



TOWN OF AVON MEETINGS FOR TUESDAY, SEPTEMBER 27, 2016
AVON LIQUOR AUTHORITY MEETING BEGINS AT 5:00 PM
REGULAR MEETING BEGINS AT 5:05 PM
AVON URBAN RENEWAL AUTHORITY MEETING BEGINS AT 6:45 PM
AVON TOWN HALL, ONE LAKE STREET

AVON LIQUOR LICENSING AUTHORITY MEETING BEGINS AT 5:00 PM (SEE SEPARATE AGENDA PAGE 2)
REGULAR MEETING BEGINS AT 5:05 PM
AVON URBAN RENEWAL AUTHORITY MEETING BEGINS AT 6:45 PM (SEE SEPARATE AGENDA PAGE 3)

1. **CALL TO ORDER & ROLL CALL**
2. **APPROVAL OF AGENDA**
3. **PUBLIC COMMENT – COMMENTS ARE WELCOME ON ITEMS NOT LISTED ON THE FOLLOWING AGENDA**
4. **WORK SESSION**
 - 4.1. 2017 & 2018 BUDGET – ALL FUNDS & FIVE YEAR CAPITAL IMPROVEMENT PROGRAM
(ASSISTANT TOWN MANAGER SCOTT WRIGHT)
5. **MOTION TO CONTINUE THE REGULAR MEETING (FOR URA MEETING)**
6. **MOTION TO RECONVENE TO THE REGULAR MEETING**
7. **ROLL CALL**
8. **PUBLIC COMMENT – COMMENTS ARE WELCOME ON ITEMS NOT LISTED ON THE FOLLOWING AGENDA**
9. **WORK SESSION ITEMS**
 - 9.1. REVIEW OF RECOMMENDATION FOR CHANGES FOR PRIVATE PARKING LOT ENFORCEMENT, INCLUDING BOOTING (EXECUTIVE ASSISTANT TO THE TOWN MANAGER PRESTON NEILL)
10. **ACTION ITEMS**
 - 10.1. ACTION ON A SALES TAX REBATE AGREEMENT BY AND BETWEEN THE TOWN OF AVON AND RETAIL CONCEPTS, INC., TO OPEN A SUN & SKI SPORTS RETAIL STORE IN THE VACATED SPORTS AUTHORITY SPACE AT 220 CHAPEL SQUARE PLACE (TOWN ATTORNEY ERIC HEIL)
 - 10.2. **CONSENT AGENDA**
 - 10.2.1. IGA WITH EAGLE COUNTY SCHOOL DISTRICT RE-50J REGARDING SHARED USAGE OF BUS STOPS LOCATED AT 907, 998 AND 1061 WEST BEAVER CREEK BOULEVARD (TOWN ATTORNEY ERIC HEIL)
 - 10.2.2. APPROVAL OF THE SEPTEMBER 21, 2016 MINUTES (TOWN CLERK DEBBIE HOPPE)
11. **COMMITTEE MEETING UPDATES: COUNCILORS AND MAYOR**
12. **MAYOR & COUNCIL COMMENTS**
13. **TOWN MANAGER UPDATE**
14. **ADJOURNMENT**

MEETING AGENDAS & PACKETS ARE FOUND AT: [HTTP://WWW.AVON.ORG](http://www.avon.org)
AGENDAS ARE POSTED AT AVON TOWN HALL, RECREATION CENTER, & AVON PUBLIC LIBRARY
IF YOU HAVE ANY SPECIAL ACCOMMODATION NEEDS, PLEASE, IN ADVANCE OF THE MEETING,
CALL TOWN CLERK DEBBIE HOPPE AT 970-748-4001 OR EMAIL DHOPPE@AVON.ORG WITH ANY SPECIAL REQUESTS.



TOWN OF AVON MEETINGS FOR TUESDAY, SEPTEMBER 21, 2016
AVON LIQUOR AUTHORITY MEETING BEGINS AT 5:00 PM
AVON TOWN HALL, ONE LAKE STREET

1. CALL TO ORDER AND ROLL CALL

2. APPROVAL OF AGENDA

3. PUBLIC COMMENT

4. RENEWAL OF LIQUOR LICENSES

4.1. APPLICANT: VAIL VALLEY MEXICAN FOODS, LLC D/B/A AGAVE

LOCATION: 1060 W. BEAVER CREEK BLVD

TYPE: HOTEL AND RESTAURANT

MANAGER: RICHARD WHEELOCK

4.2. APPLICANT: NORTHSIDE COFFEE & KITCHEN, LLC D/B/A NORTHSIDE COFFEE & KITCHEN

LOCATION: 20 NOTTINGHAM ROAD UNIT # A & C

TYPE: HOTEL AND RESTAURANT

MANAGER: JIM PAVELICH

4.3. APPLICANT: PAZZO'S WEST, INC. D/B/A PAZZO'S PIZZERIA

LOCATION: 82 E. BEAVER CREEK BLVD.

TYPE: HOTEL AND RESTAURANT

MANAGER: MARK COLWELL

5. ADJOURNMENT

MEETING AGENDAS & PACKETS ARE FOUND AT: [HTTP://WWW.AVON.ORG](http://www.avon.org)
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IF YOU HAVE ANY SPECIAL ACCOMMODATION NEEDS, PLEASE, IN ADVANCE OF THE MEETING,
CALL TOWN CLERK DEBBIE HOPPE AT 970-748-4001 OR EMAIL DHOPPE@AVON.ORG WITH ANY SPECIAL REQUESTS.



TOWN OF AVON MEETINGS FOR TUESDAY, SEPTEMBER 27, 2016
AVON URBAN RENEWAL AUTHORITY MEETING BEGINS AT 6:45 PM
AVON TOWN HALL, ONE LAKE STREET

- 1. CALL TO ORDER & ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. PUBLIC COMMENT – COMMENTS ARE WELCOME ON ITEMS NOT LISTED ON THE FOLLOWING AGENDA**
- 4. WORK SESSION**
 - 4.1. 2017 & 2018 URA BUDGET PRESENTATION (ASSISTANT TOWN MANAGER SCOTT WRIGHT)
- 5. ACTION ITEM**
 - 5.1. APPROVAL OF MINUTES FROM JANUARY 26, 2016 (AUTHORITY CLERK DEBBIE HOPPE)
- 6. ADJOURNMENT**

MEETING AGENDAS & PACKETS ARE FOUND AT: [HTTP://WWW.AVON.ORG](http://www.avon.org)
AGENDAS ARE POSTED AT AVON TOWN HALL, RECREATION CENTER, & AVON PUBLIC LIBRARY
IF YOU HAVE ANY SPECIAL ACCOMMODATION NEEDS, PLEASE, IN ADVANCE OF THE MEETING,
CALL TOWN CLERK DEBBIE HOPPE AT 970-748-4001 OR EMAIL DHOPPE@AVON.ORG WITH ANY SPECIAL REQUESTS.



LIQUOR AUTHORITY REPORT

To: Honorable Mayor Jennie Fancher and Avon Town Council
From: Debbie Hoppe, Town Clerk
Meeting Date: September 27, 2016
Agenda Topic: Renewal Application–Agave

PROPOSED MOTION

I move to approve (or deny stating the reasons for denial) the Renewal Application for Vail Valley Mexican Foods, LLC. d/b/a Agave.

ACTION BEFORE COUNCIL

The Town Council serving as the Avon Liquor Licensing Authority will consider the following Liquor License Application for renewal at its Board meeting next week:

RENEWAL OF LIQUOR LICENSE

Applicant: Vail Valley Mexican Foods, LLC d/b/a Agave
Location: 1060 W. Beaver Creek Blvd
Type: Hotel and Restaurant
Manager: Richard Wheelock

BACKGROUND

Colorado Liquor Code, 12-47-302, provides for guidelines related to liquor licensing renewals; applications for the renewal of an existing license shall be made to the local licensing authority. The Town Clerk, Town Attorney, and Police Department have reviewed the application submitted and referenced above and the materials are in order. The Police Report results show the following information:

Vail Valley Mexican Foods, LLC d/b/a Agave:

There have been no concerns or violations during the past year.

The owner/manager has been invited to attend the Liquor Board meeting.

During the liquor license renewal process, the Liquor Authority has broad discretion to consider any character issues related to the licensee holder at renewal in the same manner as granting a license. If there have been various types of behavior, such as failure to pay taxes and fraud, the courts have held these behaviors as a valid reason to find the applicant does not possess character. The Colorado Liquor Code §12-47-302 sets forth the local authority's ability to hold a hearing on the application for renewal. It is also noted that a "yes or no action" only is required on renewals; there are no conditions that can be mandated in this process.

Attachments:

- ✓ State of Colorado Renewal Application Form
- ✓ Avon Police Department Summary Reports

RETAIL LIQUOR OR 3.2 BEER LICENSE RENEWAL APPLICATION

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

AGAVE
 PO BOX 6391
 AVON CO 81620-6391

Make check payable to: Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW **RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE**

Licensee Name VAIL VALLEY MEXICAN FOODS LLC		DBA AGAVE	
Liquor License # 07677360001	License Type Hotel & Restaurant (city)	Sales Tax License # 07677360001	Expiration Date 11/15/2016
Operating Manager R. Wheelock		Date of Birth [REDACTED]	
Home Address 3000 Wildridge Rd, Avon, Co. 81620		Due Date 10/01/2016	
Manager Phone Number 970 390 7026		Email Address Richcardow@yahoo.com	
Street Address 1060 E BEAVER CREEK AVON CO 81620			Phone Number 970 748-8666
Mailing Address PO BOX 6391 AVON CO 81620-6391			

1. Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease _____
49. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
3. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
4. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO

La Cantina, Vail, Colorado

AFFIRMATION & CONSENT
I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business Richard Wheelock / AGAVE	Title owner
Signature 	Date 9/15/16

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY
 The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For	Date
Signature	Title
	Attest

**Avon Police Department
Liquor License Application**

Individual Name(s): Richard Wheelock

Name of Business: Vail Valley Mexican Foods, LLC d/b/a Agave

Type of License: Hotel & Restaurant
 Special Event Permit

Event Name: n/a
Date of Event: n/a

Location of Business: 1060 W. Beaver Creek Blvd
Avon, Colorado 81620

Date Received: September 20, 2016

Photographs/Fingerprints: On File
 Special Event – N/A

Investigation by:
 Detective Sergeant Jonathan Lovins
 Detective Jeremy Holmstrom

Date: September 22, 2016

CBI Criminal Investigation (attached): Clear

Local Criminal Investigation: No Problems

Comments:

Liquor Code Violations in the past calendar year: Yes No

If yes, explain: _____

Smoking violation in the past calendar year: Yes No

If yes, explain:

Background investigation conducted with no problems and or areas of concern.

N.C.I.C. database not accessed on this applicant.

Investigation Time: 2 hours.

Administration Time: 1 hour.





LIQUOR AUTHORITY REPORT

To: Honorable Mayor Jennie Fancher and Avon Town Council
From: Debbie Hoppe, Town Clerk
Meeting Date: September 27, 2016
Agenda Topic: Renewal Application–Northside Coffee & Kitchen

PROPOSED MOTION

I move to approve (or deny stating the reasons for denial) the Renewal Application for Northside Coffee & Kitchen, LLC d/b/a Northside Coffee & Kitchen.

ACTION BEFORE COUNCIL

The Town Council serving as the Avon Liquor Licensing Authority will consider the following Liquor License Application for renewal at its Board meeting next week:

RENEWAL OF LIQUOR LICENSE

Applicant: Northside Coffee & Kitchen, LLC d/b/a Northside Coffee & Kitchen
Location: 20 Nottingham Road Unit # A & C
Type: Hotel and Restaurant
Manager: Jim Pavelich

BACKGROUND

Colorado Liquor Code, 12-47-302, provides for guidelines related to liquor licensing renewals; applications for the renewal of an existing license shall be made to the local licensing authority. The Town Clerk, Town Attorney, and Police Department have reviewed the application submitted and referenced above and the materials are in order. The Police Report results show the following information:

Northside Coffee & Kitchen, LLC d/b/a Northside Coffee & Kitchen:
There have been no concerns or violations during the past year.

The owner/manager has been invited to attend the Liquor Board meeting.

During the liquor license renewal process, the Liquor Authority has broad discretion to consider any character issues related to the licensee holder at renewal in the same manner as granting a license. If there have been various types of behavior, such as failure to pay taxes and fraud, the courts have held these behaviors as a valid reason to find the applicant does not possess character. The Colorado Liquor Code §12-47-302 sets forth the local authority's ability to hold a hearing on the application for renewal. It is also noted that a "yes or no action" only is required on renewals; there are no conditions that can be mandated in this process.

Attachments:

- ✓ State of Colorado Renewal Application Form
- ✓ Avon Police Department Summary Reports

**RETAIL LIQUOR OR 3.2 BEER
 LICENSE RENEWAL APPLICATION**

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

NORTHSIDE COFFEE & KITCHEN
 PO BOX 99
 VAIL CO 81658

Make check payable to: **Colorado Department of Revenue.**
 The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name NORTHSIDE COFFEE & KITCHEN LLC		DBA NORTHSIDE COFFEE & KITCHEN		
Liquor License # 42974990000	License Type Hotel & Restaurant (city)	Sales Tax License # 42974990000	Expiration Date 11/29/2016	Due Date 10/15/2016
Operating Manager James S. Favelich James S. Favelich James S. Favelich	Date of Birth [REDACTED]	Home Address PO BOX 99 Vail CO 81658		
Manager Phone Number 970 331 3098	Email Address JSFavelich@gmail.com			
Street Address 20 NOTTINGHAM ROAD UNIT# A & C AVON CO 81620				Phone Number 9703313098
Mailing Address PO BOX 99 VAIL CO 81658				

- Do you have legal possession of the premises at the street address above? YES NO
 Is the premises owned or rented? Owned Rented* *If rented, expiration date of lease _____
- Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. YES NO
NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. YES NO
- Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. YES NO
- Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. YES NO

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business James S. Favelich	Title Manager
Signature <i>James S. Favelich</i>	Date 9-16-16

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For	Date
Signature	Title
	Attest

**Avon Police Department
Liquor License Application**

Individual Name(s): James Pavelich

Name of Business: Northside Coffee & Kitchen, LLC d/b/a
Northside Coffe & Kitchen

Type of License: Hotel & Restaurant
 Special Event Permit

Event Name: n/a
Date of Event: n/a

Location of Business: 20 Nottingham Rd unit A & C
Avon, Colorado 81620

Date Received: September 20th, 2016

Photographs/Fingerprints: On File
 Special Event – N/A

Investigation by:
 Detective Sergeant Jonathan Lovins
 Detective Jeremy Holmstrom

Date: September 22, 2016

CBI Criminal Investigation (attached): Clear

Local Criminal Investigation: No problems

Comments: No negative law enforcement contacts.

Liquor Code Violations in the past calendar year: Yes No
If yes, explain: _____

Smoking violation in the past calendar year: Yes No
If yes, explain: _____

Background investigation conducted with no problems and or areas of concern.

N.C.I.C. database not accessed on this applicant.

Investigation Time: 2 hours.

Administration Time: 1 hour.



LIQUOR AUTHORITY REPORT

To: Honorable Mayor Jennie Fancher and Avon Town Council
From: Debbie Hoppe, Town Clerk
Meeting Date: September 27, 2016
Agenda Topic: Renewal Application–Pazzo’s Pizzeria

PROPOSED MOTION

I move to approve (or deny stating the reasons for denial) the Renewal Application for Pazzo’s West, Inc. d/b/a Pazzo’s Pizzeria.

ACTION BEFORE COUNCIL

The Town Council serving as the Avon Liquor Licensing Authority will consider the following Liquor License Application for renewal at its Board meeting next week:

RENEWAL OF LIQUOR LICENSE

Applicant: Pazzo’s West, Inc. d/b/a Pazzo’s Pizzeria
Location: 82 E. Beaver Creek Blvd.
Type: Hotel and Restaurant
Manager: Mark Colwell

BACKGROUND

Colorado Liquor Code, 12-47-302, provides for guidelines related to liquor licensing renewals; applications for the renewal of an existing license shall be made to the local licensing authority. The Town Clerk, Town Attorney, and Police Department have reviewed the application submitted and referenced above and the materials are in order. The Police Report results show the following information:

Pazzo’s West, Inc. d/b/a Pazzo’s Pizzeria:

There have been no concerns or violations during the past year.

The owner/manager has been invited to attend the Liquor Board meeting.

During the liquor license renewal process, the Liquor Authority has broad discretion to consider any character issues related to the licensee holder at renewal in the same manner as granting a license. If there have been various types of behavior, such as failure to pay taxes and fraud, the courts have held these behaviors as a valid reason to find the applicant does not possess character. The Colorado Liquor Code §12-47-302 sets forth the local authority’s ability to hold a hearing on the application for renewal. It is also noted that a “yes or no action” only is required on renewals; there are no conditions that can be mandated in this process.

