

RECORD OF PROCEEDINGS

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL OF GLENDALE, COLORADO

January 7, 2014

Mayor Dunafon led the Pledge of Allegiance.

1. Call to Order and Roll Call. Mayor Dunafon called the regular meeting of the City Council to order. Sherry Frame, City Clerk, called the roll. The following Council Members were present: Mayor Dunafon, Mayor Pro Tem Paula Bovo, and Council Members Jeff Allen, Scott Franssen, Dario Katardzic, Ricky King, and Pat Oppen. Also attending the meeting were City Manager Jerry Peters, City Attorney Jeff Springer, other members of the City staff, and members of the public.

2. Approval of Agenda. Council Member King moved to approve the agenda. No second was necessary, and the motion passed unanimously.

3. Public Comments. Former Council Member Dan Van Winkle, 4583 East Kentucky Circle, addressed Council on the recent fire in the City. He questioned the timing of the clean-up operations at the fire site. A large pile of wood, melted tires, containers, debris, etc. sits near his front door. He feels the more water falls on the debris, the more ash goes into the sewers. Chuck Line, Deputy City Manager, said he has spoken with the developer, who had to get bids for the demolition. That process is nearly complete. Clean-up is expected to take two to three weeks. An industrial hygienist has been retained regarding air quality. Tests of the materials show no danger if airborne. Mayor Dunafon said a town hall meeting was held by the City within days of the three-alarm fire, and the ATF investigation took three weeks to complete. Captain Mike Gross distributed the insurance forms needed by anyone affected by the fire. The Mayor said everything is being and will be done to expedite the clean-up process. Mr. Van Winkle thanked the police and fire departments for their work.

4. Consent Items

- a. Minutes of the December 3, 2013 Regular Meeting
- b. Renewal of Hotel and Restaurant Liquor License for BP Premium Food and Beverage LLC d/b/a Caitlin's Breakfast, Lunch and Catering at 4379 East Mississippi Avenue
- c. Renewal of Retail Liquor Store License for Cost Plus, Incorporated, d/b/a Cost Plus World Market, 770 South Colorado Blvd.
- d. Renewal of Hotel and Restaurant Liquor License for Applebee's Neighborhood Grill and Bar, 410 South Colorado Blvd.

Mayor Pro Tem Bovo moved to approve the consent items. Council Member King seconded the motion. The motion then passed unanimously.

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5. Matthew Poffel, New Manager's Registration, Apple Colorado, LLC, d/b/a Applebee's Neighborhood Grill & Bar, 410 South Colorado Blvd. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same.

Chief Haskins told Council a background investigation showed no criminal activity for Mr. Poppel or for Applebee's. He recommended approval of the new manager's registration. Matthew Poppel appeared before Council. He has been with Applebee's for 13 years and previously worked with Mr. Crane at the Glendale location.

Council Member King moved to approve the New Manager's Registration for Matthew Poffel, Apple Colorado, LLC, d/b/a Applebee's Neighborhood Grill & Bar, 410 South Colorado Blvd. Council Member Allen seconded the motion, and the motion passed unanimously.

6. David Pearson, New Manager's Registration, Jax Fish House CitySet, LLC, d/b/a Jax Fish House, 650 South Colorado Blvd. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same.

Chief Haskins told Council a background investigation showed no criminal activity for Mr. Pearson or for Jax Fish House. He recommended approval of the new manager's registration. David Pearson appeared before Council. He has been at the Glendale location for 2 ½ months; he was previously with Landry's Seafood downtown for 12 years. He discussed the changes to the rooftop, which will be complete by spring.

Council Member Allen moved to approve the New Manager's Registration for David Pearson, Jax Fish House CitySet, LLC, d/b/a Jax Fish House, 650 South Colorado Blvd. Council Member Katardzic seconded the motion, and the motion passed unanimously.

7. Sean Baker, New Manager's Registration, Glendale Restaurant Concepts, LP, d/b/a The Penthouse Club, 4451 East Virginia Avenue. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same.

