

RECORD OF PROCEEDINGS

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

May 7, 2013

Council Member Dario Katardzic 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, Deputy 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. Mayor Pro Tem Bovo moved to approve the agenda. Requiring no second, the motion passed unanimously.

3. Public Comments. Linda Gornbein spoke to City Council about the pedestrian right-of-way at the corner of Cherry Street and East Tennessee Avenue. Mr. Line said options for greater pedestrian safety at the Cherry Street and East Tennessee Avenue intersection will be presented at the next Council meeting.

4. Consent Items

- a. Minutes of the April 2, 2013 Regular Meeting
- b. Renewal of Retail Liquor Store License for Choe Steve Allen d/b/a Square One Liquors at 4090 East Mississippi Avenue
- c. Renewal of Hotel and Restaurant Liquor License for Icon Burger Acquisition 2006-2, LLC d/b/a Smashburger at 1120 South Colorado Blvd.
- d. Proclamation, National Kids to Parks Day 2013

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

5. Proclamation, Paul Ryan. Mr. Line said the proclamation would honor Paul Ryan, Internal Governmental Affairs Director for the City of Denver, who passed away in April. Mr. Line said Mr. Ryan was a friend to the City of Glendale and the region. Council took turns reading the Proclamation into the meeting record.

6. Renewal of Drugstore Liquor License for Target Corporation d/b/a Supertarget T-1806 at 4301 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 read a report into the record on his investigation of Target Corporation d/b/a Supertarget T-1806.

Based on the background investigation and with the consent of the Mayor and City Council, Chief Haskins recommended Renewal of the Liquor License for Supertarget T-1806. He also

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Based on his investigation and with the consent of the Mayor and City Council, Chief Haskins recommended approval of the special event permit.

Marianne Anton, President of the Parish Council of the Assumption Greek Orthodox Cathedral, appeared before Council. The Mayor closed the public hearing.

Mayor Pro Tem Bovo moved to approve the Hellenic Orthodox Community of Denver's Special Event Permit for The Daughters of Crete Glendi on May 25, 2013, at 4610 East Alameda Avenue. Council Member Allen seconded the motion, and the motion passed unanimously.

9. Public Hearing on The Hellenic Orthodox Community of Denver Special Event Permit for the Annual Greek Festival on June 13, 14, 15, and 16, 2013, at 4610 East Alameda Avenue. 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. Chief Haskins read a report into the record on his investigation on The Hellenic Orthodox Community of Denver and the related applicants.

Based on his investigation and with the consent of the Mayor and City Council, Chief Haskins recommended approval of the special event permit.

Marianne Anton appeared before Council. A new event map was submitted. The Mayor closed the public hearing.

Mayor Pro Tem Bovo moved to approve the Hellenic Orthodox Community of Denver's Special Event Permit for the Annual Greek Festival on June 13, 14, 15, and 16, 2013, at 4610 East Alameda Avenue. Council Member Franssen seconded the motion, and the motion passed unanimously.

10. Public Hearing on Rocky Mountain Immigrant Advocacy Network Special Event Permit for the AILA Benefit Committee Event on May 16, 2013, at 4610 East Alameda Avenue. 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. Chief Haskins read a report into the record on his investigation on Rocky Mountain Immigrant Advocacy Network and the related applicants.

Based on his investigation and with the consent of the Mayor Pro Tem and City Council, Chief Haskins recommended approval of the special event permit.

Byrony Heise, Event Manager, and Patricia Medige, President of the Board of Directors of the Rocky Mountain Immigrant Advocacy Network, appeared before Council. The map submitted with the application was replaced by the same map attached to the paperwork for the Daughters of Crete Glendi special permit discussed earlier. The Mayor Pro Tem closed the public hearing.

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Council Member Katardzic moved to approve the Rocky Mountain Immigrant Advocacy Network Special Event Permit for the AILA Benefit Committee Event on May 16, 2013, at 4610 East Alameda Avenue. Mayor Pro Tem Bovo seconded the motion, and the motion passed unanimously.