Attachments:

- ✓ State of Colorado Renewal Application Form
- ✓ Avon Police Department Summary Reports

**RETAIL LIQUOR OR 3.2 BEER
 LICENSE RENEWAL APPLICATION**

PAZZO'S PIZZERIA
 2077 N FRONTAGE RD WEST 103B
 VAIL CO 81657-4960

Fees Due	
Renewal Fee	\$500.00
Storage Permit \$100 x _____	_____
Optional Premise \$100 x _____	_____
Related Resort \$75 x _____	_____
Amount Due/Paid	

Make check payable to Colorado Department of Revenue. The State may convert your check to a one-time electronic banking transaction. Your bank account may be debited as early as the same day received by the State. If converted, your check will not be returned. If your check is rejected due to insufficient or uncollected funds, the Department may collect the payment amount directly from your banking account electronically.

PLEASE VERIFY & UPDATE ALL INFORMATION BELOW

RETURN TO CITY OR COUNTY LICENSING AUTHORITY BY DUE DATE

Licensee Name PAZZO'S WEST INC		DBA PAZZO'S PIZZERIA		
Liquor License # 03763190000	License Type Hotel & Restaurant (city)	Sales Tax License # 03763190000	Expiration Date 11/04/2016	Due Date 09/20/2016
Operating Manager <i>Mark Colwell</i>	Date of Birth [REDACTED]	Home Address <i>2111 N. Frontage Rd #5, Vail, Co 81657</i>		
Manager Phone Number <i>(970) 376-1779</i>	Email Address <i>pazzos@vail.net</i>			
Street Address 82 E BEAVER CRK BLVD AVON CO 81620				Phone Number 9704769204
Mailing Address 2077 N FRONTAGE RD WEST 103B VAIL CO 81657-4960				
<p>1. Do you have legal possession of the premises at the street address above? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO Is the premises owned or rented? <input type="checkbox"/> Owned <input checked="" type="checkbox"/> Rented* *If rented, expiration date of lease <i>9/30/16</i> * <i>renewal currently in progress</i></p> <p>12. Since the date of filing of the last application, has there been any change in financial interest (new notes, loans, owners, etc.) or organizational structure (addition or deletion of officers, directors, managing members or general partners)? If yes, explain in detail and attach a listing of all liquor businesses in which these new lenders, owners (other than licensed financial institutions), officers, directors, managing members, or general partners are materially interested. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>NOTE TO CORPORATION, LIMITED LIABILITY COMPANY AND PARTNERSHIP APPLICANTS: If you have added or deleted any officers, directors, managing members, general partners or persons with 10% or more interest in your business, you must complete and return immediately to your Local Licensing Authority, Form DR 8177: Corporation, Limited Liability Company or Partnership Report of Changes, along with all supporting documentation and fees.</p> <p>3. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been convicted of a crime? If yes, attach a detailed explanation. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (<i>see attached</i>)</p> <p>4. Since the date of filing of the last application, has the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) been denied an alcohol beverage license, had an alcohol beverage license suspended or revoked, or had interest in any entity that had an alcohol beverage license denied, suspended or revoked? If yes, attach a detailed explanation. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO</p> <p>5. Does the applicant or any of its agents, owners, managers, partners or lenders (other than licensed financial institutions) have a direct or indirect interest in any other Colorado liquor license, including loans to or from any licensee or interest in a loan to any licensee? If yes, attach a detailed explanation. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (<i>see attached</i>)</p>				

AFFIRMATION & CONSENT

I declare under penalty of perjury in the second degree that this application and all attachments are true, correct and complete to the best of my knowledge.

Type or Print Name of Applicant/Authorized Agent of Business <i>Michael O'Meara</i>	Title <i>Sec/Treas</i>
Signature <i>Michael O'Meara</i>	Date <i>9/16/16</i>

REPORT & APPROVAL OF CITY OR COUNTY LICENSING AUTHORITY

The foregoing application has been examined and the premises, business conducted and character of the applicant are satisfactory, and we do hereby report that such license, if granted, will comply with the provisions of Title 12, Articles 46 and 47, C.R.S. **THEREFORE THIS APPLICATION IS APPROVED.**

Local Licensing Authority For	Date
Signature	Title
	Attest

PAZZO'S WEST INC
LIC# 03763190000
Liquor License Renewal Application

Question #3.

On 4/10/16 Thomas Clinton, a 25% shareholder in Pazzo's West, Inc, received a DWAI charge in Adams County, CO. In addition to fines, he lost his license for 60 days, was put on probation for 2 years, and received 10 days of house arrest.

Question #5.

Clinton, Colwell, Hutchinson, and O'Meara - all 25% Shareholders of Pazzo's West Inc - each also are 25% Shareholders of Pazzo's WOW, Inc of Eagle, CO.

Clinton, Hutchinson, and O'Meara each also are $33\frac{1}{3}$ Shareholders of Pazzo's Inc. of Vail, CO.

Both Pazzo's WOW, Inc and Pazzo's Inc. are holders of Colorado Liquor Licenses.

**Avon Police Department
Liquor License Application**

Individual Name(s): Mark Colwell

Name of Business: Pazzo's West, Inc. d/b/a Pazzo's Pizzeria

Type of License: Hotel & Restaurant
 Special Event Permit

Event Name: N/A
Date of Event: N/A

Location of Business: 82 E Beaver Creek Blvd
Avon, Colorado 81620

Date Received: September 20, 2016

Photographs/Fingerprints: On File
 Special Event – N/A

Investigation by:
 Detective Sergeant Jonathan Lovins
 Detective Jeremy Holmstrom

Date: September 22, 2016

CBI Criminal Investigation (attached): Clear

Local Criminal Investigation: No negative contacts in the past 12 months

Comments: No areas of concern

Liquor Code Violations in the past calendar year: Yes No
If yes, explain: _____

Smoking violation in the past calendar year: Yes No
If yes, explain: _____

Background investigation conducted with no problems and or areas of concern.

N.C.I.C. database not accessed on this applicant.

Investigation Time: 2 hours.

Administration Time: 1 hour.



TOWN COUNCIL REPORT

To: Honorable Mayor Jennie Fancher and Avon Town Council

From: Scott Wright, Finance Director
Kelly Huitt, Budget Analyst
Virginia C. Egger, Town Manager

Date: September 27, 2016

Re: 2017 Budget Work Session – All Funds

A PowerPoint presentation will be provided during the budget work session.

PURPOSE OF THE BUDGET WORK SESSION

The 2017 Town of Avon proposed budget has been prepared in accordance with the Town Charter and all applicable Town ordinances. In addition to the 2017 budget, Town staff has prepared projections for a *Five Year Capital Improvements Plan* for investment planning in the Capital Projects Fund. Staff has also developed 2018 budget forecasts for all remaining funds to provide for future planning and to measure the sustainability of 2017 budget decisions.

At the August 23, 2016 budget work session, Council provided direction based on staff's recommendations for revenue projections and fee increases. This Tuesday's work session will be a review of all of the proposed budgets for the Town, including the General, Town Center West, Urban Renewal, Community Enhancement, Water, Affordable Housing, Capital Projects, Debt Service, Fleet, Transit, and Equipment Replacement Funds. In addition, the Capital Projects long-range plan will be presented. We will begin with a financial overview of the entire budget, with a PowerPoint presentation of the major initiatives funded in the budgets and significant variances from 2016.

Council is asked at Tuesday's meeting to provide direction for final preparation of the 2017 Budget, which is scheduled for Public Hearing and adoption on October 25, 2016. If additional work session time is needed, time has been reserved on Council's October 11th agenda.

SUMMARY OF PREVIOUS BUDGET WORK SESSIONS

August 23 - Revenue Projections

- Sales Tax Revenues: *For 2017 and 2018 a projected 4% rate of growth on the sales tax base taking into consideration the loss of Sports Authority. The Sun & Ski Sports lease was completed on September 22nd for location in the vacated Sports Authority space. With action before Council to approve the sales tax rebate for the owner Retail Concepts,*

the budget does not reflect any potential new revenues from this development, which are estimated, if the rebate is approved, at a net of \$140,000 in 2017.

- *Accommodation Taxes: For 2017 and 2018 a projected rate of growth of 6%.*
- *Building Fees: No change at this time. However, potential new development projects may result in adjusting projected building fees at some point in either 2017 or 2018.*
- *Avon Recreation Center Admission Fees: Town Council agreed to support an increase in resident monthly pass rates.*
- *Fleet Maintenance Shop Rates: No change for shop labor rates for 2017 or 2018. However, the parts markup charge originally scheduled to increase in 2016 from 15% to 20% will now take effect on January 1, 2017.*
- *Real Estate Transfer Taxes: Increased estimated RETT revenues by \$100,000 to reflect general volume and market value increases.*

August 23 - Employee Compensation

- *Personnel Costs. For 2017 adjust personnel costs for the Salary/Step program. The average increase for both market adjustments and step increases combined is 3.6, or an increase of \$207,073 over 2016 levels. For 2018, a placeholder of 2% has been incorporated into the budget.*
- *Health Insurance. For 2017, due to an extremely good year so far in 2016 regarding the Town's overall insurance claim levels and few catastrophic claims, health insurance premiums are projected to remain flat with no increase in premiums to either the Town or its employees. For 2017 an overall increase of 6% has been projected based on broad market forecasts for increases in medical costs and utilization.*
- **Fund Balances and Reserves**
 - General Fund – 3% Labor Emergency Reserve; 25% Minimum Reserve Balance
 - Capital Projects Fund – \$1,000,000 Minimum Reserve Balance

August 23 – Community Grants

- Town Council allocated a total of \$205,000 for community funding that the Ad Hoc Review Committee's funding recommendations shall not exceed. The Ad Hoc Review Committee's recommendation is \$170,560.

SUMMARY OF MAJOR SERVICES, IMPROVEMENTS & PROJECTS

2017-2018 BUDGET

SUMMARY OF FUND ACTIVITY

The following information provides Revenue and Expenditure changes by Fund as well as major activities. The 2017 Proposed Budget provides department narratives, staffing levels, 2016 major accomplishments, performance metrics and line item detail.

GENERAL FUND

General Fund Budget:

	2016	2017	2018
Total General Fund Revenues:	\$ 15,387,513	\$ 15,638,578	\$ 16,527,448
Total General Fund Expenditures:	<u>16,416,562</u>	<u>15,460,542</u>	<u>16,464,993</u>
Total Change	\$ (1,029,049)	\$ 178,036	\$ 62,455

For 2016, General Fund transfers-out to the Capital Projects Fund are budgeted at \$1,620,000. The majority of these transfers - \$1,550,000 - represent estimated undesignated 2016 General Fund reserves over and above the Town's 3% TABOR Emergency Reserve and the 25% minimum reserve balance, and any other assigned or committed fund balances. The remaining \$120,000 in transfers-out to the Capital Projects Fund are required pursuant to the Town's agreement with Traer Creek for the purpose of future asphalt overlays in the Village at Avon.

Detailed Expenditures by Department

General Government

2017 Proposed Budget	\$ 1,189,036	2018 Proposed Budget	\$ 1,191,864
2016 Revised Budget	<u>1,060,876</u>	2017 Proposed Budget	<u>1,189,036</u>
Total Change	\$ 128,160	Total Change	\$ 2,828

- For 2017 a Town clean-up day has been budgeted at \$2,000.
- Funding of \$5,000 has been provided for the Town Council for consulting and training. In addition, \$5,600 has been included for professional development for CAST meetings, the CML Conference, and the Creative Industries Summit.
- In the Town Clerk budget \$5,000 for records scanning has been included to help support the Town's effort in going paperless.
- In Community Relations, advertising in the amount of \$22,000 has been proposed to consolidate the *Vail Daily* bi-weekly ad, Salute to the USA print advertising, and free event advertising. In addition, \$25,000 has been included for a community survey.

Human Resources Department

2017 Proposed Budget	\$ 431,677	2018 Proposed Budget	\$ 453,533
2016 Revised Budget	<u>422,736</u>	2017 Proposed Budget	<u>431,677</u>
Total Change	\$ 8,941	Total Change	\$ 21,856

- Late in 2015, the new position of Human Resources Director was added to the Town staff, and the human resources program was made an independent department separate from Finance and Administration.
- \$6,000 for town-wide leadership training has been included for 2017.

Finance and IT Department

2017 Proposed Budget	\$ 1,733,430	2018 Proposed Budget	\$ 1,892,053
2016 Revised Budget	<u>1,632,233</u>	2017 Proposed Budget	<u>1,733,430</u>
Total Change	\$ 101,197	Total Change	\$ 158,623

- Included \$3,000 for workflow software that will reduce and possibly eliminate paper processing of purchase requisitions and purchase orders, and ultimately paper invoices.
- Included \$12,000 for optimization consulting which will review the Town's purchasing and personnel hire-to-retain processes, along with meeting organizational goals and challenges to ensure that our business processes are efficient and effectively utilizing our software systems.
- Moved all TOA janitorial cleaning services to the nondepartmental budget where they can be more effectively managed in one place. Total line item budget is \$106,708.

Community Development Department

2017 Proposed Budget	\$ 935,279	2018 Proposed Budget	\$ 971,096
2016 Revised Budget	<u>1,380,476</u>	2017 Proposed Budget	<u>935,279</u>
Total Change	\$ (445,197)	Total Change	\$ 35,817

- Continued IGA with Eagle County for GIS services.
- Town Core Walkability Plan for \$10,000 budgeted for 2017.
- Valley Home Store services budgeted for \$16,100.
- Optimization consulting of \$7,120 for reviewing building permitting and land use processes included.
- Community grants accounted for in this department (\$170,560, See Exhibit A).
- Small Event Seed Funding - \$50,000. Assignment of fund balance reserves of \$390,000 for both 2017 and 2018 special events.
- Continued seasonal employee for event production.

Police Department

2017 Proposed Budget	\$ 3,361,215	2018 Proposed Budget	\$ 3,526,899
2016 Revised Budget	<u>3,191,555</u>	2017 Proposed Budget	<u>3,361,215</u>
Total Change	\$ 169,660	Total Change	\$ 165,684

- The department is fully staffed for 2017. Part-time wages for a seasonal community response office for 480 hours continues in the 2017 budget. In addition, the department has launched new resort community policing initiatives, including bike patrols, additional foot patrol hours, new relaxed uniforms, continued use of social media, and continued participation in the resort policing ski patrol program. Finally, \$25,000 in overtime has been included for participation by the department in the County-wide drug task force GRANITE (see APPENDIX 1 – Police Cover Memo for more detail).
- For 2017, software costs of \$25,000 have been included for an upgrade to the County records management system in which the Town participates. An additional cost of \$59,000 is project for 2018. These amounts represent the Town's 15.12% share of the overall cost of the upgrade estimated at \$550,000.
- Additional ongoing fees are included in the 2017 budget including cloud-based storage fees for body cameras, and digital ticketing support fees.
- On-going purchases of mobile 800 MHz radios (\$20,000) and radars (\$7,500) are included in capital outlay, as well as a new Livescan fingerprint system for the new public safety facility for \$10,000.

Public Works - (Roads and Streets and Parks divisions)

2017 Proposed Budget	\$ 3,050,093	2018 Proposed Budget	\$ 3,031,992
2016 Revised Budget	<u>2,604,271</u>	2017 Proposed Budget	<u>3,050,093</u>
Total Change	\$ 445,822	Total Change	\$ (18,101)

- The Public Works Department is collaborating with both the Police Department and Community Development to ensure a safe, fund and memorable experience at the West Avon Preserve. This collaboration for Public Works includes funding for trail maintenance, weed mitigation, installing and maintaining signage, and performing monthly inspections (see APPENDIX 2 – West Avon Preserve memo for more detail).
- Effective January 1, 2017 the Town Center West fund budget has been merged into the Parks budget.
- A full-time Operator I position has been added and all part-time wages eliminated for 2017.
- Crosswalk and brick repair totaling \$45,000 is included for 2017.
- Shared cost of asphalt sealing of the Avon Elementary school parking lot is included for \$7,400.
- Planned in 2017 is an expansion of the Nottingham Park beach and replacement of the current beach volleyball sand estimated at a cost of \$20,000. In addition, a 10' umbrella shelter is planned near the beach at a cost of \$19,500.

Engineering – (Town Engineer and Buildings and Facilities divisions)

2017 Proposed Budget	\$ 1,373,440	2018 Proposed Budget	\$ 1,332,366
2016 Revised Budget	<u>1,390,111</u>	2017 Proposed Budget	<u>1,373,440</u>
Total Change	\$ (16,671)	Total Change	\$ (41,074)

- Includes all janitorial services, utilities and repairs and maintenance for Town buildings except for the Avon Regional Transportation Facility and the Fleet Maintenance Facility. Those facilities reside in enterprise funds are are budgeted in their respective fund. In addition, consideration of an additional \$30,975 for incremental new utilities for the new public safety facility for 5 months, and the new Town Hall for 12 months, has been included in the 2017 budget.
- A new van for the Town electrician is included in the 2017 budget (\$60,000).

Recreation Department

2017 Proposed Budget	\$ 1,434,372	2018 Proposed Budget	\$ 1,475,190
2016 Revised Budget	<u>1,284,437</u>	2017 Proposed Budget	<u>1,434,372</u>
Total Change	\$ 149,935	Total Change	\$ 40,818

- As mentioned above, Town Council agreed to an increase in the resident admission rates beginning in 2017. This small increase recognizes the number of new improvements to the Recreation Center including: increased free weight room space, a bouldering wall, expanded pickleball courts, and the remodeled front entry and new front desk.
- Recently, the Recreation Department implemented the Avon Community Swim Program after a thorough review of the previous program which was managed by an external not-for-

profit agency. The findings, along with other input from the community determined that there was a need in the Avon community for a top tier community swim program.

