going to get the repairs made?"

Builders and developers don't like these lawsuits, either. They allege that homeowners' attorneys exaggerate the number and type of defects in any given project. "If you've got one window that leaks, they extrapolate and say, 'All the windows could leak at some time,'" says Amie Mayhew, the CEO of the Colorado Association of Homebuilders. "If you've got one crack in the sidewalk, their scenario is that all of the sidewalks could be faulty."

Builders' attorneys also say that the experts hired by homeowners' attorneys to estimate the cost to repair damages inflate their numbers because they figure that the settlement is likely to be somewhere between their estimate and the builder's estimate. Meanwhile, homeowners' attorneys say they've tried to hire neutral experts in order to avoid costly lawsuits altogether, only to be shut down by the builders. In any event, the amount of the settlements matters; builders fear that the more multi-million-dollar checks the insurance companies are forced to cut, the harder it will be to get insurance to build these projects at all.

In 2008, there were more than twenty insurance carriers willing to cover condo projects in Colorado, says Gary Frisch, an insurance agent with the Stailey Insurance Corporation of Denver. By 2011, that number had dwindled to five. "Typically, it's been the construction-defects litigation that's caused a lot of problems," Frisch says. Insurance companies "can't price the product correctly to be aggressive in this market."

And the type of insurance coverage offered has changed, too. The household-name companies got out of the housing game about fifteen years ago, when single-family construction-defect lawsuits were in vogue, says insurance broker Clayton Sharkey, who is the director of construction practice for IMA in Denver. So builders and developers had to seek insurance from lesser-known companies that handle higher risk. While those policies came with a higher price tag, builders were still able to buy annual renewable policies, which is the type of insurance traditionally carried by construction professionals.

But starting a few years ago, that market began to dry up as well. Now, Sharkey says, more and more developers are having to buy so-called wrap-up policies, which cover every person working on a project for however long it takes to complete it, plus the statute of repose. Wrap-up policies are more expensive up front, however, and they come with extra costs. For instance, a builder will have to pay someone up to \$10,000 to enroll all of the subcontractors in the policy. And because the insurance companies are wary of lawsuits, many now require builders to pay to have their building plans reviewed and to have the project regularly inspected during the building process. The inspections alone can add \$500 to the cost of each unit. "It starts adding up to be a pretty big number," Sharkey says, "and that cost gets passed on to the consumer."

The rising cost of insurance is a big reason why builders and developers are steering clear of condos. "Every year when I renew my insurance, the number-one question I get asked is, 'Are you building multi-family?'" says Scott Hente, the co-owner of Robert Scott General Contracting in Colorado Springs. Next year, that answer could be no. Hente says his company is finishing up its last multi-family project and is not looking to start another one.

Several builders who testified before the Senate Judiciary Committee in April on the bill aimed at encouraging condo construction around light rail reported the same thing.

"We have always built townhomes," Standard Pacific Homes senior vice president Rip Reid said.

"We will close our last townhome unit this quarter, and we have been instructed by our corporate offices not to invest any more capital into multi-family lots."

"We end up getting sued on virtually every multi-family community that we build," Chetter Latcham, president of Shea Homes Colorado, said in his testimony. "We used to just say that we knew it was part of the process and we'd put costs in to account for it. But now our insurance costs in the last decade have grown tenfold." That has caused Shea Homes to move away from building condos, he said. In 2006, condos were about half of the company's business, Latcham testified. "Today, it's eighteen [percent]," he added. "In two years, it will be zero."

"Why have there been, in your opinion, so many lawsuits?" Senator Lucia Guzman asked him.

Because they're money-makers for attorneys, Latcham answered.

"So are you saying, then, that in most cases, there really is not a problem with the construction?" Guzman asked.

"There are problems routinely in the construction process, and I think if you ask the builders, what we would like is the right to remedy," Latcham said. "We're happy to fix things that are our problem. The issue becomes when we get the attorneys and insurance companies involved, then the builders are no longer allowed to fix the problem, and so you end up with these very large settlements that then drive up the cost of construction and the cost of insurance."

The right to remedy is one of the things that the bill, known as Senate Bill 52, would have allowed. In other words, homeowners who live in transit-oriented developments, or TODs, wouldn't have been able to sue a builder right away. Instead, they would have been forced to allow the builder to come in and repair the defects "within a reasonable time." If the homeowner wasn't satisfied with the repairs, then — and only then — could they bring a legal action. And it couldn't have been a lawsuit. Senate Bill 52 would have required homeowners in TODs to enter into binding arbitration with builders instead of taking them to court, though that provision could be waived if both parties agreed that a lawsuit would be better. The bill would have also given builders immunity from lawsuits involving "environmental conditions" such as noise, odors, light, vibration, smoke and fumes caused by transit or retail development.

The point of the bill was to encourage the development of the thriving mini-cities around FasTracks that the mayors and civic leaders envisioned. But homeowners and their attorneys balked at the leeway it would have given builders and developers. Attorney Jeff Kerrane, a lawyer for one of the "big three" firms, testified that he's seen the type of substandard repairs that builders offer to perform, and homeowners shouldn't be forced to accept them.