Chief Haskins told Council a background investigation showed no criminal activity for Mr. Baker or for The Penthouse Club. He recommended approval of the new manager's registration. Dan Carr (Attorney No. 8224) from Dill Dill Stonbraker Hutchings appeared before Council on behalf of Mr. Baker. He said Mr. Baker worked for the company for 18 years and has just returned from Texas, where he was a manager. He worked as a manager at The Penthouse Club from 2004 to 2009.

Sean Baker appeared before Council and said he plans to put more organization in place at the club and do some basic training.

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Council Member Katardzic moved to approve the New Manager's Registration for Sean Baker, Glendale Restaurant Concepts, LP, d/b/a The Penthouse Club, 4451 East Virginia Avenue. Council Member Allen seconded the motion, and the motion passed unanimously.

8. Public Hearing on New Beer and Wine License, Fast Casual Pizza Denver IV, LLC, d/b/a Live Basil Pizza, 1128 South Colorado Blvd. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same. The Mayor opened the public hearing on the matter.

Chuck Line said the license being applied for does not cover the service of hard alcohol – only beer and wine, and the application submitted is complete. Kelly Pietrs, owner of Esquire Petitioning Services, appeared before Council and explained how Esquire conducted the petition circulation process. Of the 609 door knocks, Esquire collected 174 signatures; 146 of the signatures were from residents and 27 from business owners/managers. One person opposed the issuance of the liquor license, as she does not drink alcohol. Given her 17 years experience in the industry, Ms. Pietrs said the outcome of the petition showed evidence of a solid need for the issuance of the beer and wine license.

Tommy Vineset, who will be District Manager, appeared before Council. He is overseeing two operations at present: Hampden and 104th Avenue. Live Basil is a fast casual business, serving pizza within five minutes, as well as beer and wine. Employees will go through TIPS training; all managers will immediately go through training upon hire. Employees will go to the Lakewood Police Department for their free training program. Mayor Pro Tem Bovo questioned whether it was the company's intention to not serve alcohol on the patio, as the site plan illustrated. Mr. Line said the plan could be modified to include the patio in the service area, if applicant wished, as long as the patio area had a barrier around it. Mr. Vineset requested to modify the premises. The Mayor closed the public hearing.

Council Member Allen moved to approve the New Beer and Wine License for Fast Casual Pizza Denver IV, LLC, d/b/a Live Basil Pizza, 1128 South Colorado Blvd., to include the modification of premises. Council Member King seconded the motion, and the motion passed unanimously.

9. Declaration of Vacancy on Planning Commission and Appointment of New Planning Commissioner. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same. Mr. Line said one of the Planning Commissioners may be moving out of the City and who has not attended a meeting since August 2013.

Council Member Franssen moved to declare a vacancy on the Planning Commission. Council Member Allen seconded the motion, and the motion passed unanimously.

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The Mayor said interviews were previously held, at which time Elizabeth Bonney was questioned. Ms. Bonney again appeared before Council. She lives at 960 South Dahlia Street and is an attorney at a personal injury law firm.

Mayor Pro Tem Bovo moved to appoint Elizabeth Bonney to the Planning Commission. Council Member Katardzic seconded the motion, and the motion passed unanimously.

Elizabeth Bonney swore an oath, administered by Mayor Dunafon.

10. Public Hearing on the Concurrent Preliminary and Final Site Plan, Special Use Permit, and Open Space Variance for SWC Leetsdale and Cherry Street at 4550 and 4590 Leetsdale Drive. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same. The Mayor opened the public hearing on the matter.

Chuck Line said the site plan is for the redevelopment of the corner of Leetsdale Drive and Cherry Street for a Rite Aid and a bank and other single or multiple tenant(s). The space is roughly 5,000 square feet. The Planning Commission has reviewed the plan and recommends approval of the site plan, open space variance, and special use permit by Council, with the conditions outlined in the staff memo. The site previously housed the Four Mile Bar and a group of old buildings housing the "Psychic Reading Lady." The grade on the site is extreme, which has delayed redevelopment. A lot of dirt work will need to be performed, as well as the erection of retaining walls. At present, there are multiple ingress points off Leetsdale Drive. All of these access points will be consolidated into one access point, and a large improvement will be made to Cherry Street. At present, one southbound lane turns into Cherry Street from Leetsdale Drive with one left-hand turn and one right-hand turn at the three-way intersection **heading north**. The proposal would widen the intersection on both sides and add one additional turn lane – for two lefts and one right or two rights and one left, most likely two left-hand lanes on a left arrow. Mr. Line said the improvements will benefit Leetsdale Drive and the stacking that occurs at King Soopers. There will be an entrance/exit to the Rite Aid development when traveling southbound on Cherry Street, off Leetsdale. One of the four remaining billboards in the City will be removed; the City has strived to remove billboards since 1972. The open space variance would allow for less than 20% open space required by Code. Mitigating circumstances include the loss of open space to accommodate the additional roadway and the use of vertical greenery on the retaining walls.