A budget was developed to add one full-time, supervisor level staff member to manage the program under the guidance of the Recreation Director. In addition, 3 to 5 part-time swim instructors will also be hired to ensure adequate resources for the success of the program. Total program expense for 2017 is \$83,865 and is expected to recover direct fees of \$42,180 (See APPENDIX 3 – Avon Community Swim Program for more detail).

FLEET MAINTENANCE ENTERPRISE FUND

Fleet operations for the maintenance of Town rolling stock and equipment, as well as third party contracts for fleet services are budgeted within the Fleet Maintenance Enterprise Fund

2017 Proposed Budget	\$ 1,652,546	2018 Proposed Budget	\$ 1,690,087
2016 Revised Budget	<u>1,573,779</u>	2017 Proposed Budget	<u>1,652,546</u>
Total Change	\$ 78,767	Total Change	\$ 37,541

- Historically, a subsidy from the General Fund has been made to Fleet maintenance to cover the capital cost of the Fleet Maintenance facility. The principal and interest on the debt for 2017 is \$253,906. A \$400,000 General Fund transfer is provided in both 2017 and 2018 to balance the budget.
- Several staffing changes in 2017 resulting in a restructured department. In addition to hiring a new Fleet Director, a dedicated parts manager position was created that will allow mechanics to have more time dedicated to billable shop labor hours and streamline parts purchasing.
- As mentioned above shop rates for both 2017 and 2018 will remain at their current 2016 levels.

TRANSIT ENTERPRISE FUND

Transit operations, management of the Avon Regional Transportation Facility and wash bay revenues and expenditures are budgeted within the Transit Enterprise Fund.

2017 Proposed Budget	\$ 1,948,359	2018 Proposed Budget	\$ 1,513,583
2016 Revised Budget	<u>1,625,966</u>	2017 Proposed Budget	<u>1,941,469</u>
Total Change	\$ 322,393	Total Change	\$ (427,886)

- The total General Fund subsidy to support the Transit Fund in 2017 is \$1,182,000. This compares favorably to the original 2016 budget of \$1,282,000 and is an increase of \$47,006 from the final revised 2016 budget.
- Service hours for 2017 have been reduced to reflect low periods of ridership during the summer months. Winter service will remain the same as 2016 (See APPENDIX 4 – Transit Budget).
- A \$50,000 contingency line item for 2017 has been included for a transit pilot program to explore alternative methods of transportation that will assist in increasing bus ridership.
- The capital outlay of \$410,000 and associated 80% grant revenues for a new bus that were originally budgeted for in 2016 have been transferred to the 2017 budget.

TOWN CENTER WEST MAINTENANCE FUND

The Town Center West Maintenance Fund (TCW) receives revenue from the both the General Fund and the Avon Urban Renewal Fund for the summer and winter maintenance of the “pedestrian mall”. In 2016, revenue transferred to TCW is reduced to \$50,000 from the Urban Renewal Fund, and \$124,598 from the General Fund. For 2017 and later years, this fund is being absorbed into the Town’s Parks budget.

2017 Proposed Budget	\$	-	2018 Proposed Budget	\$	-
2016 Revised Budget		<u>145,873</u>	2017 Proposed Budget		<u>-</u>
Total Change	\$	(145,873)	Total Change	\$	-

COMMUNITY ENHANCEMENT FUND

Monies accrue from Holy Cross Electric and then are dispersed on a project basis, with Holy Cross approval.

- For 2016 \$100,000 has been transferred to the Capital Projects Fund for undergrounding utility lines associated with the Eagle Valley Regional Trail segment.
- For 2017, \$158,000 is proposed to be transferred to the Capital Projects Fund to help fund the construction of the new Nottingham Park Playground.

WATER FUND

2017 Proposed Budget	\$	199,177	2018 Proposed Budget	\$	96,753
2016 Revised Budget		<u>1,133,286</u>	2017 Proposed Budget		<u>199,177</u>
Total Change	\$	(934,109)	Total Change	\$	(102,424)

- In 2016, contributions for the Mountain Star water tank were made in the amount of \$855,707.
- In 2017, financial support for the Watershed Council (\$4,000), water quality monitoring (\$13,500), Eagle River cleanup (\$1,000), water quality action plan (\$8,000), and Mountain Star tap fee rebates (\$10,000) have been budgeted.
- Post Blvd. irrigation work for \$45,000 has been included.
- Transfers-out to the Capital Projects Fund of \$41,200 representing the public safety tap fees from the Eagle River Fire Protection District.

AFFORDABLE HOUSING FUND

- \$25,000 for project development has been included.

DEBT SERVICE FUND

2017 Proposed Budget	\$	1,027,469	2018 Proposed Budget	\$	1,021,854
2016 Revised Budget		<u>1,126,089</u>	2017 Proposed Budget		<u>1,027,469</u>
Total Change	\$	(98,620)	Total Change	\$	(5,615)

- The Debt Service fund is used to account for the accumulation of resources for the payment of principal and interest on the Town's debt not accounted for in any other fund.

- 2016 was the final year for levying property taxes used to pay the Town's Series 2004 General Obligation Refunding bonds, which were paid in full on December 1, 2016.
- Debt service payments for the recently issued Series 2016 Certificates of Participation used to finance the construction of a new public safety facility begin in 2017.

CAPITAL PROJECTS FUND

2017 Proposed Budget	\$ 8,565,766	2018 Proposed Budget	\$ 3,079,567
2016 Revised Budget	<u>14,499,010</u>	2017 Proposed Budget	<u>8,565,766</u>
Total Change	\$ (5,933,244)	Total Change	\$(5,486,199)

- Five Year Capital Improvements Plan details planned expenditures for years 2017-2021.
- 2016 final revised budget includes bond proceeds and project construction budget for the public safety facility project.
- Also included in the revised 2016 budget are bonds proceeds from the Avon Urban Renewal Authority for the Avon Town Hall tenant finish design. With construction planned to occur in 2017.
- 2017 projects also include completion of the walkability project in the amount of \$2.5 million, and the Nottingham Park Playground project for \$798,300.

EQUIPMENT REPLACEMENT INTERNAL SERVICE FUND

2017 Proposed Budget	\$ 387,200	2018 Proposed Budget	\$ 655,197
2016 Revised Budget	<u>249,339</u>	2017 Proposed Budget	<u>387,200</u>
Total Change	\$ 137,861	Total Change	\$ 267,997

- Annual expenditures are determined by equipment replacement schedules for equipment placed into the Fund at time of purchase; annual variations occur due to varying estimated useful lives.
- In 2015, a loan in the amount of \$717,989 was made to the Eagle River Fire Protection District. This loan was paid back in full in 2016 when the District obtained permanent financing for the new regional fire station at Buck Creek.
- Significant replacements budgeted for 2017 include a snow plow for \$185,000, and a new phone system in the new Town facilities for \$85,000.

ATTACHMENTS:

- APPENDIX 1 - Police Cover Memo
- APPENDIX 2 – West Avon Preserve Memo
- APPENDIX 3 – Avon Community Swim Program Memo
- APPENDIX 4 – Transit Budget
- EXHBIT A – Community Grant Program Requests and Recommendations

APPENDIX 1



To: Virginia Egger, Town Manager
Scott Wright, Finance Director
From: Greg Daly, Chief of Police
Date: September 16, 2016
Topic: Resort Community Policing for 2017, Avon Road Safety, GRANITE

RESORT COMMUNITY POLICING

Resort community policing is perhaps best reflected through a core tenet of policing in a manner which increases communication with residents and visitors, outside of patrol calls, in order to build trust with our community. The objective is to learn about the community's expectations and to interact with the community as a core member – not as outsiders – with transparency and accountability.

Resort community policing is not new to the Avon Police Department. The department has a history of actively seeking opportunities to better connect with our community, for example through Citizen and Latino Academies, National Night Out, Cops, Kids and Hoops to name a few. These are traditions which have gained notoriety and success for the Avon Police Department.

Since May 2016, the Police Department has launched new resort community policing actions. Some of the initiatives are immediate, while others are important changes which are being implemented in phases. To meet the Town Council's 2017 Strategic Plan, we aspire to:

- Complete the 9th Annual Citizen's Police Academy, 5th Latino Police Academy, National Night Out, Cops, Kids and Hoops
- For parking, dog waste and leash infractions, traffic stops for minor speeding, seat belts, etc., warnings may be granted whenever possible, dependent on previous police contacts and whether previous warnings or citations were issued.
- Radar speed checks will be reduced in favor of driving, walking and biking patrols. This will not diminish our commitment to traffic safety and reducing traffic accidents in Avon through data driven directed traffic calming and enforcement.
- In 2016, to date, bike patrol tallied 47.62 hours. In 2017, the bike patrol goal will be based on a bike season from late May through mid-October. We will set a goal of at least 1.5 hours of bike patrol per officer dependent on calls for service (on an average of 2 patrol officers per day shift). Based on 22 weeks of bike season, that will convert to approximately 460 hours of bike patrol, a 1000% increase from 2016 level.

- 343 hours of documented foot patrol have been logged in 2016. We will set a goal of not less than 600 hours in 2017.
- Organize “Coffee with a Cop” events throughout Avon to further connect Avon police officers with our community on a monthly basis.
- Evaluate and implement a softened uniform to enhance our community policing interactions while maintaining our professional look. This includes, but is not limited to, our recent purchase of bike polo shirts and khaki shorts.
- Visit three resort communities in Colorado to observe and study resort policing activities, exchange ideas and evaluate what can be implemented in Avon.
- Use social media to further foster trust with our community through transparency and to fully engage and educate our community and guests. A recent Facebook post regarding a humanitarian gesture by two Avon police officers garnered more than 10,300 views.
- Continue CALEA national accreditation, ensuring nationally recognized policies and procedures reflecting community values
- Train all sworn officers in Crisis Intervention and de-escalation to better communicate and address mental health issues in our community.
- Increase the department’s capabilities in the Spanish language and cultural competency through internal and external trainings. This will provide greater opportunity to communicate and build further trust with our Latino community.
- Increase resident’s use of the EC Alert system, so they can receive text alerts and emails for significant emergency events in town.
- As time allows, continue the joint partnership of the Avon Police Department, the Eagle County Sheriff’s Office and the Beaver Creek Resort Company in the community resort policing ski patrol program.

AVON ROAD SAFETY

Staff at the Police Department conducted a spot check survey of compliance by vehicular traffic to pedestrian traffic at crosswalks on Avon Road. Intuitively there was significantly less yielding to pedestrians at the unmarked or non-lighted crosswalks. Community Development Director Matt Pielsticker, Engineering Director Justin Hildreth, Community Development Planner David Williams and Chief Greg Daly took a walking tour of Avon Road and collaborated on safety upgrades at the pedestrian crossings. There was concern in installing further cross walk blinking lighting as it may diminish the effect with over exposure of lighting. Therefore, we agreed to increase the fluorescent signage at a number of crossings on Avon Road.

- Roundabout 5: N side: 4 pedestrian crossing signs
 W side: 4 pedestrian crossing signs
- Hurd Lane/ Avon Road: 1 floppy “state law” sign
 1 pedestrian crossing sign
- Roundabout 4: S Side: 4 pedestrian crossing signs

Roundabout 3: S side: 4 pedestrian crossing signs
Roundabout 2: N side: 4 pedestrian crossing signs

GORE RANGE NARCOTIC INTERDICTION TEAM

For the past two years, the Avon Police Department detectives and patrol officers have worked closely with the Gore Range Narcotic Interdiction Team (G.R.A.N.I.T.E.). The multi-agency team has three Vail Police Department detectives and one detective from the Eagle County Sheriff's Office. The unit mission is to investigate and interdict drug trafficking in Eagle County, including Avon.

The team, with the assistance of Avon officers, has opened 13 cases related to felony narcotic distribution emanating from the Avon area. There have been 15 arrests for felony level drug distribution in Avon since Jan 1st. The drugs seized in 2016 include 7.4 grams of cocaine with a street value of \$750, 199; one gram of methamphetamine with a street value of \$15,928, 100 doses of LSD with a street value of \$1,500 and 1.7 grams of MDMA with a street value \$100.

The Town has been requested by GRANITE to fund one new full-time officer to join the team. Instead, in 2017 & 2018, the Avon Town Manager Virginia Egger has recommended approval of up to \$25,000 for overtime to increase our assistance in eradicating drug dealing in Avon. If this work cannot be done during regular shift hours, the proposed overtime will allow Avon officers and detectives to take a more active role in addressing drug distribution incidents.

The funding represents an average of nine hours per week for the Avon Police Department. This greater collaboration with GRANITE detectives will also enhance our officer's knowledge, skills and experience in detecting, interdicting, apprehending and prosecuting drug dealers in our community. The objective is clear: to not allow drug dealing in Avon.

APPENDIX 2



To: Virginia Egger, Town Manager
Scott Wright, Finance Director
From: Gary Padilla, Public Works Director
Meeting Date: September 27, 2016
Topic: West Avon Preserve: Maintenance, Improvements & Enforcement

Since the West Avon Preserve (WAP) trails have been open to the public for use, the Public Works Department has set a goal to making the trails safe, fun and a memorable experience for everyone that uses them. Public Works, Community Development and the Police Department have collaborated with the following to ensure that the goal is met.

Trail Maintenance & Winter Closures

- **Trail Maintenance**
 - Annual inspection each April of all trails to see if there was any damage from the winter and spring runoff (drainage and erosion concerns).
 - General maintenance is in-house
 - Major rebuild or upgrade – contractor. The trails were constructed in a sustainable manner and, to date, have little maintenance needed
 - 2016: \$4,100 spent
 - 2017: \$5,500 budgeted
 - Monthly inspections, when trails are open, are conducted, with photos and documentation completed as part of the process.
 - The barb wire fence on the west side of the West Avon Preserve is being removed in 2016
- **Winter Closures**
 - The Public Works Department closes all trails, except Our Backyard and PB&J, to all users, December 15th through April 15th, with a portable split rail system to protect wildlife winter habitat

Signage, ARTAG & Use Improvements:

- **Signage**
 - Community Development ensures that placement of signs are done in accordance with the *Management Plan*, with the help of Public Works and ARTAG for installation.
 - Those signs include; regulatory, educational and directional signs mainly at the trailhead locations, with limited signs at trail intersections.
 - The Town develops, installs and maintains an effective trail signage system that is aesthetic, inconspicuous to the natural landscape and consistent with size limitations (less than twelve square feet).
 - Additionally interpretive signage, permitted by the *Management Plan*, is being designed for installation this fall to provide educational opportunities for the rare Penstemon flower and other flora on the property.
 - All signage improvements were fully budgeted in 2016

- **ARTAG**

- Community Development also provides staffing to the Avon Recreational Trails Advisory Committee (ARTAG). The group was instrumental in planning the wayfinding and interpretive signage, as well as serving as a referral body for special events. ARTAG meets on an “as needed” basis.

Enforcement:

In 2016, the Avon Police Department has taken a community policing approach to our community and guest users at the Avon West Preserve. A part-time, summer seasonal Community Response Officer (CRO) was funded in 2016, for up to 26 weeks, to be an ambassador and community educator for the Town of Avon. Total cost is \$11,640, paid out of other police savings.

The CRO and other patrol officers, now, throughout the year, have increased their patrol at all trail heads, and also do periodic walking and biking patrol on the trails. Their primary goal is use education, but officers have dealt issues such as alcohol consumption, smoking and dogs that have not been responsive to voice control commands. The overall community and guest response has been extremely positive and have enjoyed the police engagement.

Funding for a part-time CRO is again recommended in the 2017 budget for 12 weeks; at a projected cost of \$8,160. The officer also provides outreach at the Town beach, related parking and in the park, with a focus on dog leash laws and waste pick-up.

APPENDIX 3



TOWN COUNCIL REPORT

To: Honorable Mayor Jennie Fancher and Avon Town Council
From: John Curutchet, Director of Recreation
Meeting Date: September 27, 2016
Agenda Topic: Avon Community Swim Program

Background

Staff audits all recreation programs to ensure that the Avon Recreation Department is offering the best quality, most desirable programs at the best market price. The Recreation Department began in February of 2016, a thorough review of our swim program, which was being fully managed by a for-profit swim school. The department, with parents, felt it would be good to research and gather data from several other mountain region swim programs to ensure Avon was benefiting from the best practices in public recreation programs.

The research findings were presented through a series of three public meetings. The findings and other input from parents and the community prompted a *Request for Proposals* for swim program services. The RFP process was completed in August, and reviewed by members of staff and a representative from the Avon business community. The ad hoc committee unanimously determined that the Town of Avon possesses the required resources to establish and build a top tier community swim program.

Avon Community Swim Program

The Town commenced the *Avon Community Swim Program* on September 6, 2016.

Our full scope swim program includes:

- Learn to Swim – A year-round learn to swim program will include *Parent and Tot*, preschool and levels 1-3. The Town will endeavor that all children will have the opportunity to learn to swim and will provide lessons during the school year in cooperation with the Avon Elementary School.
- Swim Team Prep – A year-round program for those who are proficient beyond level three lessons and wish to continue swimming and refining their strokes
- Non-USA Swim Team - Year-round, non USA registered swim team for ages 6-18; 3 local meets per year; flexible membership enrollments will be offered
- USA Swimming registered competitive swim team - Year-round, USA registered competitive swim team for ages 6-18 that includes opportunities to travel and compete against other Colorado USA Swimming teams; flexible membership enrollments will be offered
- Private and Semi-Private Swim Lessons - Year-round offerings of private and semi-private swim lessons

The detailed program structure and year-round schedule, USA Club information and competitive events, and fees, including the financial assistance program and application procedures is available on our website, or in hard copy at the Recreation Center.