"I had one case where there was a dangerous icing condition on a sidewalk because of poor drainage. And in that case, the builder proposed...to put up a warning sign," he said. "On another case, I had a serious problem where the builder did not install proper firewalls between units.... Rather than proposing to fix the firewalls, the builder instead proposed installing an audible alarm system to warn people about the fire."

The homeowners' attorneys further argued that the builders' insurance crisis wasn't their fault. What caused it, they said, was a 2010 law that the builders themselves lobbied for. The law's goal was to prevent insurance companies from writing limitations into policies that would allow them to get out of covering builders who were sued for construction defects.

"In 2010, the builders said they weren't worried about carriers leaving the state," Sullan says.

"That's what's happened. Two years later, when they want a different bill passed, they're arguing the exact opposite. They just make it up. They do!"

Sullan says the builders are using the promise of transit-oriented development to get what they want. "They want to hit that musical note, that hot button," he says. The construction industry knows that mayors are concerned about FasTracks, and they're leveraging that concern in their favor, he says. "I do believe the mayors are being played by the builders."

One of the most ridiculous things about the bill, homeowners' attorneys say, was the way it defined "transit-oriented development" as any condo or mixed-use project within half a mile of a commuter train stop, light-rail stop or bus stop. David Shaw, an attorney with Sullan's firm, testified that the bill would have defined TOD as "basically all of Denver."

Senator Scheffel, the Parker Republican who sponsored the bill, tried to fix that with a last-minute amendment limiting the definition of TOD to development around light-rail stops. But it didn't help. The Senate Judiciary Committee killed the bill anyway on a party-line vote, with the committee's two Republicans voting for it and its three Democrats voting against it.

"I often have the same problem at the legislature that you do in that I never know who's telling me the truth," Democratic senator Irene Aguilar told Scheffel before she voted against the bill. "And we clearly hear two very different stories."

Denver city councilwoman Robin Kniech is one of the civic leaders committed to bringing back a balance between condo and apartment construction.

She sits on an urban-planning steering group convened by the ***Denver Regional Council of Governments, or DRCOG***. Construction-defect litigation is one of the group's areas of focus, and DRCOG has commissioned a study of the issue. One of the questions it aims to answer is whether these lawsuits are interfering with the metro area's long-term goal to have 50 percent of all new housing and 75 percent of all new employment located in urban centers.

"God love DRCOG," says Clark of the Metro Denver Economic Development Corporation. He and others who backed the failed Senate Bill 52 are eagerly awaiting the report in the hopes that it will provide them with some additional perspective and help in shaping their strategy for reintroducing a construction-defects bill in the 2014 legislative session.

In the meantime, there is the raw data. The latest estimate is that 15,000 apartment units are under construction in the seven-county metro area.

Some projects in Denver include: The Douglas, a five-story building comprising 310 apartments at Walnut Street and Park Avenue West in the Ballpark neighborhood; the Delgany Apartments, a 284-unit, ten-story luxury apartment building at 15th and Delgany streets, next to the Museum of Contemporary Art; the Skyline View Apartments, a project comprising 105 apartments on Zuni Street between 28th and 29th avenues in the Lower Highland neighborhood; a 332-unit apartment development at Speer Boulevard and Alcott Street known as 2785 Speer; and One City Block, a 300-unit project spanning Pennsylvania and Logan streets between 18th and 19th avenues in Uptown.

By comparison, the number of condo units under construction in the seven-county metro area is 371, according to John Covert, the director of the Colorado office of MetroStudy, a market-research and consulting firm.

Cary Bruteig, the president of Apartment Appraisers & Consultants, which studies the Front Range apartment market, projects that 5,800 apartment units will be completed this year, and that between 8,500 and 9,000 will be completed next year. That's twice as many as in an average year. "Primarily, construction activity is picking up because the current inventory of apartments is performing so well," Bruteig says. "Developers are wanting to make a profit."

It's true that apartment vacancy rates are low and rents are rising, both signs that apartments are hot right now. But Mike Zoellner, the president and CEO of RedPeak Properties of Denver, which specializes in apartments and is developing both One City Block and The Burnsley at 1000 Grant, a project to convert the Burnsley Hotel in Capitol Hill into penthouse apartments, knows that won't last forever, especially if the market is about to be flooded with new units. Some of those projects are being led by builders who traditionally focused on single-family homes or condos. "As an investor, we think it's a problem," he says.

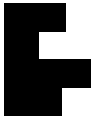
Kniech's approach to solving that problem differs, in that she doesn't seem loyal to either side. "There are probably four or five reasons people are not building condos," she admits, including consumer preference and the lagging economy. But there's a reason that politicians are focusing their energy on curtailing construction-defect lawsuits, she says. "It's not because the sky is falling. It's because it's an area we may have influence over."