Jimmy Balfour from Kentro Group addressed Council. He said there was as of yet no signed letter of intent for the extra space in the development. Key Bank was interested at one point, as was T-Mobile. Until there is finalization with a tenant or tenants, the developer will remain flexible with the plans.

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The Mayor closed the public hearing. Mayor Pro Tem Bovo moved to approve the Concurrent Preliminary and Final Site Plan, Special Use Permit, and Open Space Variance for SWC Leetsdale and Cherry Street at 4550 and 4590 Leetsdale Drive. Council Member Franssen seconded the motion, and the motion passed unanimously.

11. Update on the Model Traffic Code. Sherry Frame, City Clerk, reminded Council that the first reading of the 2010 Model Traffic Code was done by the body at the November 2013 meeting. She said there were specific statutory requirements for notice provisions, and The Villager had not timely published the required notices. Therefore, Council was asked to reschedule the final reading of the ordinance to the February 2014 meeting, after proper notice was been accomplished.

Council Member Katardzic moved to approve to set the Public Hearing on Ordinance No. 5, Series of 2013, an Ordinance of the City Council of the City of Glendale, Colorado, Repealing the 1995 Edition of the Model Traffic Code for Colorado and Its Additions and Amendments and Adopting the 2010 Model Traffic Code and Its Additions and Amendments for February 4, 2014. Council Member Opper seconded the motion, and the motion passed unanimously.

12. Public Hearing on Ordinance No. 15, Series of 2013, an Ordinance of the City Council of the City of Glendale, Colorado, Amending Section 9.24.080, Indecent Exposure, to Charge Indecent Exposure as a Petty Offense. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same. The Mayor opened the public hearing.

Chuck Line said that when a person is currently in a state of undress in a public place, they can be charged with public indecency – a petty offense – or with indecent exposure – a Class 1 misdemeanor. If the occurrence is a second offense of public indecency or a first offense of indecent exposure, registration as a sex offender is required. If someone urinates in public, they can be charged with these crimes -- destroying their life -- which was surely not the intention when the law was written. Changing the section would allow Glendale police officers to charge a petty offense of public nudity, which has a \$100 fine and does not carry the sexual offender registration requirement. Conditions of being charged with public nudity are 1) being in a public place, 2) where it would be reasonably expected the nudity would be viewed by member of the public. Attorney Jeff Springer said he believes the ordinance change makes a lot of sense, given the stigma that comes with sex offender registration, especially when a young person makes just one mistake in judgment.

The Mayor closed the public hearing. Mayor Pro Tem Bovo moved to approve Ordinance No. 15, Series of 2013, an Ordinance of the City Council of the City of Glendale, Colorado,

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Amending Section 9.24.080, Public Nudity. Council Member Allen seconded the motion, and the motion passed unanimously.

13. Public Hearing on Ordinance No. 16, Series of 2013, an Ordinance of the City Council of the City of Glendale, Colorado, Adopting a Budget for the City of Glendale, Colorado, for the Calendar Year 2014, Estimating the Amount of Money Necessary to be Raised by Tax Levy Based on the Said Budget so Adopted; Estimating the Amount of Money to be Derived From Other Revenue Sources; and Setting Forth the Total Expenditures for Each Fund. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same. The Mayor opened the matter for public hearing.

Linda Cassaday, Deputy City Manager and Finance Director, said this ordinance sets the budget ordinance that sets the budget for all funds of the City for 2014. Budgeted revenues over budgeted spending should be over \$215,000. She thanked all of the departments for their work and said the City is in good financial condition. The Mayor congratulated Ms. Cassaday and closed the public hearing.