11. Public Hearing on New Hotel and Restaurant Liquor License for BSB Colorado #1 LLC d/b/a Big Smoke Burger, 652 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 matter for public hearing. Chief Haskins read a report into the record on his investigation on BSB Colorado #1 LLC and the related applicants. BSB Colorado #1 LLC is a Limited Liability Corporation owned by John Cameron Tune. The business name will be registered and doing business as Big Smoke Burger; the Operating Manager will be Kenneth Alan King.

Based on his investigation and pending Council comments, Chief Haskins recommended approval of the new Hotel and Restaurant License.

John Cameron Tune appeared before Council. Kenneth King and Tina Scott, from Oedipus, also appeared. Ms. Scott said no substantial negative comments were received during the survey. The Mayor closed the public hearing.

Council Member Franssen moved to approve the New Hotel and Restaurant Liquor License for BSB Colorado #1 LLC d/b/a Big Smoke Burger, 652 South Colorado Blvd. Council Member Katardzic seconded the motion, and the motion passed unanimously.

12. John Deyne, New Manager's Registration for Sonley Lodging LLC d/b/a Residence Inn Cherry Creek, 670 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 read a report into the record on his investigation on Sonley Lodging d/b/a/ Residence Inn Cherry Creek. The new operating manager will be John Deyne of Thornton, Colorado.

Based on his investigation and with the consent of the Mayor and City Council, Chief Haskins recommended approval of the New Manager Registration.

John Deyne appeared before Council. Mayor Pro Tem Bovo asked how staff would ensure anyone drinking liquor is over 21. Mr. Deyne said that 12 of the 13 staffers have attended TIPS training. Only management will be serving drinks and will always be present during social hours. He said the rule-of-thumb is that if someone looks under 50, they will be required to show an ID.

Mayor Pro Tem Bovo moved to approve the New Manager's Registration of John Denley for Sonley Lodging d/b/a Residence Inn Cherry Creek, 670 South Colorado Blvd. Council Member King seconded the motion, and the motion passed unanimously.

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13. Reappointment of Certain Planning Commissioners. Mr. Line said that Joe Giglio's term expired in April; he is eligible for another three-year appointment -- to 2016.

Mr. Line said Alyssa Knutson has resigned from the Planning Commission, and he suggested that Joe Giglio's term be extended for three years, or 2016, and the person replacing Ms. Knutson should serve until 2015.

Joe Giglio appeared before Council. He said that he is indeed interested in serving another three-year term on the Planning Commission.

Council Member Katardzic moved to approve the reappointment of Joe Giglio to a three-year term on the Planning Commission, to expire in April 2016. Mayor Pro Tem Bovo seconded the motion, and the motion passed unanimously.

Council Member Allen moved to approve the reappointment of Mayor Mike Dunafon and Mayor Pro Tem Paula Bovo to another one-year term as Council's ex-officio members to the Planning Commission, to expire in April 2014. Council Member Ricky King seconded the motion, and the motion passed unanimously.

14. Resolution No. 3, Series of 2013, a Resolution of the City Council of the City of Glendale, Colorado, Approving a Substantial Modification of the Glendale Urban Renewal Plan. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same.

Mr. Line said the Glendale Urban Renewal Plan was passed in 2004; it originally encompassed 170 acres. The Plan has since been modified twice, reducing the area by taking out two properties. These were minor amendments to the Plan. Mr. Line said the proposed section to be deleted from the current Plan results in a substantial modification. The process for removing the parcel is the same as for approving a new plan, minus the requirement of a Conditions Survey. The acreage remaining in the Plan, if approved, will be 100 acres.

Mr. Line said that notice, containing an impact study, was delivered to the Arapahoe County Commissioners, as required by statute, and was published on Friday, April 5, 2013, in the Denver Post. He said that staff mailed approximately 1,000 notices to Glendale residents on April 5, 2013. Mr. Line asked Ms. Frame if she noticed all business owners, residents, and property owners in the City of Glendale, and she said she did.

Attorney Malcolm Murray appeared before Council and said that all procedural requirements were met.

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Council Member Franssen moved to approve Resolution No. 3, Series of 2013, a Resolution of the City Council of the City of Glendale, Colorado, Approving a Substantial Modification to the Glendale Urban Renewal Plan. Council Member Allen seconded the motion, and the motion passed unanimously.