Though the DRCOG study isn't expected to be completed until the end of September, Kniech says the early indications are that construction-defect lawsuits do indeed add to the cost of building condos. Builders can't pass that additional cost along to homeowners, she says, because wages have stayed stagnant throughout the recession and consumers can't afford to pay more for housing. (That theory explains why the few condo projects that have been completed in recent

years or are under construction are on the luxury end of the scale.) Faced with that reality, builders are choosing to eschew condo projects altogether, Kniech reasons.

Since it's nearly impossible to separate the predators from the prey, and both sides have persuasive arguments in their arsenals, Kniech figures the only way to come to a compromise is to sit down and hash it out. "We are going to have to do this the old-fashioned way," she says.

Brick by brick.



From: David Balmer [<mailto:davidbalmer@earthlink.net>]
Sent: Monday, August 26, 2013 7:18 PM
To: 'Cathy Noon'; 'Ron Rakowsky'
Cc: Rich Mauro; Jayla Sanchez-Warren
Subject: RE: Mayors Noon and Rakowsky, attached is the PowerPoint that DRCOG presented to our Committee.

Indeed, Cathy. Thank you again, David

Senator David Balmer
Colorado State Capitol
Republican, Arapahoe County
BE AS GOOD AS YOUR DOG

From: Cathy Noon [<mailto:cnoon@centennialcolorado.com>]
Sent: Monday, August 26, 2013 7:15 PM
To: David Balmer; Ron Rakowsky
Cc: Rich Mauro; jswarren@drcog.org
Subject: RE: Mayors Noon and Rakowsky, attached is the PowerPoint that DRCOG presented to our Committee.

Senator Balmer,

I'm glad you are hearing the concerns and services that DRCOG provide and how it saves money overall. As a member of the AAA representing Arapahoe County, I can say that we are paying close attention to the impacts to Arapahoe County. The Centennial Senior Commission is looking at it on the city level and advising City Council. In 2010, 30% of all Centennial residents were over the age of 50 so there will impacts for us.

Thank you for your efforts.

Cathy

Cathy Noon

Mayor



13133 E. Arapahoe Rd.

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303-754-3350 office

303-514-3313 cell

cnoon@centennialcolorado.com

From: David Balmer [<mailto:davidbalmer@earthlink.net>]
Sent: Friday, August 23, 2013 4:13 PM
To: Ron Rakowsky; Cathy Noon
Cc: Rich Mauro; jswarren@drcog.org
Subject: Mayors Noon and Rakowsky, attached is the PowerPoint that DRCOG presented to our Committee.

Mayors Noon and Rakowsky:

Good Afternoon. Attached is the PowerPoint that DRCOG presented to our Committee. Per my previous email, Rich Mauro has been attending our committee meetings and educating us on all that DRCOG does.

Jayla Sanchez-Warren, who heads up the Area Agency on Aging (AAA) at DRCOG, presented this PowerPoint. She helped us to understand that for a small amount of money (\$350 per senior per month) AAA can provide 5 hot meals per week, 2 doctor visits per month, transportation support and other support for chores, etc. With this preventative support, our aging seniors can stay in their homes and avoid the much more expensive PACE, nursing homes (SNIFs), etc.

I appreciate all that DRCOG does to unify the efforts of local governments on the front range. Hope you each have a great weekend.
Respectfully, David

Senator David Balmer
Colorado State Capitol
Republican, Arapahoe County
BE AS GOOD AS YOUR DOG

August 15, 2013

Jennifer Schaufele
Executive Director
DRCOG
1290 Broadway, Suite 700
Denver, Co 80203-5606



Community Development & Criminal Justice Planning
Children, Youth & Families
Workforce Development
Community Assistance
Justice Services
Head Start

Dear Jennifer:

I am writing this letter to you to let you know how much Jefferson County has appreciated the work Kelly Roberts has been doing with the county. Kelly has been instrumental in assisting Jefferson County's Aging Well Project move forward. She volunteered to co-chair one of the workgroups, the Caregiving and Supportive Services, and she participated on the Planning Committee for Jefferson County's 4th Annual Summit on Aging which occurred on June 25, 2013. Although the work being done in Jefferson County and the work being done at the AAA complement and support one another, Jefferson County would not be in the position it is without the work from Kelly bridging the two organizations.

Kelly is a pleasure to work with. She is organized, clear about expectations and she follows through with the things she volunteers for. She came up with the process for the day of the Aging Well Summit which was well received by the community and she took time out of her busy schedule to assist Aging Well members in preparing for the Summit and carrying out the Kaizen Method.

Over the years, Kelly has also educated our community on The Network of Care and has helped us get providers on this website as well as advertise its usefulness to seniors. The Aging Well Project is working with the AAA on some short videos to assist users of The Network of Care navigate the website more easily. This has proven to be incredibly helpful to Jefferson County.

It has been a pleasure to work with such a conscientious, hard working, dedicated person such as Kelly. I felt compelled to send this as she has truly been inspiring and a delight to have around the table.

Sincerely,

A handwritten signature in cursive script that reads "Susan Franklin".

Susan Franklin, Program Manager
Jefferson County Human Services

Cc: Jayla Sanchez-Warren