- The program features much lower rates, an increase in the number of competitive events, opportunities for monthly registrations, and an experienced and motivated coaching staff of professionals, who will employ the best known techniques for reaching the full potential of each swimmer.
- Hiring qualified and motivated swim coaches and swim instructors presents opportunities for all ages and ability levels to learn to swim and to advance their swimming abilities and aspirations.
- Tracking the success of each swimmer, through detailed recordkeeping of swim meet race times, and records of each participant's progress in swimming progression, will aid in meeting swimmer growth in the sport.
- Partnering with the Eagle County School District, and specifically with the Avon Elementary School, will be the best conduit to ensuring all children learn to swim.

- Providing financial aid will increase swim program participation for all levels of our socioeconomic demographic. This is an important founding principle in our program.
- Fully engaging with parents to ensure we, as staff, are meeting swimmer needs, providing the competitive challenge required and listening to concerns and ideas is a core value of our program.
- Supporting the formation of a parent nonprofit booster club to promote the Town and parents work in collaboration to fully meet the needs of our swimmers.

Budget Implications

A budget was developed to hire one full time, supervisor level staff member to manage the program under the guidance of the Recreation Director. Three to five PTS swim instructors will join our staff to ensure adequate resources for the success of the program. We have experienced increased participation in the two weeks we have been managing the program, and do expect that trend to continue across the board, and most definitely within our Latino demographic.

A breakdown of the current 2017 projected budget is as follows and shows an estimated General Fund subsidy of \$41,685, in this first year of programming. With full marketing and outreach, it can be expected that the Avon Community Swim Program Once the program will recover all operational costs in 2018.

PROGRAM	ANNUAL PARTICIPATION	SESSIONS/FEEES	REVENUE	PROGRAM EXPENSE *(PTS wages)
Parent and Me	Avg. 4/class =20	5 sessions/ \$25	\$500	\$225 *
LTS 1-3 Weekday	Avg. 4/class = 108	5 sessions/\$45	\$4,860	\$2,100*
LTS 1-3 Saturday	Avg. 4/class =60	5 session/ \$25	\$1,500	\$750*
Swim Team Prep	Avg. 8/sessions = 24	3 sessions/\$220	\$5,280	\$1,680*
Non-USA Swim	Avg. 12/non-summer	2 sessions/\$320	\$7,680	\$1,680*
Non-USA Swim	Avg. 20/summer	1 session/\$320	\$6,400	\$1,680*
USA Swim	Avg. 12/non-summer	2 sessions/\$380	\$9,120	\$1,680*
USA Swim	Avg. 18 summer	1 Session/\$380	\$6,840	\$1,680*
Swim Meet travel expense	15 Meets		0	\$5,200
FTE salary and benefits	One FTE Program Supervisor		0	\$67,190
Totals:			\$42,180	\$83,865

APPENDIX 4



To: Virginia Egger, Town Manager
 Scott Wright, Finance Director
 From: Jane Burden, Transit Director
 Meeting Date: September 21, 2016
 Agenda Topic: Transit Services & 2017 Budget

Ridership

BUS ROUTE	YEARLY RIDERSHIP		DAILY LOOP RIDERSHIP/HOUR	
	2015	2016 AS OF 9/16/16	WINTER	SUMMER
BLUE	74,316	82,625	43	35
RED	52,747	57,479	33	23
TOTAL	127,063	140,104	INDUSTRY STANDARD = 35 - 40/HOUR	

- Increases in overall ridership on both the Red and Blue Lines from the inaugural service start date of November 2014 through 2016 to date
- Ridership remains below the industry standard
- Peak ridership on both routes occurs from 6-8 a.m. and in the afternoon from 3-5 p.m. The Blue Line experiences a steadier passenger per hour count throughout the day than the Red Line.

2017 Bus Service

For the FY 2017 transit budget, it is recommended service hours be reduced to reflect low periods of ridership during summer months. The proposed schedule is as follows:

- **Summer service** on the Red and Blue Lines will consist of peak service from 6:30 a.m. to 8:30 a.m. and from 3:30 p.m. to 6:30 p.m. Mid-day service will be provided by one bus on a 45-60 minute frequency which may include route deviation and on demand service. Savings of \$88,000 result from this service hour reduction.
- **Winter service** will remain the same as last year with 15 minute service on the skier shuttle during peak times from 8:00 a.m.-11:30 a.m. and from 2:30 p.m. to 5:30 p.m. with 30 minute service available during mid-day. The Red and Blue lines will remain at a 30 minute frequency throughout the day from 6:30 a.m. to 6:30 p.m. Transit will continue to monitor rider demand in Avon resulting from Beaver Creek paid parking this coming winter season and parking changes instituted here in Avon. Hours have been budgeted to augment regularly scheduled service on the Avon Skier Shuttle routes during peak times should it be needed. Capacity is sufficient on the Blue and Red Lines.

Beaver Creek Resort Company will partner with us again this year to support funding for the Skier Shuttle and Restaurant Shuttle Service. The Company provides 50% of the funding.

- **Transit Service Alternatives**

Staff will conduct a comprehensive overview of transit ridership service alternatives later this year to explore and evaluate methods to increase ridership – especially during low periods. Public/private partnerships with taxi/Uber start-ups, on-demand service, etc., new route deployment, including but not limited to deviated routes and express east-west service, plus technology applications (looking to the future) for autonomous vehicles are opportunities we believe are timely and conceivably can increase service and thereby ridership, as we move forward as a more walkable, bikeable, pedestrian friendly community. The budget includes \$50,000 to pilot one or more of these concepts during winter and summer months.

Marketing

In the next two month, new shelter signage will be installed and our printed bus stop schedule will be completed– both will follow the Town’s marketing design guidelines. Bus decals will be next in keeping transit current with the town’s new branding platform. An expanded and repetitive marketing plan (print, radio and social) will be initiated in mid-November better “market” transit/parking/walkability in Avon, including interface with the Google transit platform to promote seamless transit experiences. This platform will allow users to see all of the transit agencies schedule information and enable them to trip plan easier. Redesign of the website will fully engage transit riders. All elements of these initiatives are funded in the 2017 budget.

EXHIBIT A

2017 Community Grant Program Requests and Recommendations Funding Summary										
Entity	Granted (CASH) 2014	Granted (CASH) 2015	Granted (CASH) 2016	Granted (IN- KIND) 2016	Requested (CASH) 2017	Committee Recommendation (CASH) 2017	Requested (IN-KIND) 2017	Committee Recommendation (IN-KIND) 2017	Explanation of 2017 Funding Request	Committee Comments
ECONOMIC DEVELOPMENT: REGIONAL PROGRAMS										
Vail Valley Partnership	\$ 15,000	\$ 15,000	\$ 15,000		\$ 15,000	\$ 15,000			Regional Economic & Community Development Support - \$7,500; Group Sales & Destination Marketing Support - \$7,500	Award \$15,000 as in 2016; No significant service increases identified.
Vail Centre	\$ 12,500	\$ 27,500	\$ 7,500		\$ 35,000	\$ 5,000			Scholarship Support - \$7,500; BaseCamp Support \$12,500; Education/Entrepreneurial Events Support - \$15,000	Award \$5,000 for the continued support of the BaseCamp facility; Award no funding for scholarship support or the "Demystifying Entrepreneurship" event.
EGE Air Alliance	\$ 30,000	\$ 20,000	\$ 20,000		\$ 20,000	\$ 20,000			Support for Flight Service Programs in 2017 - \$20,000	Award the requested amount. EGE has requested significant funding from several other municipalities, Eagle County and Beaver Creek Resort Company; Request is based on the estimated economic impacts of the flight service.
High Altitude Entrepreneurs			\$ 2,900							
SUB-TOTAL: ECONOMIC DEVELOPMENT - REGIONAL PROGRAMS	\$ 57,500	\$ 62,500	\$ 45,400		\$ 70,000	\$ 40,000				
ECONOMIC DEVELOPMENT: OUTSIDE PRODUCERS: SPECIAL EVENTS IN AVON - ART										
Alpine Arts Center		\$ 20,000	\$ 7,500	\$ 9,600	\$ 20,000	\$ -	\$ 9,600	\$ 9,600	Support for the Social Art Series - \$20,000 cash and \$9,600 in-kind	Committee recommends no cash funding. The program began in 2015 and the average 2015 subsidy per person was \$112.36 per person. The exceedingly high subsidy in 2016 of a projected \$51.72 per person can be expected to continue as a large participation is not anticipated due to the structure of the classes (three 2016 classes have yet to take place). Committee recommends awarding in-kind support in the form of complimentary use of the Avon Pavilion Plaza and Green Room for six (6) evenings and use of tables, chairs and tents. The 2015 Profit and Loss statement shows a net income of \$16,407.41.

EXHIBIT A

Vail Valley Art Guild					\$ 42,310	\$ 5,260				Marketing and Program Support for "Art the Valley" Programs for 2017 - \$42,310	Award \$5,260 to include the following items: 1) Travel allowance for national and regional art instructors for art and photography workshops - \$2,100; 2) Guest lecture receptions/demonstrations at Art of the Valley Gallery - \$800; 3) Marketing concierge and private club materials - \$500; 4) Vail Daily 1/2 page ads - \$1,350; 5) Vail Weekly 1/4 page ads - \$510; Committee recommends requesting feedback on who these funds will benefit.
SUB-TOTAL: ECONOMIC DEVELOPMENT: SPECIAL EVENTS IN AVON - ART		\$ 20,000	\$ 7,500	\$ 9,600	\$ 62,310	\$ 5,260	\$ 9,600	\$ 9,600			
ECONOMIC DEVELOPMENT: OUTSIDE PRODUCERS: SPECIAL EVENTS IN AVON - SPORTS											
Vail Valley Charitable Fund - Bec Tri	\$ 2,500	\$ 3,000	\$ 2,500	\$ 500	\$ 1,250	\$ 2,000	\$ 500	\$ 500	Support for 10th Annual Bec Triathlon - \$1,750 (\$1,250 cash and \$500 in-kind)	Award \$2,000 cash, which exceeds the request, and the requested \$500 of in-kind support to support the long-term partnership with VVCF. Their 2015 Profit and Loss statement shows total net income of \$119,118.	
Team Evergreen - Triple Bypass	\$ 2,500	\$ 3,000	\$ 2,500	\$ 2,500	\$ 8,000	\$ 5,000	\$ 3,000	\$ 3,000	Sponsorship and support for Triple Bypass Bicycle Ride event - \$8,000 cash and \$3,000 in-kind	Award \$5,000 that will be contingent on the Town receiving the full color Town logo on the 5,000 Triple Bypass official jerseys, which is only available to sponsors contributing \$8,000 and higher. Award the requested \$3,000 of in-kind support.	
Vail Valley Foundation - Birds of Prey	\$ 40,000	\$ 40,000	\$ 50,000								
Beaver Creek Resort Co. - Rodeo Series	\$ 2,500	\$ 5,000	\$ 5,000		\$ 6,000	\$ 6,000			Operation cost subsidy for 2017 Beaver Creek Rodeo Series - \$6,000; In-kind support requested in the form of additional signage/marketing opportunities with the Town of Avon, including lamp post banners, bridge banners and electronic signage.	Increase in funding requested is attributed to cost increases from key vendors, such as bleacher rentals. Approximately \$40,000 has been solicited from various sponsors for the 2017 series. Award \$6,000 cash and offer use of VMS boards in Town.	
Beaver Creek Resort Co. - Xterra		\$ 2,500	\$ 2,000		\$ 5,000	\$ 2,500		\$ 100	Support for operational costs of the 2017 Xterra Mountain Championships - \$5,000	Award \$2,500 as was awarded in 2016. Application provides no information for an increased need. Award in-kind support in the form of complimentary use of Nottingham Park and lake, and the Town will waive the special event permit fee.	
The America Cup, Inc. World Fly Fishing Championships		\$ 500	\$ 500								

EXHIBIT A

Vail Valley Soccer Club				\$ 3,700			\$ 5,300	\$ 3,700	In-kind support in the form of 1) use of Avon upper and lower field space, striping, goals and field cleaning - \$1,300; 2) Two (2) seasons of field use at the lower Avon field - \$4,000	Award \$3,700 of in-kind support, which is in line with what was granted in 2016, and provides VVSC with all of the in-kind support they are seeking. Application provides no justification for the increase in in-kind support.
Vail Volleyball Club										
Speckled-Hound Racing			\$ 2,000	\$ 1,000						
Buddy Werner League			\$ 1,000		\$ 1,000	\$ 1,000			Support for BWL program expenses - \$1,000	BWL provides an affordable ski program that Avon children participate in. The committee recommends the funding go towards support for the "Coaches Certification/Education" line item. The \$1,000 of funding will put five coaches through the US Ski Association's Ski Fundamental Clinics to help strengthen their technical knowledge, safety and expertise.
SUB-TOTAL: ECONOMIC DEVELOPMENT: SPECIAL EVENTS IN AVON - SPORTS	\$ 47,500	\$ 54,000	\$ 65,500	\$ 7,700	\$ 21,250	\$ 16,500	\$ 8,800	\$ 7,300		
REGIONAL ENVIRONMENTAL PROGRAMS										
Walking Mountains	\$ 17,500	\$ 15,000	\$ 22,500		\$ 50,000	\$ 32,500			Support for educational activities - \$25,000; Funding for Sustainable Community Film Series - \$2,500; Funding for Actively Green sustainable business training and certification program - \$5,000; Funding for Energy Smart-CARE program - \$17,500	Award \$32,500 total. The funding will go towards support for educational activities at \$25,000, the Film Series at \$2,500, and the Actively Green program at \$5,000.
SUB-TOTAL: REGIONAL ENVIRONMENTAL PROGRAMS	\$ 17,500	\$ 15,000	\$ 22,500		\$ 50,000	\$ 32,500				
HEALTH & HUMAN SERVICES										
Eagle River Youth Coalition	\$ 2,000	\$ 4,000	\$ 2,500	\$ 324	\$ 4,000	\$ 2,500	\$ 429	\$ 429	Support for youth assessment activities, parent and community education efforts, and in-school substance use prevention programs - \$4,000	Award \$2,500 cash support as was awarded in 2016. Also, award the requested in-kind support of six 5-punch recreation punch cards, valued at \$324, and three days of youth summer camp, valued at \$105.
InteGreat!					\$ 14,120	\$ 7,060	\$ 2,400	\$ 1,200	Support for expansion of the InteGreat! Neighborhood Navigators program into the Town of Avon - \$14,120; In-kind support in the form of use of the Pavilion for a one day, Battle of the Bands Food Aid fundraiser - \$2,400. Application also requested in-kind support for sound management and equipment for the event, however, the Town will not be able accommodate the request as it is outside of the Town's capabilities.	Committee recommends awarding 50% of the cash ask, which amounts to \$7,060. Committee would like to see clear accounting on how these funds are spent, as well as the number of Avon residents that are impacted by the expansion of the program into Avon. Committee recommends providing in-kind support of \$1,200 for use of the Pavilion for the event detailed in the application.
Roundup River Ranch			\$ 1,000	\$ 1,200						

EXHIBIT A

YouthPower365 (Formerly Youth Foundation)			\$ 20,000		\$ 15,000	\$ 15,000				Support for PwrHrs Extended Learning Program and Parent Mentor Program - \$15,000	Award \$15,000 for the stated programs. The organization reaches and serves many Avon children and parents. Application states that in 2015-2016, 215 Avon students and families benefitted from the Town's \$15,000 grant.
Starting Hearts			\$ 6,500		\$ 9,500	\$ 5,000				Support for completion of Call.Push.Shock educational program to various entities, deployment of two additional AEDs in highly-trafficked public locations in the Town of Avon, and deployment of signage to identify defibrillator locations within town limits - \$9,500	Award \$5,000 total, with \$2,500 going towards the purchase of an AED to be placed in Avon and \$2,500 going towards the delivery of Call.Push.Shock training. Application states Starting Hearts will document the training of over 400 citizens of the Town of Avon in 2017.
Red Ribbon Project	\$ 750	\$ 750	\$ 750	\$ 54	\$ 1,000	\$ 1,000	\$ 54	\$ 54		Support for Youth Skills Building program - \$1,000; In-kind support in the form of one 5-punch Avon Rec Center punch card, valued at \$54.	Award the requested \$1,000 cash support and \$54 in-kind support. RRP is a unique in-school program in Eagle County addressing risky behaviors of adolescents. Application showcases strong fundraising program with public and private entities.
Education Foundation of Eagle County				\$ 59,400	\$ 2,500	\$ 2,500	\$ 52,800	\$ 26,400		Support/sponsorship for Wild West Days event in 2017 - \$2,500; In-kind support in the form of complimentary use of two office spaces at the ARTF for 12 months, which is valued at \$52,800.	Committee recommends awarding \$2,500 cash to support the stated event, and complimentary use of one office space at the ARTF for 12 months, which is valued at \$26,400. In-kind provision of Town office space at the ARTF is a significant contribution to EFEC's budget.
Early Childhood Partners	\$ 1,000	\$ 3,600			\$ 4,800	\$ -				Support for the Family Leadership Training Institute program; scholarships to three people to participate in the program- \$4,800	Committee recommends no funding as the subsidy per person is exceedingly high at \$1,600 per person.
SpeakUp ReachOut		\$ 5,000	\$ 5,000		\$ 5,000	\$ 5,000				Support for suicide prevention and stigma reduction initiative - \$5,000	Award \$5,000 for the following items: 1) Prevention trainings/materials/facilitator stipend - \$2,000; 2) Training for the Trainer Working Minds - \$500; 3) Advertising materials/marketing for trainings and stigma reduction - \$1,500; 4) Executive Director personnel time for trainings, marketing, scheduling trainings for one year - \$1,000. Committee recommends requiring SpeakUp ReachOut to request funding from other municipalities in the future if they plan to request funding from the Town of Avon, since the program is valley wide.
Small Champions		\$ 5,600	\$ 5,600		\$ 7,800	\$ 7,800				The \$7,800 of requested funding would provide three qualifying Avon resident children through the programs in 2017.	Award \$7,800, as requested. The committee acknowledges and commends their efforts to improve outreach to minority populations. The 2015 Profit and Loss statement shows net income of \$82,492.