Council Member Opper moved to approve Ordinance No. 16, Series of 2013, an Ordinance of the City Council of the City of Glendale, Colorado, Adopting a Budget for the City of Glendale, Colorado, for the Calendar Year 2014, Estimating the Amount of Money Necessary to be Raised by Tax Levy Based on the Said Budget so Adopted; Estimating the Amount of Money to be Derived From Other Revenue Sources; and Setting Forth the Total Expenditures for Each Fund. Mayor Pro Tem Bovo seconded the motion, and the motion passed unanimously.

14. Public Hearing on Ordinance No. 17, Series of 2013, an Ordinance of the City Council of the City of Glendale, Colorado, Appropriating Sums of Money to Defray Expenses and Liabilities of the City of Glendale for the City's Calendar Year 2014. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same. The Mayor opened the public hearing.

Linda Cassaday said this ordinance gives the City the authority to spend the funds just approved, by appropriating those sums of money. The total budget is \$29.6 million over all funds, with \$20 million in the General Fund. The Mayor closed the public hearing.

Mayor Pro Tem Bovo moved to approve Ordinance No. 17, Series of 2013, an Ordinance of the City Council of the City of Glendale, Colorado, Appropriating Sums of Money to Defray Expenses and Liabilities of the City of Glendale for the City's Calendar Year 2014. Council Member Katardzic seconded the motion, and the motion passed unanimously.

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15. Public Hearing on Ordinance No. 18, Series of 2013, an Ordinance of the City Council of the City of Glendale, Colorado, Levying Taxes for the Year 2013 to Defray the Costs of the Municipal Government of the City of Glendale, Colorado, for the Calendar Year Beginning January 1, 2014, and Ending December 31, 2014. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same. The Mayor opened the public hearing.

Linda Cassaday said this ordinance sets the mill levy for property taxes within the City. The total assessed value of property within the City is approximately \$125 million. The mill levy will raise approximately \$2.3 million for 2013, to be collected in 2014. The Mayor closed the public hearing.

Council Member Opper moved to approve Ordinance No. 18, Series of 2013, an Ordinance of the City Council of the City of Glendale, Colorado, Levying Taxes for the Year 2013 to Defray the Costs of the Municipal Government of the City of Glendale, Colorado, for the Calendar Year Beginning January 1, 2014, and Ending December 31, 2014. Mayor Pro Tem Bovo seconded the motion, and the motion passed unanimously.

16. Public Hearing on Ordinance No. 19, Series of 2013, an Ordinance of the City Council of the City of Glendale, Colorado, Revising the Water Rates and Fees of the Water Enterprise. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same. The Mayor opened the public hearing.

Linda Cassaday said Denver Water has announced an increase of 3.67%. Accordingly, Glendale will pass that increase on to its customers at a rate of 4%. This allows the City to maintain the water system for which it is responsible. The Mayor closed the public hearing.

Council Member Franssen moved to approve Ordinance No. 19, Series of 2013, an Ordinance of the City Council of the City of Glendale, Colorado, Revising the Water Rates and Fees of the Water Enterprise. Council Member King seconded the motion, and the motion passed unanimously, with Council Member Katardzic on recess during the vote.

17. Introduction of Ordinance No. 20, Series of 2013, an Ordinance of the City Council of the City of Glendale, Colorado, Revising the Bimonthly Sewer User Fees and Sewer Connection Fees of the Wastewater Enterprise. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same. The Mayor opened the public hearing.

Linda Cassaday said wastewater fees are being raised due to Metro Wastewater's increase of 19%. The City is passing through only 14%, as it feels 19% is too steep an increase – defraying

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the cost to its citizens of 5%. This allows the City to meet debt service coverage ratios required by the wastewater loan with the state. The Mayor closed the public hearing.

Council Member Franssen moved to approve Ordinance No. 20, Series of 2013, an Ordinance of the City Council of the City of Glendale, Colorado, Revising the Bimonthly Sewer User Fees and Sewer Connection Fees of the Wastewater Enterprise. Council Member King seconded the motion, and the motion passed unanimously. Council Member Katardzic returned to the dais.