15. Public Hearing on Riverwalk Urban Renewal Plan. The Mayor opened the public hearing. Mr. Line said the Riverwalk Urban Renewal Plan area covers a little over 45 acres. Notice was sent on April 5, 2013, to all business owners, residents, and property owners in this plan area. The Urban Renewal Plan, the Conditions Survey, and the Impact Report went sent to the Arapahoe County Commissioners on April 5, 2013, more than 30 days prior to the hearing.

Mr. Line referred to Page 3 of the Conditions Survey and pointed out a jutting piece of property in the bottom right-hand corner, in Parcel 37. He said this small area was cut from the Plan, so the Plan's east boundary became Cherry Street. To add the area would have lengthened the property's legal description considerably, and the area will never be developed commercially, as it is under the Creek.

Bill Cunningham from Ricker Cunningham appeared before Council. He said the Conditions Survey is a parcel-by-parcel investigation of the blight factors specified in the Colorado urban renewal statutes. He explained how data is gathered for the survey and listed the 11 factors of blight. He said that when citizens are not coming forward and *asking* for an urban renewal, the existence of four of the eleven factors are sufficient. Ten of the eleven factors were found in the Riverwalk area – not necessarily on every single parcel but in the total area.

Mr. Cunningham said the Riverwalk area boundaries are South Colorado Blvd. on the west, East Virginia Avenue on the south, Cherry Creek South Drive on the north, and Cherry Street on the east. Thirty parcels and their adjacent right-of-ways were investigated and found to have 37 ownerships. Five of the parcels are owned by out-of-state interests – a relatively low percentage. Thirty-three parcels have five or more factors of blight. Mr. Cunningham reviewed the 11 factors of blight. He showed Council a parcel map, called Total Factors, from the Conditions Survey, illustrating the number of blight factors discovered in each parcel of the Riverwalk area.

Mr. Cunningham then presented Council with a table from the Conditions Survey, showing the anticipated tax increment revenues of the development program over a 25-year period. He said a substantial amount of property and sales taxes revenue could be generated from this area.

Mr. Line said the Planning Commission passed a resolution recommending Council approve the Riverwalk Urban Renewal Plan and found the Plan conforms to the 1996 Land Use Master Plan and the later addendums, specifically the Riverwalk addendum.

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The Mayor asked for public comments. Eric Miller, the owner of High Performance Car Wash at 1050 South Cherry Street, and Dorothy Thorngren, Ann Marie Milanazzo, and Jessica Harvey -- all three from 469 South Cherry Street -- appeared before Council. They asked about property values, taxes, eminent domain, past studies on the concept of urban renewal, and the project timeline.

The Mayor closed the public hearing.

16. Resolution No. 4, Series of 2013, a Resolution of the City Council of the City of Glendale, Determining that the Riverwalk Urban Renewal Area is a Blighted Area and Designating Such Area as Appropriate for an Urban Renewal Project and Making Certain Legislative Findings and Approving the Riverwalk Urban Renewal Plan. Council Member Allen moved to approve Resolution No. 4, Series of 2013, a Resolution of the City Council of the City of Glendale, Determining that the Riverwalk Urban Renewal Area is a Blighted Area and Designating Such Area as Appropriate for an Urban Renewal Project and Making Certain Legislative Findings and Approving the Riverwalk Urban Renewal Plan. Council Member King seconded the motion, and the motion passed unanimously.

17. Public Hearing on Ordinance No. 1, Series of 2013, an Ordinance of the City Council of the City of Glendale, Colorado, Amending the Authority of Future Water User Fee Increases Under the Glendale Code of Ordinances. 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, Deputy City Manager/Finance Director, said this ordinance allows the City to pass through any price increases from Denver Water. Denver Water has announced the possibility of a 30% surcharge on excess use of water that will be charged through to the City if any citizens over consume water. The Mayor closed the public hearing.

Mayor Pro Tem Bovo moved to approve Ordinance No. 1, Series of 2013, an Ordinance of the City Council of the City of Glendale, Colorado, Amending the Authority of Future Water User Fee Increases under the Glendale Code of Ordinances. Council Member Allen seconded the motion, and the motion passed unanimously.