EXHIBIT A

Mountain Family Health Centers - Avon School-Based Health Center (Avon SBHC)			\$ 20,400		\$ 30,000	\$ 30,000			Support for Avon School-Based Health Center, located at Avon Elementary School - \$30,000	Committee recommends awarding the requested amount of \$30,000 due to the appeal of the funds going towards the new clinic site , the Avon School-Based Health Center, located at Avon Elementary School. Application misstates 2016 award as \$30,000; it was \$20,400.
Bright Future Foundation			\$ 2,500	\$ 740	\$ 5,000	\$ 2,500	\$ 740	\$ 740	Support for Youth Violence Prevention services in the Avon community - \$5,000 cash and \$740 in-kind	Award \$2,500 to match what was granted in 2016. Award ten 10-punch Avon Rec Center punch cards, valued at \$740. Agency provides county-wide services but Avon is the only municipality asked to provide funding.
SOS Outreach					\$ 6,000	\$ -			Sponsorship request for a SOS Outreach cycle team during the 2017 Ride the Rockies cycle event - \$6,000	The Committee recommends no funding. The request is a \$6,000 cash sponsorship of a SOS Outreach cycle team participating in the Ride the Rockies cycling event. Committee would support providing funding to subsidize operational costs of SOS Outreach's programs or a local event.
United Way of Eagle River Valley					\$ 4,680	\$ -			Funding request is a ticket subsidy for a comedy basketball event at Avon Elementary School featuring the Harlem Ambassadors - \$4,680	The Committee recommends no funding. The subsidy for 344 attendees, including children and parents, is projected at \$13.60. Committee feels there are other non-profit entities providing overlapping services.
Ute Springs Experiential Learning Center							\$ 1,500	\$ 1,500	Request is for in-kind support in the form of complimentary use of the Avon Performance Pavilion (Terrace and Green Room), Nottingham Lake and Park, three TOA tents, TOA fencing, TOA staff assistance, and space for event promotion on the railroad bridges twice in 2017 - \$1,500	Committee recommends providing in-kind support for all items listed in the application, except for Town staff assistance during the event. Railroad bridge banner space will be provided twice, based on availability.
Vail Valley Salvation Army					\$ 5,000	\$ 5,000			Request is to continue and expand the Get Out and Grow Avon Project - \$5,000; \$4,500 will go towards supporting educators and \$500 will go towards materials and resources required to execute this program	Award the requested amount at \$5,000. Vail Valley Salvation Army's programs involve diverse groups of people and communities. The Get Out and Grow Avon event series encourages active lifestyles and healthy eating.
SUB-TOTAL: HEALTH & HUMAN SERVICES	\$ 3,750	\$ 18,950	\$ 64,250	\$ 61,718	\$ 114,400	\$ 83,360	\$ 57,923	\$ 30,323		
TOTAL 2017 FUNDING REQUESTS & RECOMMENDATIONS	\$ 213,895	\$ 197,850	\$ 205,150	\$ 79,018	\$ 317,960	\$ 177,620	\$ 76,323	\$ 47,223		



AVON URBAN RENEWAL AUTHORITY REPORT

To: Board Chairman and Commissioners

From: Scott Wright, Avon URA Treasurer

Date: September 27, 2016

Re: Budget Worksession – AURA 2017 Proposed Budget

Attached is the proposed Avon Urban Renewal Authority 2017 proposed budget along with the final revised budget for 2016. The Avon Urban Renewal Fund is used to account for the activities of redevelopment undertaken by the Authority including issuing debt and constructing public improvements.

No action on this budget is necessary on September 27. The date of the anticipated public hearing and adoption of the budget is October 25, 2016.

Details and highlights of the proposed budget are as follows:

- The AURA's main source of annual revenue is property tax increment revenues for urban renewal plan areas within the Town. Currently, the only plan area within the Town is the Town Center West Urban Renewal Plan Area which was created in 2008. Plan areas have a life of 25 years whereby property tax increment revenues can be collected.
- The Authority is considered a separate legal entity from the Town and is authorized by the Colorado Urban Renewal Act. For the most part, the budgetary process for adopting the Authority budget parallels the Town's. However, the Authority does not certify a mill levy.
- The Authority's budget summary will be included in the Town's budget summary as a component unit of the Town.
- Property tax increment revenues for 2017 are based upon an increment of \$17,224,470 and an overlapping mill rate of 58.650. This represents an increase of 5.66% in the increment. This increase is due primarily to market value increases in existing properties within the plan area. Additional TIF revenues are anticipated in 2018 from the construction of the Buck Creek Medical Plaza.
- Funds available for the Town Center West Maintenance Fund are being reduced to \$0 in 2017.
- Tax Increment Financing Bonds are anticipated to be issued late in 2016 in the amount of approximately \$3 million for use in the new Town Hall tenant finish project. Debt service on these bonds will begin in 2018 and are estimated at approximately \$275,000 per year for principal and interest over a 15 year term.

Attachments:

A – Proposed 2017 Avon Urban Renewal Authority Budget, Pages 1-4

BUDGET SUMMARY: AVON URBAN RENEWAL FUND

The Urban Renewal Fund's main source of funding is property tax increment revenues for Urban Renewal Plan areas within the Town. The Town Center West Urban Renewal Plan Area was created in 2007, and is the only plan area within Avon; it has a 25-year life of increment finance. Debt issuance proceeds from tax increment financing in the amount of \$3 million are anticipated in the final revised 2016 budget. These proceeds will be transferred to the Capital Projects Fund for the New Town Hall tenant finish project. Property tax increment revenues for 2017 are based upon an increment of \$17,224,470 and an overlapping mill rate of 58.65, resulting in a 0.5% decrease in net revenues from the previous year. Additional tax increment revenues are anticipated in 2018 from the construction of the Buck Creek Medical Plaza. In 2017 and thereafter, funds transferred to the Town Center West Maintenance Fund have been reduced to zero due to its consolidation into the Parks budget.

ADMINISTRATION OF THE DEPARTMENT

The Urban Renewal Fund is administered by the Finance Director.

DEPARTMENT FINANCIAL SUMMARY

DEPARTMENT EXPENDITURES BY CATEGORY	Actual 2015	Original or Prev. Amend. Budget 2016	Final Revised Budget 2016	Proposed Budget 2017	Proposed Budget 2018
Personnel Services	\$ -	\$ -	\$ -	\$ -	\$ -
Commodities	-	-	-	-	-
Contract Services	-	700	5,200	3,200	3,200
Other Operating Costs	-	250	250	250	250
Capital Outlay	-	-	32,603	-	-
Total	\$ -	\$ 950	\$ 38,053	\$ 3,450	\$ 3,450
DEPARTMENT EXPENDITURES BY PROGRAM					

SEE CAPITAL PROJECTS & TOWN CENTER WEST MAINTENANCE FUND

AVON URBAN RENEWAL AUTHORITY #22

Summary

Fund Summary

	Actual 2015	Original or Prev. Amend. Budget 2016	Final Revised Budget 2016	Proposed Budget 2017	Proposed Budget 2018
REVENUES					
Taxes	\$ 756,471	\$ 1,053,955	\$ 1,006,846	\$ 1,000,832	\$ 1,136,534
Investment Earnings	3,617	4,712	3,769	4,712	7,853
Total Operating Revenues	760,088	1,058,667	1,010,615	1,005,544	1,144,387
Other Sources					
Debt Issuance Proceeds	-	-	3,000,000	-	-
TOTAL REVENUES	760,088	1,058,667	4,010,615	1,005,544	1,144,387
EXPENDITURES					
Current:					
General Government	-	950	5,450	3,450	3,450
Capital Improvements	-	-	32,603	-	-
Debt Service:					
Principal	320,000	410,000	410,000	565,000	585,000
Interest	229,504	218,240	218,240	308,808	288,954
Bond Issuance Costs	-	-	90,000	-	-
Treasurer Fees	28,499	31,620	39,200	39,000	43,080
Fiscal Charges	300	1,000	500	500	500
Total Operating Expenditures	578,303	661,810	795,993	916,758	920,984
Other Uses					
Transfers Out - Capital Projects Fund	-	500,000	3,150,000	-	-
Transfers Out - Town Center West Mtc. Fund	100,000	50,000	50,000	-	-
Total Other Uses	100,000	550,000	3,200,000	-	-
TOTAL EXPENDITURES	678,303	1,211,810	3,995,993	916,758	920,984
NET SOURCE (USE) OF FUNDS	81,785	(153,143)	14,622	88,786	223,403
FUND BALANCES, Beginning of Year	826,178	857,941	907,963	922,585	1,011,371
FUND BALANCES, End of Year	\$ 907,963	\$ 704,798	\$ 922,585	\$ 1,011,371	\$ 1,234,774
FUND BALANCES:					
Restricted For:					
Debt Service	\$ 628,240	\$ 628,240	\$ 904,690	\$ 904,690	\$ 904,690
Urban Renewal	279,723	76,558	17,895	106,681	330,084
TOTAL FUND BALANCES	\$ 907,963	\$ 704,798	\$ 922,585	\$ 1,011,371	\$ 1,234,774

AVON URBAN RENEWAL AUTHORITY
Debt Service

Debt Service Summary

Account Number	Description	Actual 2015	Original or Prev. Amend. Budget 2016	Final Revised Budget 2016	Adopted Budget 2017	Proposed Budget 2018
DEBT SERVICE						
932	Series 2013, Tax Increment Revenue Bonds					
65101	Principal	\$ 320,000	\$ 410,000	\$ 410,000	\$ 395,000	\$ 410,000
65102	Interest	229,504	218,240	218,240	203,808	189,904
933	Series 2016, Tax Increment Revenue Bonds					
65101	Principal	-	-	-	170,000	175,000
65102	Interest	-	-	-	105,000	99,050
Fiscal Charges						
65104	Bond Issuance Charges	-	-	90,000	-	-
64303	Treasurer Fees	28,499	31,620	39,200	39,000	43,080
65103	Trustee Fees	300	1,000	500	500	500
60000	TOTAL DEBT SERVICE	\$ 578,303	\$ 660,860	\$ 757,940	\$ 913,308	\$ 917,534

AVON URBAN RENEWAL AUTHORITY Capital Projects

CIP Projects Inventory

Account Number	Description	Actual 2015	Original or Prev. Amend. Budget 2016	Final Revised Budget 2016	Adopted Budget 2017	Proposed Budget 2018
CAPITAL IMPROVEMENT PROJECTS						
Roads and Streets:						
Street Improvements:						
32018	Nottingham Road Streetlights	\$ -	\$ -	\$ 32,603	\$ -	\$ -
Total Capital Improvement Projects		<u>\$ -</u>	<u>\$ -</u>	<u>\$ 32,603</u>	<u>\$ -</u>	<u>\$ -</u>



TOWN OF AVON, COLORADO
MINUTES FOR THE URBAN RENEWAL AUTHORITY MEETING FOR JANUARY 26, 2016
AVON TOWN HALL, ONE LAKE STREET

1. CALL TO ORDER & ROLL CALL

Chairman Fancher called the meeting to order at 5:10 p.m. A roll call was taken and Authority members present were Sarah Smith Hymes, Scott Prince, Megan Burch, Matt Gennett, Buz Reynolds and Jake Wolf. Also present were Executive Director/Secretary Virginia Egger, Town Attorney Eric Heil, Treasurer Scott Wright, Recreation Director John Curutchet, Police Chief Bob Ticer, Executive Assistant to the Town Manager Preston Neill and Authority Clerk Debbie Hoppe.

2. APPROVAL OF AGENDA

There were no changes to the agenda.

3. PUBLIC COMMENT – COMMENTS ARE WELCOME ON ITEMS NOT LISTED ON THE FOLLOWING AGENDA

No comments were made.

4. CONSENT AGENDA

4.1. RESOLUTION NO. 16-01 DESIGNATING LOCATIONS FOR POSTING THE NOTICES OF PUBLIC MEETINGS (TREASURER SCOTT WRIGHT)

4.2. APPROVAL OF DECEMBER 8, 2015 URA MEETING MINUTES (AUTHORITY CLERK DEBBIE HOPPE)

Authority member Gennett moved to approve the consent agenda; Authority member Reynolds seconded the motion and it passed unanimously by those present.

5. ADJOURNMENT

There being no further business to come before the Authority, the meeting adjourned at 5:12 p.m.

RESPECTFULLY SUBMITTED:

Debbie Hoppe, Authority Clerk

APPROVED:

Jennie Fancher
Jake Wolf
Matt Gennett
Megan Burch
Albert "Buz" Reynolds
Scott Prince
Sarah Smith Hymes



TOWN COUNCIL REPORT

To: Honorable Mayor Jennie Fancher and Avon Town Council
From: Preston Neill, Executive Assistant to the Town Manager
Date: September 27, 2016
Agenda Topic: Review of recommendation for changes for private parking lot enforcement, including booting

OVERVIEW:

In recent months, there has been a rise in complaints from patrons of private parking lots and businesses near these lots regarding the use of vehicle immobilization devices, or “boots,” particularly in the Avon Town core. The purpose of this memorandum is to provide a summary of the issue, potential options to address the issue, and Town staff’s recommended solution.

SUMMARY:

On June 14, 2016, Ordinance 16-11 was presented to Council to amend sections of the Avon Municipal Code concerning vehicle impoundment and immobilization. Council tabled the item and provided direction to Town staff to research the processes of vehicle impoundment and immobilization, and regulations for private booting companies in several other municipalities. Additionally, staff was directed to conduct outreach to local businesses and commercial property owners that contract with booting and/or towing companies, to gauge opinion and sentiments on the issue.

On August 9, 2016, Council convened in a work session to review booting practices in Avon and comparable Colorado municipalities. Town staff presented the outreach and research that has been conducted on the subject. Summaries of the outreach and research are provided below.

Outreach

Two rounds of community outreach have been completed regarding vehicle immobilization procedures in Avon, particularly in the Town core. Prior to the August 9, 2016 Town Council meeting, Master Police Officer Chris Peck visited with a variety of business proprietors and property managers to survey their responses to a number of questions. Owners or managers of the following businesses were interviewed: Bob’s Place, Venture Sports, Avon Bakery, Beaver Liquors, Treasures Quality Consignments, High Gear Cyclery, Loaded Joe’s, Montana’s Smokehouse and Pazzo’s Pizzeria. In addition, property managers for Avon Center and Aspens Mobile Home Village were surveyed. A summary of their responses is included in the August 9, 2016 Town Council meeting packet.

In preparation for the September 27, 2016 Town Council meeting, a memorandum, attached as Exhibit 1, was prepared and distributed to commercial property owners, retailers and lodge representatives to provide them a summary of the issue, potential options to address the issue, and Town staff’s recommended solution. They were asked to submit their feedback in writing to Town staff. All submittals have been collated and attached as Exhibit 2.

Research

As previously mentioned, staff was directed to conduct research on the processes of vehicle impoundment and immobilization, and regulations for private booting companies in several other

municipalities. Staff researched the municipal codes and contacted representatives of the towns of Breckenridge and Vail and the city of Aspen.

Aspen –

The City of Aspen has not enacted any regulations for private booting companies. According to a representative with the Aspen Police Department, they rarely, if ever, have any issues regarding booting companies. It was emphasized that a booting issue would be between the property owner and the owner of the booted vehicle.

Breckenridge –

The Town of Breckenridge has not enacted any regulations for private booting companies. A sergeant with the Breckenridge Police Department, who oversees parking enforcement, said she has never encountered an issue related to booting. She explained that there are a couple of businesses that boot vehicles themselves if vehicles are parked illegally. They leave the boot on the vehicles until a tow truck company arrives. Those businesses that apply boots themselves rarely have to do it and their private parking lots are well-signed.