18. Introduction of Ordinance No. 21, Series of 2013, an Ordinance of the City Council of the City of Glendale, Colorado, Amending the Sums of Money Appropriated to Defray Expenses Budgeted for the City of Glendale, Colorado, for the Calendar Year Beginning January 1, 2013, and Ending December 31, 2013. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same. The Mayor opened the public hearing.

Linda Cassaday said this ordinance amends the budget for 2013 to incorporate costs not contemplated at the time of the approval of the 2013 budget, i.e., sale of the Reynolds property at Mississippi and Birch for \$1 million and increases in sales and use tax. Expenses not contemplated were from the condemnation of the Shotgun Willie's property. The Mayor closed the public hearing.

Mayor Pro Tem Bovo moved to approve Ordinance No. 21, Series of 2013, an Ordinance of the City Council of the City of Glendale, Colorado, Amending the Sums of Money Appropriated to Defray Expenses Budgeted for the City of Glendale, Colorado, for the Calendar Year Beginning January 1, 2013, and Ending December 31, 2013. Council Member Opper seconded the motion, and the motion passed unanimously.

19. Introduction of Ordinance No. 1, Series of 2014, an Ordinance of the City Council of the City of Glendale, Colorado, Repealing Chapter 5.08, Community Antenna Television System. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same.

Chuck Line said this section was written when CATV systems were used and not satellites. Currently, these types of systems are done through a franchise agreement and not this kind of licensing. The entire chapter on pre-satellite transmission should be repealed.

Council Member Allen moved to approve Ordinance No. 1, Series of 2014, an Ordinance of the City Council of the City of Glendale, Colorado, Repealing Chapter 5.08, Community Antenna Television System. Council Member King seconded the motion, and the motion passed unanimously.

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20. Discussion Items

a. Review of the Next City Council Meeting Agenda. Council reviewed the February 4, 2014, agenda.

21. On-Going Updates.

- a. Denver Regional Council of Governments. No report.
- b. Colorado Municipal League. No report.
- c. Transportation Solutions. No report.
- d. Regional Transportation District. No report.
- e. Green Committee. Council Member King said Whole Foods recently recycled Christmas trees and electronics.
- f. Infinity Park. Linda Cassaday said that as of January 7, 2014, the Event Center is booked for 35% of the 2014 budget. The first 2016 prom has been booked. The new rugby season starts on March 1st. The coming Pacific Rugby Premiership is the best in the country, and rugby season tickets will be sold for the first time.
- g. RiverWalk. Captain Gross said the project is now in the leasing phase for the anchor tenants. No tenants can presently be divulged.
- h. Technology & Communication. No report.

22. Department Reports. Chuck Line said a scheduling meeting will soon occur for a new Starbucks. The Kitchen Next Door should open in February/March. The CitySet project will operate under common consumption regulations this coming summer. Captain Gross said a meeting is coming up with Denver Fire and ATF on the 801 South Cherry Street fire. Chief Haskins said two new officers are presently in training and the hiring of two new officers will follow. The final ATF report on the fire will take several months. The Mayor announced Debbie Ford from the YMCA will be resigning, to spend time with her grandchildren. She said her last day will be February 28th. She will make further remarks at the next Council meeting. The Mayor thanked her for her service and for her assistance with filling her position.

23. Public Comments. There were no public comments.

24. Council Reports. Council Members congratulated new Planning Commissioner Elizabeth Bonney, the Police Department and City for their response to the fire, Public Works for their snow and ice removal and their fixing of all the water breaks, and retiring Debbie Ford. Mayor Dunafon said 2013 was a great year for everyone – for the City’s rugby program, who fought to play games in the first place; for the Event Center, where events are being booked into 2016; for the Police Department, which is the finest. He said, “We are focused and ready to go toward River Walk. It will be very, very exciting over the next few years in this petri dish of Glendale,

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where America really lives. One thing we can do for America is lead the way by showing the rest of them it can be done. I am very, very proud to be part of this.”

25. Other Business. There was no other business.

26. Items for Press Release. There were no items for press release.

27. Adjournment. The Mayor adjourned the meeting.

Dated: 2/4/14



Mike Dunafon, Mayor

ATTEST:



Sherry Frame, City Clerk