PLANNING & DEVELOPMENT
MEMORANDUM
11-22

December 8th, 2011

TO: Honorable Mayor Joyce Downing and City Council members

FROM: William A. Simmons, City Manager WAS
Brook Svoboda, Director of Planning & Development BS

SUBJECT: CB-1760 an Ordinance to extend the United Power Franchise Agreement for one-hundred-eighty (180) days.

RECOMMENDATION:
Attached to this memorandum is a proposed ordinance which, if approved, would extend the current Franchise Agreement with United Power 180 calendar days.

Staff recommends: A motion to approve CR-149, a resolution setting the Public Hearing for CB-1760 for December 15th, 2011, an ordinance extending the United Power Franchise Agreement one-hundred-eighty (180) days.

BACKGROUND:
The United Power Franchise Agreement affects the Section 36 annexed property within the City of Northglenn – all other areas within Northglenn are served by XCEL Energy and not subject to this franchise agreement.

The City's current franchise agreement with United Power is set to expire on January 1st, 2012. Based on the negotiation process, Staff is recommending extending the current franchise agreement 180 days to finalize the franchise agreement. Staff has confirmed the time extension with United Power's District Representative, Jason Maxey.

The time extension is the only modification being requested under this ordinance. Once the negotiations process is completed, Staff will present the request for renewal of the franchise agreement, including a presentation outlining the specific changes to the terms and conditions of the agreement.

POTENTIAL OBJECTION:
City Staff is not aware of any specific opposition to the proposed ordinance.

BUDGET/TIME IMPLICATIONS:
This request has no budgetary impacts.

STAFF REFERENCE:
If Council members have any comments or questions they may contact me at bsvoboda@northglenn.org or 303.450.8937; or Corey Hoffmann at cyhoffmann@hphclaw.com.

SPONSORED BY: MAYOR DOWNING

COUNCILMAN'S BILL ORDINANCE NO.

No. CB-1760
Series of 2011

Series of 2011

A BILL FOR A SPECIAL ORDINANCE EXTENDING THE CURRENT FRANCHISE WITH UNITED POWER INC. FOR ONE HUNDRED EIGHTY (180) DAYS

WHEREAS, the City and United Power, Inc. entered into a franchise agreement evidenced by the adoption by the City of Ordinance No. 1036, finally approved on October 24, 1991, which franchise agreement commenced on the first day of January, 1992, and continues for a twenty (20) year term;

WHEREAS, the City and United Power, Inc. are engaged in negotiations regarding a new franchise agreement; and

WHEREAS, Section 11.5(a) of the City of Northglenn Home Rule Charter authorizes an extension of the franchise by ordinance of the City.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The term of the franchise granted to United Power, Inc. by the City of Northglenn, as set forth in Section 1.3 of the Franchise Agreement approved by Ordinance No. 1036, is hereby extended for one hundred eighty (180) days, thereby terminating on June 28, 2012.

Section 2. United Power shall file with the City Clerk its written acceptance of the one hundred eighty (180) day extension of the franchise within ten (10) days of the City Council's final approval of this Ordinance.

INTRODUCED, READ AND ORDERED POSTED this ____ day of _____, 2011.

JOYCE DOWNING
Mayor

ATTEST:

JOHANNA SMALL, CMC
City Clerk

PASSED ON SECOND AND FINAL READING this ____ day of _____, 2011.

_____
JOYCE DOWNING
Mayor

ATTEST:

_____
JOHANNA SMALL, CMC
City Clerk

APPROVED AS TO FORM:

_____
COREY Y. HOFFMANN
City Attorney