Vail –

The Town of Vail recently adopted an ordinance amending the Vail Town Code related to the private use of vehicle immobilizers. More specifically, no person in Vail is allowed to place a boot on any motor vehicle, except under the following circumstances:

1. The person is directed by a law enforcement officer to place a boot on the motor vehicle;
2. The person is a law enforcement officer authorized to place the boot on the motor vehicle;
3. The owner, authorized operator, or authorized agent of the owner of the motor vehicle requested that the boot be placed on the motor vehicle; or
4. The person placing the boot is a property owner who owns the boot and complies with the following:
 - a. Affixes a notice to the motor vehicle in a conspicuous and obvious manner containing the name, address and telephone number of the person who placed the boot on the motor vehicle, the amount of the boot removal fee and the right to have the boot removed upon payment of the boot removal fee; and
 - b. Maintains personnel able to remove the boot and release the vehicle to its owner or authorized operator upon the payment of a boot removal fee, with such personnel available twenty-four (24) hours per day, seven (7) days per week.

If a boot is placed on a motor vehicle at the direction of a law enforcement officer, the person placing the boot shall:

1. Affix a notice to the motor vehicle in a conspicuous and obvious manner containing the name, address and telephone number of the person who placed the boot on the motor vehicle, the amount of the boot removal fee, the right to have the boot removed within ninety (90) minutes of contacting the Police Department, the signature of the person who placed the boot, and an advisement of the right to request a post seizure hearing for vehicle impoundment;
2. Maintain personnel authorized to remove the boot and release any motor vehicle to its owner or driver upon the payment of any boot removal fee; and
3. Provide a receipt upon payment, listing the fees charged and advisement of the right to request a post-seizure hearing for vehicle impoundment.

OPTIONS:

From the work of the past several months, four options are being considered and are outlined below. Town staff recommends the implementation of option four. Direction is requested from Council.

- I. OPTION ONE
 - Repeal the immobilization (booting) regulations established by Ordinance 09-10. Oversight and due process for parking enforcement companies that boot within the Town of Avon would be eliminated.
- II. OPTION TWO
 - Outlaw the practice of booting within the Town of Avon.
- III. OPTION THREE
 - Implement the Town of Vail program as summarized above
- IV. OPTION FOUR
 - Retain the regulations as currently in place with certain changes to address booting in residential and commercial areas of Avon, as provided below. New code changes are noted.

RESIDENTIAL

Maintain current regulations:

- As identified in section 5.12.020 of the Avon Municipal Code, no parking enforcement company desiring to boot vehicles within the Town may engage in booting operations without first having obtained a license from the Town Clerk.
- Parking enforcement companies must supply logs of the boots they have applied to the Avon Police Department on a monthly basis.
- Parking enforcement companies must supply their contracts with property owners to the Avon Police Department.

Amend regulations to include the following:

- Permit payment by credit card in addition to payment by cash.
- Clarify grounds for finding a lack of “moral character” that would justify suspending or revoking a license.
- Change the standard to uphold a vehicle immobilization from “probable cause” to actual violation of parking rules and compliance with all vehicle impoundment rules.
- Change the minimum hearing cost from \$100 to an amount to be determined by the municipal court.
- Permit the municipal court discretion to reverse or reduce an immobilization fee.

COMMERCIAL

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- Parking enforcement companies must supply logs of the boots they have applied to the Avon Police Department on a monthly basis.

- Parking enforcement companies must supply their contracts with property owners to the Avon Police Department.
- Require commercial private parking lots that utilize licensed parking enforcement companies to be adequately signed that illegally parked cars will be immobilized.
- Require parking enforcement companies to remove the boot within ninety (90) minutes upon payment of the boot removal fee.

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- If commercial property owner desires, at the owner’s expense, implement a validation system in order to give patrons the ability to prove patronization of a business associated with a particular private parking lot. If commercial property owners elect to implement such a system, it must be identified in the contract with a parking enforcement company.

ATTACHMENTS:

Exhibit 1 – Memorandum: Vehicle Immobilization Devices 9/15/2016

Exhibit 2 – Submitted Feedback



MEMORANDUM

To: Interested Parties
Date: September 15, 2016
Topic: Vehicle Immobilization Devices

OVERVIEW:

In recent months, there has been a rise in complaints from patrons of private parking lots and businesses near these lots regarding the use of vehicle immobilization devices, or “boots,” particularly in the Avon Town core. The purpose of this memorandum is to provide you, other retailers and lodge representatives and our registered booting companies a summary of the issue, potential options to address the issue, and Town staff’s recommended solution.

We are seeking your feedback prior to finalizing a recommendation to Town Council. Please take the time to review the options and let us know your preference. Feel welcome to modify the option as you may desire. We appreciate receiving your input by not later than September 21, 2016. Town staff will be completing a report to the Town Council not later than September 23rd for their discussion on the evening of September 27th. Please email your responses to pneill@avon.org or drop off a completed copy of this document to the reception window at Town Hall, located at 1 Lake Street.

SUMMARY:

On June 14, 2016, Ordinance 16-11 was presented to Council to amend sections of the Avon Municipal Code concerning vehicle impoundment and immobilization. Council tabled the item and provided direction to Town staff to research the processes of vehicle impoundment and immobilization, and regulations for private booting companies in several other municipalities. Additionally, staff was directed to conduct outreach to local businesses and commercial property owners that contract with booting and/or towing companies, to gauge opinion and sentiments on the issue.

On August 9, 2016, Council convened in a work session to review booting practices in Avon and comparable Colorado municipalities. Town staff presented the outreach and research that has been conducted on the subject. Summaries of the outreach and research are provided below.

Outreach

The Avon Police Department has completed community outreach regarding vehicle immobilization procedures in Avon, particularly in the Town core. Master Police Officer Chris Peck visited with a variety of business proprietors and property managers to survey their responses to a number of questions. Owners or managers of the following businesses were interviewed: Bob’s Place, Venture Sports, Avon Bakery, Beaver Liquors, Treasures Quality Consignments, High Gear Cyclery, Loaded Joe’s, Montana’s Smokehouse and Pazzo’s Pizzeria. In addition, property managers for Avon Center and Aspens Mobile Home Village were surveyed. A summary of their responses is included in the August 9, 2016 Town Council meeting packet.

Research

As previously mentioned, staff was directed to conduct research on the processes of vehicle impoundment and immobilization, and regulations for private booting companies in several other

municipalities. Staff researched the municipal codes and contacted representatives of the towns of Breckenridge and Vail and the city of Aspen.

Aspen –

The City of Aspen has not enacted any regulations for private booting companies. According to a representative with the Aspen Police Department, they rarely, if ever, have any issues regarding booting companies. It was emphasized that a booting issue would be between the property owner and the owner of the booted vehicle.

Breckenridge –

The Town of Breckenridge has not enacted any regulations for private booting companies. A sergeant with the Breckenridge Police Department, who oversees parking enforcement, said she has never encountered an issue related to booting. She explained that there are a couple of businesses that boot vehicles themselves if vehicles are parked illegally. They leave the boot on the vehicles until a tow truck company arrives. Those businesses that apply boots themselves rarely have to do it and their private parking lots are well-signed.

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OPTIONS:

From the work of the past several months, four options are being considered and are outlined below.

- I. OPTION ONE
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- Implement a one (1) hour grace period that prevents a parking enforcement company from immobilizing a vehicle until after the one hour mark. If the one hour mark is reached and the parking enforcement company, after documenting the violation by chalking a tire on the vehicle and taking photographs, believes the driver of the vehicle did not patronize any businesses on the property, the vehicle may be immobilized.
- If commercial property owner desires, at the owner’s expense, implement a validation system in order to give patrons the ability to prove patronization of a business associated with a particular private parking lot. If commercial property owners elect to implement such a system, it must identified in the contract with a parking enforcement company.

NAME OF RESPONDENT: _____

NAME OF BUSINESS: _____

PREFERRED OPTION #: _____

COMMENTS: _____

NAME OF RESPONDENT: LiftView and Sunridge Condos

NAME OF BUSINESS: Avon Property Management

PREFERRED OPTION #: 1

COMMENTS: After reading all info and attending meetings, we still do not understand why Avon is attempting to fix something that is not broken. Anything other than #1 will give the HOA's no option but to tow instead of the much cheaper, easier and effective booting. I am not sure why you want to use Vail as a model for us, as we are drastically different. The only model you should consider copying from Vail is their public parking garages.

Preston Neill

From: Greg Daly
Sent: Thursday, September 22, 2016 2:42 PM
To: Preston Neill
Subject: FW: vehicle immobilization device memorandum

Follow Up Flag: Follow up
Flag Status: Flagged

From: Brian Kruse [<mailto:brian@avon-liquor.com>]
Sent: Thursday, September 22, 2016 2:19 PM
To: Greg Daly
Subject: vehicle immobilization device memorandum

Hello, this is Brian with Avon Liquor. We discussed the options and feel either option III or IV is the best choice for Avon. I don't see any problem with the way the Vail option is written. Option four is very vague, and also very specific in different areas. I believe to really address the subjects they have brought up (addressing moral character amongst other subjects) this would have to be much more detailed. Where as the Vail option seems specifically vague in order to address future details and specifics in the future as they arise?

As we stated to the initial officer that came by with an informal informational gathering talk, we haven't had and specific complaints about any booting situations and have only seen a benefit from booting in our lot in order to protect our ability to accommodate our customers.

With the Main skier lots in Avon changing to pay lots this winter, we are very concerned about our customers' and our employees' ability to park this winter. I don't think preventing businesses from protecting their parking spaces will help Avon in any way.

I realize Avon has a large tourist base and we don't want to alienate anyone or offend any potential customers. That being said, we can expect and demand these people observe and obey our parking rules and regulations consistently. I don't think the police take other aspects of enforcement in stride because these people are guests here, and I would like to think we can retain our convenient parking for our customers.

Thank you

Brian Kruse
Avon Liquor

Attn. Town of Avon

I believe if managed properly with the Town of Avons guidance and proper licensing booting can be a viable solution to regulating parking in both public and private lots. The Town of Avon and the booting companies can both benefit from stronger communication and regulation to enforce parking, track violations and emphasize fair business practices. While I like what is outlined as Option IV as in a revised version, I believe another option listed below should be considered.

One of the key components as to why people become enraged when confronted with a boot on their vehicle is because they have to come up with the money in cash in that moment. While they are facing the emotions of being told they parked illegally and have a fine to pay, they suddenly have to remit cash immediately in order to remove the device. The fact that there is not a third party to review the case and they have to come up with money on the spot makes the alleged violator feel helpless and further escalates the incident often to the brink of violence.

A solution to make this more civil may be the accused is issued a citation which offers a court appearance or a voluntary payment within (5 days). Often after the situation has been diffused an alleged individual has time to reflect on the allegations and has time to deduce that they were in fact in the wrong. On the other hand, the feeling of paying a fine for something that one would maintain their innocence is especially hard to digest without a third party review. By creating a ticket/citation format rather than an immediate payment, it is clear that the entire transaction is not settled and allows for due process which is in the best interest of the entire community. Should the accused be found guilty they could also be held accountable potentially for additional fines for court costs. The Towns Police force is on duty to serve and protect. They need to be given greater latitude in assessing a parking dispute for the good of the entire community. Furthermore, by issuing a citation, this gives the TOA real track-able data to review and additionally tax the operating business.

In my opinion this Town Council has been remarkably progressive in their vision and direction for Avon. This is demonstrated by the fact that we are even talking about a parking issue, something which did not exist ten years ago. We need to find common sense solutions for parking enforcement that does not handicap locals or visitors to the community. Avon's events and activities are an asset to our growing economy and it is essential to the entire community that we are conscientious, and while we need to enforce parking for the residents and business community, we do not want dissuade locals and visitors from coming to Avon.

Thank you for your time and consideration.

Thank you, Chris

Chris Doyle
GM Bob's Place Avon
100 W. Beaver Creek Blvd.
Avon, CO 81620

Traer Creek LLC
PO Box 9429
Avon, Colorado 81620

September 27, 2016

Via Electronic Mail to Debbie Hoppe (DHoppe@Avon.org) and Preston Neill (PNeill@Avon.org)

Honorable Mayor Jennie Fancher and Avon Town Council

RE: Review of Recommendation for changes for private parking lot enforcement, including booting

Dear Honorable Mayor Jennie Fancher and Avon Town Council:

This letter is being written by Traer Creek LLC ("Traer Creek") to provide public comment for your consideration in respect of your review of potential amendments to the Avon Town Code's regulations regarding private parking lot enforcement, including booting.

In reviewing the proposed amendments to the regulations for commercial property, Traer Creek is concerned about the one (1) hour grace period. If a commercial property is properly posted, according to the Avon Town Code, and property management, including the booting company, is properly following the Avon Town Code, then the grace period seems unnecessary and problematic. For example, please consider the private parking lots for both the restaurants and City Market in the Avon Town Core. During peak restaurant hours, parking is at a premium in Avon, especially during the ski season. A one (1) hour grace period could significantly lower the number of patrons that can find a space to park. Those that can't find a parking space may turn to other areas, possibly Eagle-Vail or Edwards, for their dining needs. Likewise, in City Market's case, this grace period is particularly a problem during peak hours when parking can be difficult to find, especially, again, during the ski season. And that parking lot is already considered by some to have a poor layout. Finally, if Avon develops a reputation as being a difficult place to find parking, this problem may be compounded.

At the end of the day, properly posted signage has to count for something and a one (1) hour grace period seems to be too long.

Thank you for your time and consideration of Traer Creek's comments.

Sincerely,

Traer Creek LLC

TO: Honorable Mayor Fancher and Town Council members
FROM: Eric J. Heil, Town Attorney
RE: Sales Tax Rebate Agreement for Retail Concepts
DATE: September 22, 2016

SUMMARY: Sports Authority recently ceased operations and vacated the store in east Avon. Since that time, the Town Manager has been in communication with Traer Creek-EXWMT (“**Traer Creek**”) about potential opportunities for a new retail tenant. Traer Creek recently negotiated a lease with a sporting goods retailer, Sun & Ski Sports, owned and operated by Retail Concepts, Inc. As part of the lease negotiations and cost of refinishing the interior of the approximate 32,000 square foot retail space, both Traer Creek and Retail Concepts requested the Town’s consideration of a sales tax rebate as a financial incentive. As a result of those discussions and negotiations, a Sales Tax Rebate Agreement was prepared and is presented to Council for its consideration and approval.

TERMS OF AGREEMENT: The Sales Tax Rebate Agreement would provide a maximum rebate to Retail Concepts of up to \$100,000 per year for a maximum of 5 years (i.e. a maximum rebate of \$500,000). The rebate is calculated at the amount of 45% of the actual sales tax paid to the Town by Retail Concepts. The conditions include providing evidence of a lease for a term of at least 10 years and opening the store by no later than January 15, 2017. Traer Creek has shared that the initial lease term is through April 30, 2027; with two five-year extension options of five years; and, a third extension of nine months. The sales tax projection and rebates over a 10 year period are described in the table below. The projection shows that the Town of Avon will be contributing 15% of the sales tax collected to the rebate.

The Town’s obligation to provide the rebate is subject to annual budget and appropriation in order to comply with the TABOR’s restrictions on incurring multi-year fiscal obligations. The term of the rebate would be extended for one year for each year that the Town fails to budget and appropriate. Paragraph 16 - Assignment tracks the assignment language in the actual lease with Retail Concepts.

TOWN POLICY FOR FINANCIAL INCENTIVES: The Town has adopted general policies regarding the use of financial incentives to promote appropriate and beneficial economic development. The Avon Comprehensive Plan states as **Goal E.2:** “Ensure the ability to fund and implement the necessary development and redevelopment by encouraging strategic use of town funds to leverage high quality private sector investment.” and **Policy E.2.1:** “Pursue economic development benefitting the Town of Avon by using local, county, state, or federal resources that are available including incentive programs and section criteria”. The Avon Town Council adopted the **Community Revitalization Public-Private Partnership Guidelines** by Resolution 2008-54, which states in part **Purpose 4.** “Promote the efficient use of incentives to maximize the public benefits to the Avon community;” and lists “Revenue Sharing” as one of several primary incentives.

The Town Council may approve this Sales Tax Rebate Agreement by motion with the concurring vote of four Council members.

REQUESTED MOTION: “I move to approve the Sales Tax Rebate Agreement with Retail Concepts, Inc.”

Thank you, Eric

ATTACHMENT: Sales Tax Rebate Agreement

Avon Town Council
Retail Concepts Sales Tax Rebate Agreement
September 22, 2016
Page 2 of 2

REBATE SCENARIO	TOTAL SALES TAX PROJECTION	4% TAX PROCEEDS	45% OF SALES TAX	45% OF SALES TAX UP TO \$100K	NET SALES TAX AFTER REBATE
YEAR 1	\$6,000,000	\$240,000	\$108,000	\$100,000	\$140,000
YEAR 2	\$7,000,000	\$280,000	\$126,000	\$100,000	\$180,000
YEAR 3	\$8,000,000	\$320,000	\$144,000	\$100,000	\$220,000
YEAR 4	\$8,500,000	\$340,000	\$153,000	\$100,000	\$240,000
YEAR 5	\$9,000,000	\$360,000	\$162,000	\$100,000	\$260,000
SUB-TOTAL	\$38,500,000	\$1,540,000	\$693,000	\$500,000	\$1,040,000
ESTIMATED PERCENT OF TAX REBATE - FIRST FIVE YEARS				32%	
YEAR 6	\$9,000,000	\$360,000	na	na	\$360,000
YEAR 7	\$9,000,000	\$360,000	na	na	\$360,000
YEAR 8	\$9,000,000	\$360,000	na	na	\$360,000
YEAR 9	\$9,000,000	\$360,000	na	na	\$360,000
YEAR 10	\$9,000,000	\$360,000	na	na	\$360,000
SUB-TOTAL	\$45,000,000	\$1,800,000			\$1,800,000
TOTAL	\$83,500,000	\$3,340,000	\$693,000	\$500,000	\$2,840,000
ESTIMATED PERCENT OF TAX REBATE - FULL TEN YEARS				15%	

**Sales Tax Rebate Agreement
by and between
the Town of Avon and Retail Concepts, Inc.**

This Sales Tax Rebate Agreement (“**Agreement**”) is by and between the Town of Avon, a Colorado home rule municipality (“**Avon**”) and Retail Concepts, Inc., a Texas corporation doing business as Sun & Ski (“**Retailer**”), on September 27, 2016 (individually referred to as “**Party**” and collectively referred to as “**Parties**”).

RECITALS:

WHEREAS, the former Sports Authority retail store has closed and vacated its retail space in Avon, located at 220 Chapel Square Place, Avon Colorado 81620 and consisting of 32,927 square feet (“**Property**”), which closure and vacation will result in a substantial loss of sales tax revenues for Avon and which vacated retail space may adversely affect customer traffic and retail business volume for nearby retail establishments;

WHEREAS, Retailer desires to open a retail store at the Property by January 15, 2017, and Retailer has indicated that the sales tax rebate set forth in this Agreement is a material inducement for locating and investing in the opening of a retail store on the Property;

WHEREAS, the Avon Town Council has determined that promoting the occupancy of the Property by a similar and viable retailer will promote the retail economy and general health, safety and welfare of the Avon community; and

WHEREAS, the Avon Comprehensive Plan states as **Goal E.2**: “Ensure the ability to fund and implement the necessary development and redevelopment by encouraging strategic use of town funds to leverage high quality private sector investment.” and **Policy E.2.1**: “Pursue economic development benefitting the Town of Avon by using local, county, state, or federal resources that are available including incentive programs and section criteria” and the Avon Town Council adopted the **Community Revitalization Public-Private Partnership Guidelines** by Resolution 2008-54, which states in part Purpose 4. “Promote the efficient use of incentives to maximize the public benefits to the Avon community;” and lists “Revenue Sharing” as one of several primary incentives.

AGREEMENTS:

NOW, THEREFORE, in consideration of the foregoing **RECITALS**, which are incorporated herein, and the mutual promises and other good and valuable consideration contained herein, the Parties agree as follows:

- 1. Sales Tax Rebate:** Avon hereby agrees to rebate to Retailer 45% of the sales tax collected from the retail sales of Retailer occurring on the Property up to a maximum amount of ONE HUNDRED THOUSAND DOLLARS (\$100,000) per consecutive twelve (12) month reporting period (“**Annual Reporting Period**”), for a duration of five (5) consecutive Annual Reporting Periods (subject to extension as hereinafter provided), and up to a total

maximum rebate amount of FIVE HUNDRED THOUSAND DOLLARS (\$500,000), such rebate shall commence no later than February 1, 2017 and, subject to payment of any rebate due, shall expire no later than January 31, 2022, unless extended due to non-appropriation as set forth in Paragraph 13 below.

2. **Term:** This Agreement shall expire on January 31, 2022 (unless extended due to non-appropriation as set forth in Paragraph 13 below), and shall become void and of no force and effect on Avon, provided that Avon's obligation to collect and remit a portion of sales tax for retail sales which occur prior the expiration date, if any such obligation remains unsatisfied, shall survive the expiration of this Agreement.
3. **Conditions:** The following conditions shall apply and shall be satisfied prior to Avon's obligation to rebate and remit sales tax revenues to Retailer under this Agreement:
 - a. Retailer shall provide evidence of a lease, or memorandum of lease, by September 27, 2017, subject to reasonable extensions, that indicates a lease term of at least 10 years for the Property;
 - b. Retailer shall open a retail store on the Property by January 15, 2017, unless a later date is mutually agreed in writing between Avon and Retailer; and,
 - c. Retailer shall utilize at least 50% of the square footage of the Property for display of retail goods for sale and rental to the general public.
4. **Collection and Remittance:** Avon shall impose and collect sales tax on retail sales in accordance with its sales tax regulations in the Avon Municipal Code. Avon shall remit the sales tax rebate due to Retailer in accordance with the following schedule:
 - a. Avon shall remit \$100,000 to Retailer within thirty (30) days after the date that Avon receives \$222,222.23 sales tax revenues during an Annual Reporting Period; or,
 - b. If Retailer does not remit \$222,222.23 in total sales tax revenues during an Annual Reporting Period, Avon shall remit the calculated sales tax to be rebated to Retailer within sixty (60) days after the last day of each consecutive Annual Reporting Period.
5. **Calculation of Sales Tax Rebate:** The maximum sales tax rebate amount during an Annual Reporting Period of Retailer shall be \$100,000. In the event that Avon remits the maximum annual sales tax rebate of \$100,000 to Retailer prior to expiration of an Annual Reporting Period, then the calculation of the next annual sales tax rebate shall commence on the next succeeding anniversary date of the Annual Reporting Period and shall be calculated for retail sales occurring during such subsequent Annual Reporting Period.
6. **No Interest:** No interest shall be paid by Avon on amounts subject to rebate under this Agreement.

7. **Municipal Sales Tax Regulations:** Nothing in this Agreement shall affect Avon's right to enforce its sales tax regulations, including conducting audits, as set forth in the Avon municipal code, as may be amended from time to time.
8. **Indemnification for Release of Information:** Retailer acknowledges that implementation of this Agreement requires calculations based on the amount of taxes collected and paid by the Retailer with respect to the term of this Agreement and issuance of rebate payment checks in amounts determined pursuant to this Agreement, and that the amounts of the rebate payment checks will be public information. The Retailer, for itself, its successors, assigns, and affiliated entities, hereby releases and agrees to hold harmless Avon and its officers and employees for any and all liability, claims, demands, and expenses in any manner connected with dissemination of information necessary for or generated in connection with the implementation of the rebate provisions of this Agreement.
9. **Effect of Change in Tax Rate:** Any increase or decrease in the Avon sales tax rate above or below the applicable sales tax rate on the date of execution of this Agreement shall not affect the rebate payments to be made pursuant to this Agreement, and the amount of the rebate payment shall continue to be calculated at 45% of the sales tax revenues received by the Town.
10. **Entire Agreement:** This Agreement shall constitute the entire agreement between Avon and Retailer and supersedes any prior agreements between the Parties and their agents or representatives, all of which are merged into and revoked by this Agreement with respect to its subject matter.
11. **Contact Information:** Contact information for the purposes of notices and remitting payments is set forth as follows:

TOWN OF AVON

Town of Avon
P.O. Box 975
One Lake Street
Avon, CO 81426
Attn: Town Manager
E-Mail: vegger@avon.org

with copy to: Town of Avon
P.O. Box 975
One Lake Street
Avon, CO 81426
Attn: Town Attorney
E-Mail: attorney@avon.org

RETAIL CONCEPTS, Inc.

10560 Bissonnet Street, Suite 100
Houston, Texas 77099
Attention: Mr. Steve Rath
Phone: #281.340.5000 x141
E-mail: srath@sunandski.com

With a copy to:

Lewis & Gaylor
5311 Kirby Drive, Ste. 201
Houston, Texas 77005
Attention: Gary S. Lewis
Phone: #713-524-6118
E-mail: glewis@lewisandgaylor.com

- 12. Subordination:** Avon's obligations pursuant to this Agreement are subordinate to Avon's obligations for the repayment of any current or future bonded indebtedness and are contingent upon the existence of a surplus in sales and use tax revenues in excess of the sales and use tax revenues necessary to meet such existing or future bond indebtedness. Avon shall meet its obligations under this Agreement only after Avon has exercised its best efforts to maximize its sales tax collections in order to satisfy all other obligations with respect to the use of sales tax revenues for bond repayment purposes. For the purposes of this Agreement, the terms "bonded indebtedness," "bonds," and similar terms describing the possible forms of indebtedness include all forms of indebtedness that may be incurred by Avon, including, but not limited to, general obligation bonds, revenue bonds, revenue anticipation notes, tax increment notes, tax increment bonds, and all other forms of contractual indebtedness of whatsoever nature that is in any way secured or collateralized by sales tax revenues of Avon.
- 13. Annual Appropriation, Tax Credit:** Nothing in this Agreement shall be deemed or construed as creating a multiple fiscal year obligation on the part of Avon within the meaning of Colorado Constitution Article X, Section 20 or any other constitutional or statutory provision. Avon's obligations hereunder are expressly conditional upon annual appropriation by the Avon Town Council, in its sole discretion. Retailer understands and agrees that any decision of the Avon Town Council to not appropriate funds for payment shall be without penalty or liability to Avon other than as provided in this Section 13 and, further, shall not affect, impair, or invalidate any of the remaining terms or provisions of this Agreement; provided however, that the maximum duration of Annual Reporting Periods set forth in Paragraph 1 and the term of this Agreement set forth in Paragraph 2 shall automatically extend for one (1) additional year for each year that the Avon Town Council does not appropriate funds for sales tax rebate payment under this Agreement.
- 14. Governing Law, Venue:** This Agreement shall be governed and construed in accordance with the laws of the State of Colorado. Venue for any dispute arising from this Agreement shall be in Eagle County, Colorado.
- 15. Legal Challenge; Escrow:** Avon shall have no obligation to make any rebate payment hereunder during the pendency of any legal challenge to this Agreement. The Parties covenant that neither party will initiate any legal challenge to the validity or enforceability of this Agreement, and the Parties will cooperate in defending the validity or enforceability of this Agreement against any challenge by any third party. Any funds appropriated for

payment under this Agreement shall be escrowed in a separate Avon account in the event there is a legal challenge to this Agreement.

- 16. Assignment:** This Agreement is personal to Retailer and other than “Permitted Transfers” (as hereinafter defined), Retailer may not assign any of the obligations, benefits or provisions of the Agreement in whole or in any part without the expressed written authorization of Avon. Any purported assignment, transfer, pledge, or encumbrance made which is not a Permitted Transfer without such prior written authorization shall be void. As used herein, the term “Permitted Transfer” shall mean (i) a sale or transfer of a minority interest in the outstanding stock of Retailer or the membership interests of Retailer’s parent corporation on an aggregate basis by the stockholders of Retailer or members of Retailer’s parent corporation provided the ownership of the majority interest in Tenant or Tenant’s parent corporation (as of the date of this Agreement) does not change, (ii) a sale or transfer of stock among the stockholders of Retailer or membership interests of Retailer’s parent corporation and their immediate families or any trusts or limited partnerships owned or controlled by such parties (i.e., spouses, parents, mothers, sisters, children, grandchildren or the spouse of any of the aforementioned), (iii) a transfer of stock by will or devise or to a trust for the benefit of any of the above named individuals, (iv) a sale or transfer of stock in connection with a public offering registered with the Securities Exchange Commission, (v) an issuance of a minority interest in the stock of Retailer outstanding on the date of this Agreement on an aggregate basis, to Retailer’s employees provided the ownership of the majority interest in Tenant (as of the date of this Agreement) does not change, (vi) an assignment or sublease to any entity which controls Retailer’s management operation, or any entity which is controlled by Retailer; (vii) an assignment or sublease to any entity a majority of whose voting stock is owned by Retailer; (viii) an assignment or sublease to any entity which owns a majority of Retailer’s stock; (ix) an assignment or sublease to any entity to which Retailer, its successors or assigns is merged or consolidated, in accordance with applicable statutory provisions for merger or consolidation of entities, so long as the liabilities of the merging or consolidating entities are assumed by the surviving entity; and (x) an assignment or sublease to any entity acquiring this Lease and all or substantially all of Retailer’s assets or the shares of stock in Retailer or similarly owned stores.
- 17. No Joint Venture:** Nothing in this Agreement is intended or shall be construed to create a joint venture between Avon and Retailer and Avon shall never be liable or responsible for any debt or obligation of Retailer.

[signature page follows]

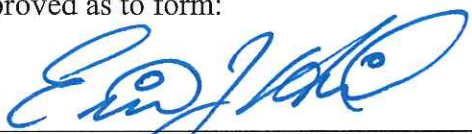
THIS AGREEMENT IS ENACTED ON SEPTEMBER 27, 2016:

TOWN OF AVON, Colorado

By: _____
Jennie Fancher, Mayor

Attest: _____
Debbie Hoppe, Town Clerk

Approved as to form:

By: 
Eric J. Heil, Town Attorney

RETAIL CONCEPTS, Inc.

By: 
Steve U. Rath, Co-Chief Executive Officer

Debbie Hoppe

From: Patricia A.Cuny <pattyc@vail.net>
Sent: Tuesday, September 27, 2016 3:41 PM
To: Debbie Hoppe
Cc: Virginia Egger
Subject: TO: Avon Town Council

TO: Avon Town Council

FROM: Patty Cuny

Nest Furnishings has been a tenant in Avon's Chapel Square for nearly ten years. The 11,000. square foot space I rent is directly next to the empty space that was previously Office Depot and two spaces away from the now empty Sports Authority space.

The impact of Office Depots large commercial space closure has negatively affected our bottom line over the past two years and my concern is that it is only going to continue to trend downward with Sports Authority's recent vacancy. Not to mention leaving the Town of Avon with a gaping empty presence in the core of its retail area.

It is widely known that online shopping is adversely affecting brick and mortar stores' sales. I have talked to business owners in the Vail Valley that have felt the revenue impact of online stores. I commend the Town of Avon for thinking outside of the box to assist in securing a viable tenant for the 33,000 square foot space. Avon needs the revenue that the space is going to generate and some tax revenue is better than none which is exactly what the Office Depot space has generated for the past couple of years.

I previously lived in Eagle and as a resident of Eagle I regretted the Town of Eagle not securing Costco within its town limits. Gypsum has prospered greatly from Costco as they were willing to negotiate with Costco on the land. My opinion is that it will be a win-win for the Town of Avon as well as our community to have a successful sporting goods store located in the center of our Valley.

Debbie Hoppe

From: James G. Minar <minarjg@vvmc.com>
Sent: Tuesday, September 27, 2016 2:27 PM
To: Debbie Hoppe
Subject: SPORTS AUTHORITY SPOT

To all Avon Town Council Members:

My name is Jim Minar and I would like to address the vacant space previously filled by Sports Authority. The town of Avon should do what is needed to fill this space and to get a quality tenant. I have had many discussions with residents up and down the valley and all were concerned that this space would remain vacant for years. In researching Sun& Ski it appears to be a company that will fill the void left by Sports Authority. I shop our local Ski shops but we have nothing that will supply quality goods for all the other sports that are consistently played in the valley, we need a store like Sun & Ski.

Regards,

Jim Minar
0217 West Beaver Creek Blvd., C26
Avon, CO 81620

This message (and any included attachments) is from Vail Valley Medical Center, Vail Valley Surgery Center or Howard Head Sports Medicine Centers and is intended only for the addressee(s). The information contained herein may include privileged or otherwise confidential information. Unauthorized review, forwarding, printing, copying, distributing, or using such information is strictly prohibited and may be unlawful. If you received this message in error, or have reason to believe you are not authorized to receive it, please promptly delete this message and notify the sender by e-mail. If you have any question regarding this notice or the email that you have received, please respond to postmaster@vvmc.com

Debbie Hoppe

From: Jennie Fancher
Sent: Saturday, September 24, 2016 5:51 PM
To: MARK KOGAN
Cc: Debbie Hoppe; Virginia Egger; Jake Wolf; Matt Gennett; Sarah Smith Hymes; Megan Burch; Buz Reynolds; Scott Prince
Subject: Re: Sun and & Ski Sports

Mark,

Thank you for your comments. A sales tax rebate is a common economic development tool used in communities across the state – it is not unique to Avon. Traer Creek shared with Avon, during confidential negotiations, the lease term demands by Sun & Ski, which indicated the company understood the deteriorated status of the space, saw the Office Depot empty space as a less than desirable adjacent property for generating foot traffic, and that other locations were being considered.

We were well aware that Avon's vacant Sports Authority space was just one of an estimated 200 profitable stores available for lease renegotiations. Sun & Ski's business model was to expand into other states – and, we were aware of that competitive advantage for Sun & Ski. During negotiations we were informed of the other Colorado store Sun & Ski would move to if negotiations were not successful with Traer Creek, Hoffmann Commercial Real Estate, and the Town of Avon.

Significant building improvements were required of Traer Creek, at a disclosed amount of \$1,000,000. Our businesses were already sharing with us loss revenues after Sports Authority's closing and we believe not filling the vacant space in a timely manner would most likely lead to the potential for other business failures. Having watched Office Depot stay vacant for years, with full knowledge the building needed significant improvements, partnering with Traer Creek and Hoffmann Commercial Real Estate to land an excellent tenant is not only about the Sports Authority space but also igniting the possibility to bring a retailer to Office Depot. Suffice it to say Council rejected the request for any monies to be paid to Traer Creek, in any amount for the \$1,000,000 tenant improvements. The Council was in favor of providing a sales tax rebate to Sun & Ski based upon actual collections.

The tax rebate to Sun & Ski of 45% of annual sales tax revenues up to an amount of \$100,000 per year for 5 years was our part in the negotiation to incentivize Sun & Ski to come to Avon, as opposed to another Colorado location. We are fully aware that we will never know whether we gave too much but it is less than the requested amount. The negotiated amount for a ten year lease represents 15% of the estimated sales tax collections over the period. We will also never know whether another "big box" type store would move in or if the spot would stay vacant for years as the Office Depot space has – but we consider that a likely outcome. We did favor Sun & Ski as a respected and financially successful business and an excellent fit for the Town.

When one studies public policy and economics, it is evident that incentives exist on many levels to attract industry and business. Avon has been successful with the use of incentives, attracting the Westin the use of tax increments and supporting the gondola and plaza costs with tax contributions. The reasons this rebate made sense to Council was for the following reasons:

- There are many vacant Sports Authority stores in Colorado and across the nation, we needed to be competitive
- Business retention – not taking the risk that other businesses would go out of business or struggle financially with lower sales, including but not limited to Pier One
- Sun & Ski can serve as a catalyst for other development and invigorate the empty Office Depot space as more attractive commercial space by the high quality of a Sun & Ski Sports store
- Continued generation of sales tax revenues from all businesses and opportunity for growth of sales
- The “but for” - meaning that this deal was brought forth as one which would not move forward but for the incentives provided by the Town of Avon
- This is an anchor tenant not just for Chapel Square but for the town. Sports Authority brought people from all over the County to Avon
- The importance of working together with HCRE and Traer Creek to get a deal done, in partnership with the Town, held value for Sun & Ski and future business deals and relationships
- Jobs. This retailer brings jobs to Avon
- 55% of sales tax on \$22M is more than 100% of sales on \$0.00 M. Again, the Town is contributing an estimated 15% of total sales tax to Sun & Ski over ten years

I appreciate your input and I value your knowledge and experience. This decision was not made lightly. In the end Council felt that getting a quality tenant in place was far better for existing businesses and the community as a whole. We are a small resort town that heavily relies on sales tax revenues, and the space might have remained vacant for the next 5 years, which detracts from our image as a town. Here is a link to a fairly recent article from the Summit Daily demonstrating a similar circumstance in Silverthorne.

Please feel free to call me to discuss this issue further.

Sincerely,

Jennie Fancher
 Mayor, Town of Avon
 970-390-3089
jfancher@avon.org

On Sep 24, 2016, at 8:54 AM, MARK KOGAN <markkogan@me.com> wrote:

Dear Avon Town Council,

I read the article on Sun and Ski Sports with great distress. As the managing partner in a three-generation commercial real estate business in Michigan, I am shocked by the Town of Avon’s proposed sales tax rebate to Sun and Ski Sports for the vacated Sports Authority space. I believe emphatically that it is not the Town’s responsibility nor it is in the Town’s purview to subsidize the leasing of a privately-owned parcel of commercial real estate. By doing so, the Town is taking money from its own pocket and effectively transferring it into the pocket of a private investor - in this case the Traer Creek Partnership (TCP).

As I understand it, the Sun & Ski Sports' landlord is TCP, which in turn leases the space from Hoffmann Commercial Real Estate. TCP therefore collects the difference between what it pays Hoffmann in rent and what TRC in turn collects from Sun & Ski Sports in rent. Further, the rent that TCP pays to Hoffmann is a relatively low amount. This 'problem' of attracting Sun & Ski Sports therefore rests with TCP. All TCP has to do to attract Sun & Ski Sports is to offer a rent that is reduced by \$100,000/year to Sun & Ski Sports and the problem is solved. By rebating Sun & Ski Sports \$100,000/year, the Town is therefore ENRICHING TCP by the same amount.

I do not understand how the Town believes that making TCP \$500,000 richer is the correct use of funds. The Town is putting money into a private developer's pocket, when this developer clearly had the means and the wherewithal to solve a private lease problem. Think about what \$500,000 could do for other retail businesses, or for affordable housing, or other town improvement projects. I again state that the Town of Avon should not be subsidizing real estate owners, because once it starts down this path, the question becomes why not subsidize all of them? How do you think Christy's Sports feels about the Town subsidizing a competitor to itself?

I do understand that Pier Imports is hurt by the vacancy next to it. Believe me, I understand this. We had a tenant in one of our properties (Kroger) go dark and pay us rent for seven years. This hurt other tenants. But Kroger refused to give up its space. Now that we have the space back again, it will probably cost our partnership \$2 million to refurbish the space. We did not ask the town in which our property is located to subsidize us. That is OUR job as owners/landlords. That's why we maintain reserves and run our properties prudently. Because it is OUR responsibility to attract tenants and pay for them. Similarly, we thought it beneficial to attract Trader Joe's to our property. So we took over its lease obligations at another property for four years at a great cost to us. We therefore lowered our return to attract the right tenant. This is the job of real estate owners, and in this case, the job of TCP.

This entire discussion reminds me of the initial discussions we had about the Skier Building. The Town decided it wanted to purchase the building, and therefore went headlong into it without realizing the economic impact of it. When it stepped back, after residents' objections, it was able to purchase the property for less than 1/2 of the original price. Here we see a situation where the Town is jumping the gun on attracting Sun & Ski Sports. It is being played and taken advantage of by TCP and the Hoffmanns, both of whom are seeking concessions at the Town's expense so that these private developers can profit.

The Town of Avon is doing a great job of beautifying itself. However, when it comes to real estate transactions, the Town is woefully lacking in its business acumen, financial stewardship and responsibility to its citizens.

Respectfully,

Mark Kogan\

Debbie Hoppe

From: MARK KOGAN <markkogan@me.com>
Sent: Tuesday, September 27, 2016 8:54 AM
To: Debbie Hoppe; Jennie Fancher; Virginia Egger; Jake Wolf; Matt Gennett; Sarah Smith Hymes; Megan Burch; Buz Reynolds; Scott Prince
Subject: Re: Sun and & Ski Sports

In preparation for tonight's council public comment, I want to shed some important light on Mayor Fancher's column in the Vail Daily today. There is no doubt that having a tenant in place in the former Sports Authority is better than having a vacancy. The question is who pays for attracting this tenant. All TCP had to do to make this deal happen was to lower Sun & Ski's rent by \$3psf per year. Mayor Fancher states that the Sports Authority space was dilapidated. Well, that is TCP's responsibility to fix. TCP has been collecting rent for years from Sports Authority. Some of that rent should have been and probably was reserved to refurbish the space should the tenant vacate. That's what prudent landlords do.

In this case, by providing a sales tax rebate to Sun & Ski, TCP has been allowed to transfer its responsibilities as a landlord over to TOA. TCP has avoided lowering the rent to make a market deal happen, and in return the town kicks back money to Sun & Ski and TCP benefits from a higher rent.

No lesson was learned from the Skier Building. A seller says a property is worth \$3.2mm and the town jumps. Magically it can buy the same property for \$1.5mm. A developer gets the town to jump at subsidizing its tenant and the town jumps.

Yesterday in a meeting with Ms Eggers, she stated that the town does not know what rent Sun & Ski is paying to TCP, and does not know who is paying to renovate the space. Either this is true, and that shows that the town had zero facts in providing a subsidy, or it knows and is deciding to hide the facts. Either way, taxpayers are picking up the burden. To say that no money was put into TCP's pockets only again shows that the town doesn't understand how real estate transactions work.

This is sad.

TO: Honorable Mayor Fancher and Town Council members
FROM: Eric J. Heil, Town Attorney
RE: IGA with Eagle County Schools for use of Bus Stops
DATE: September 23, 2016

SUMMARY: Eagle County Schools desires to use of three transit bus stops on West Beaver Creek Blvd. The attached IGA allows the shared use of the bus stops, acknowledges the application of \$25,000 in cash-in-lieu fees received from the Red House (now Base Camp) townhome development towards the construction and improvement of the transit bus stops, and includes the Town's standard legal-ease language for IGAs.

The IGA can be terminated by either party with 7 days notice for cause and 30 days notice without cause.

REQUESTED MOTION: "I move the approve the Intergovernmental Agreement between Eagle County School District RE-50J and the Town of Avon."

Thank you, Eric

ATTACHMENTS: IGA between Eagle County School District and Town of Avon

INTERGOVERNMENTAL AGREEMENT

Between
Eagle County School District RE-50J and The Town of Avon

This Intergovernmental Agreement (“**Agreement**”) by and between the Eagle County School District RE-50J (“**District**”) and the Town of Avon, a Colorado home rule municipality (“**Avon**”), (individually a “**Party**” and collectively the “**Parties**”), is made on September 27, 2016.

WHEREAS, the District is hereby requesting the use and sharing, from Avon, of Avon’s transit bus stops located at: 901, 998 and 1061 West Beaver Creek Blvd., Avon, Colorado (“**Bus Stops**”); and

WHEREAS, Avon is the local traffic regulatory authority on municipal streets; and

WHEREAS, the District ensures that said Bus Stops are in compliance with § 42-4-1904(1), C.R.S.; and

WHEREAS, the District has scheduled the above listed bus stops so that no students are crossing the roadway and therefore, the buses’ 4-way hazard lamp system is sufficient as a warning for passing motorists that the bus is either receiving or discharging students; and

WHEREAS, the use of the 4 way hazards lamps are sufficient and will not impede local area traffic; and

WHEREAS, C.R.S. §29-20-101 *et seq.* enables the Parties to enter into intergovernmental agreements and authorizes each of the Parties to perform the functions described herein, as provided in C.R.S. §29-20-105.

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

- 1. USE OF BUS STOPS.** Avon hereby authorizes the District’s transportation department to receive and discharge students at the Bus Stops. The District agrees to comply at all times with C.R.S. § 42-4-1901 *et seq.* and other applicable laws and regulations during the term of this Agreement.
- 2. EMERGENCY NOTICE.** In case of an emergency, the Parties have provided the following primary contacts.

Jane Burden, Transportation Manager
Office 970-748-4111
Cell 970-390-2014
Fax 970-845-8589
E-Mail Address: jburden@avon.org

Sandra Mutchler, Chief Operations Officer

Eagle County Schools
Office: 970-328-2747
Cell: 970-435-5939
Fax: 970-328-1024
E-Mail Address:

3. **EMERGENCY INFORMATION.** Avon shall safeguard the use of and access to information regarding any emergency situations involving the District, provided that Avon shall at all times comply with the Colorado Open Records Act, CRS § 24-72-201 *et. seq.*
4. **CONSTRUCTION AND IMPROVEMENT OF BUS STOPS.** The Parties agree that Avon shall use \$25,000 in funds received by the Avon as cash-in-lieu of school site land dedication for the construction or improvement of the Bus Stops.
5. **TERM AND TERMINATION.** This Agreement will be effective as of the effective date stated above and will continue until terminated. If either Party fails to substantially perform the duties and obligations set forth in this Agreement, either Party may terminate this Agreement upon seven (7) days written notice to the other Party, unless that Party cures the breach within the seven (7) day remedy period. Either Party may terminate this Agreement without cause upon providing thirty (30) days written notice to the other Party.
6. **MODIFICATION.** This Agreement contains the entire agreement between the Parties, and no agreement shall be effective to change, modify, or terminate in whole or in part unless such agreement is in writing and duly signed by the Party against whom enforcement of such change, modification, or termination is sought.
7. **INTERPRETATION.** This Agreement shall be interpreted under applicable Colorado law.
8. **LIABILITY.** The District, its officers and employees, shall not be deemed to assume any liability for intentional or negligent acts, errors, or omissions of Avon or of any officer or employee thereof. Likewise, Avon, its officers and employees, shall not be deemed to assume any liability for intentional or negligent acts, errors or omissions of the District or by any officer or employee thereof.
9. **NO WAIVER OF GOVERNMENTAL IMMUNITY.** Nothing in this Agreement shall be construed to waive, limit, or otherwise modify any governmental immunity that may be available by law to the Avon or the District, its officials, employees, contractors, or agents, or any other person acting on behalf of Avon or the District and, in particular, governmental immunity afforded or available pursuant to the Colorado Governmental Immunity Act, C.R.S. § 24-10-101 *et seq.*
10. **NO THIRD PARTY BENEFICIARIES.** Nothing contained in this Agreement is intended to or shall create a contractual relationship with, cause of action in favor of, or claim for relief for, any third party, including any agent, sub-consultant or sub-contractor of Avon or District. Absolutely no third party beneficiaries are intended by this Agreement. Any third-party receiving a benefit from this Agreement is an incidental and unintended beneficiary only.

EAGLE COUNTY SCHOOL DISTRICT RE-50J

Name / Title

Date

ATTEST

Secretary

TOWN OF AVON

Jennie Fancher, Mayor

Date

ATTEST

Debbie Hoppe, Town Clerk

APPROVED TO FORM:



Eric J. Heil, Town Attorney

INTERGOVERNMENTAL AGREEMENT

Between

Eagle County School District RE-50J and the Town of Avon

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Jane Burden, Transportation Manager
Office 970-748-4111
Cell 970-390-2014
Fax 970-845-8589
E-Mail Address: jburden@avon.org

Sandra Mutchler, Chief Operations Officer

Eagle County Schools
Office: 970-328-2747
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EAGLE COUNTY SCHOOL DISTRICT RE-50J

Name / Title

Date

ATTEST

Secretary

TOWN OF AVON

Jennie Fancher, Mayor

Date

ATTEST

Debbie Hoppe, Town Clerk

APPROVED TO FORM:

Eric J. Heil, Town Attorney



TOWN OF AVON, COLORADO
AVON MEETING MINUTES FOR TUESDAY, SEPTEMBER 21, 2016
AVON TOWN HALL, ONE LAKE STREET

1. A CALL TO ORDER & ROLL CALL

Mayor Fancher called the meeting to order at 5:31 p.m. A roll call was taken and Council members present were Sarah Smith Hymes, Scott Prince, Megan Burch, Matt Gennett, and Jake Wolf. Buz Reynolds was absent. Also present were Town Manager Virginia Egger, Town Attorney Eric Heil, Police Chief Greg Daly, Town Engineer Justin Hildreth, Executive Assistant to the Town Manager Preston Neill and Town Clerk Debbie Hoppe.

2. APPROVAL OF AGENDA

There were no changes to the agenda.

3. PUBLIC COMMENT

No public comments made.

4. PRESENTATION – NATIONAL NIGHT OUT COMMUNITY RECOGNITION (POLICE CHIEF GREG DALY)

START TIME: 00:01:07

5. ACTION ITEM

START TIME: 00:19:52

5.1. PUBLIC HEARING SECOND READING OF ORDINANCE 16-18, TO APPROVE DEED AND EASEMENTS FOR TRACT O AND LOT 39, BLOCK 4, WILDRIDGE (PLANNING DIRECTOR MATT PIELSTICKER)

Mayor Fancher opened the Public Hearing and no comments were made. Councilor Gennett moved to approve second and final reading of Ordinance No. 16-18 approving the conveyance of a portion of Tract O and the acquisition of a portion of Lot 39, Wildridge Subdivision, Avon, Colorado; Councilor Burch seconded the motion and it passed unanimously by those present. Councilor Reynolds was absent.

6. WORK SESSION

START TIME: 00:21:10

6.1. DIRECTION CONCERNING TERMINATION OF THE BENCHMARK PROTECTIVE COVENANTS (TOWN ATTORNEY ERIC HEIL)

7. CONSENT AGENDA

Start Time: 00:25:30

7.1. APPROVAL OF THE SEPTEMBER 13, 2016 MINUTES (TOWN CLERK DEBBIE HOPPE)

7.2. APPROVAL TO CONSTRUCT THE BUCK CREEK TRAIL CONNECTOR WITH FUNDS FROM THE 2016 SOFT AND HARD TRAIL IMPROVEMENTS BUDGET IN THE CAPITAL PROJECTS FUND (ENGINEER JUSTIN HILDRETH)

Councilor Burch moved to approve the consent agenda; Councilor Gennett seconded the motion and it passed unanimously by those present. Councilor Reynolds was absent.



TOWN OF AVON, COLORADO
AVON MEETING MINUTES FOR TUESDAY, SEPTEMBER 21, 2016
AVON TOWN HALL, ONE LAKE STREET

8. WORK SESSION

START TIME: 00:35:59

8.1. DISCUSSION OF THE REVIEW OF THE TOWN OF AVON SPECIAL EVENT VENUE AND FUNDING INVESTMENTS FOR THE PERIOD JANUARY 2013 – AUGUST 2016 AND DIRECTION FOR FUTURE PROGRAMMING AND FUNDING (FESTIVALS & SPECIAL EVENTS DIRECTOR DANITA DEMPSEY)

Scott Stoughton, Tom Dobrez, Krista Benedetti, Lee Sims-Dobrez and Michael Cacioppo commented.

9. WRITTEN REPORTS

9.1. GIFT REPORTING –LAKE STREET UNION FESTIVAL DAY PASSES
(EXECUTIVE ASSISTANT TO THE TOWN MANAGER PRESTON NEILL)

10. ADJOURNMENT

There being no further business to come before the Council, the regular meeting adjourned at 10:23 p.m.

RESPECTFULLY SUBMITTED:

Debbie Hoppe, Town Clerk

APPROVED:

Jennie Fancher	_____
Jake Wolf	_____
Matt Gennett	_____
Megan Burch	_____
Albert “Buz” Reynolds	_____
Scott Prince	_____
Sarah Smith Hymes	_____