18. Discussion Items

a. Review of the Next City Council Meeting Agenda. Council reviewed the June 4, 2013, agenda. Ms. Frame confirmed she would add a discussion item to the agenda on the crossing at East Tennessee and Cherry Street.

19. On-Going Updates.

- a. Denver Regional Council of Governments. No report.
- b. Colorado Municipal League. No report.

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- c. Transportation Solutions. No report.
- d. Regional Transportation District. No report.
- e. Green Committee. No report.
- f. Infinity Park. Ms. Cassaday said the rugby boys' state high school championship is coming up, as well as the first Elite Cup championship. In August, the Park will host the Men's Club Championships, an international women's tournament, and the Serevi 7's. At the beginning of May, the Event Center is at 46% the goal for the year. Proms are being booked into 2015. Saturday nights are booked in 2014, so schools are booking their proms on Friday nights.
- g. Riverwalk. No report.
- h. Technology & Communication. Mayor Pro Tem Bovo said the content upload to the new website is nearly complete. Both the City and Civic Plus have met all deadlines have been met to date.

20. Department Reports. Mr. Bertrand said Public Works is in the process of paving the Spanish Gate parking lot – to be completed within a week. Ms. Cassaday said sales tax is up over 5% over last year's actual and 5% over this year's budget. Lodging tax figures are not as good, which was expected from the closure of the Loews. The City did not expect the Loews to be closed as long as it has been – until the beginning of September. Mr. Peters said Public Works had to clean up tagging paint. He said the footbridge at Kentucky Avenue is well under way and may be completed by May 15th.

21. Public Comments. There were no public comments made.

22. Council Reports. Mayor Pro Tem Bovo said she would be joining Mr. Line and Mayor Dunafon in Washington, D.C., at Accelerate Colorado -- an opportunity to connect with congressional and senatorial representatives.

23. Other Business. Mr. Line said at the April meeting Council allowed the stipulation of a show cause order against Four Mile House Inc. d/b/a Four Mile House. One of stipulations was that a report be submitted to the City on the first day of each month, including: 1) a listing of each employee, hours worked in the past month, date of hire, and date of TIPS training; 2) copies of all TIPS certifications; and 3) a signed acknowledgement of the Operating Procedures. A one-page report was received by the City late, on May 3, 2013, with *some* of the information.

Jack Casey from Four Mile House approached Council. Mr. Line presented Council with an incident report dated April 29, 2013, where Glendale police were called to the business by an employee at approximately 10:30 p.m. Chief Haskins reviewed the report, which stated the employee needed to leave the business because of an emergency and was unable to reach Mr. Casey to inform him that she was doing so. She had no keys to close the business. Police arrived within ten minutes. Two former employees were behind the bar and 10-15 patrons were inside the business. Police told one of the former employees, Casey Schrenk, to close the bar immediately and

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have all patrons leave until Casey or a current employee showed up. Schrenk said she would do so and would wait until someone came back, since the bar could not be locked. No manager of record was on site. Mr. Casey said he got several calls but none were from the business, so he did not answer.

Mayor Dunafon noted that Mr. Casey did not report the incident to Council in his May 1st report. Mr. Line said the consequences of not performing under the stipulation were the closure of the bar for the extra nine days held in abeyance of no further violations and possible revocation of the liquor license due to violation of the conditions of an agreement.

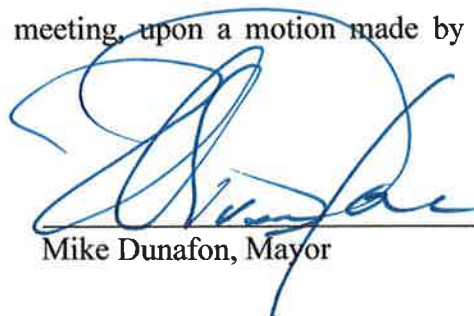
Council told Mr. Casey of their grave concern for public safety. Mr. Springer told Mr. Casey that there is no finding of a violation, only serious concern, and Mr. Casey will have an opportunity to appear before Council, with an attorney, to contest the allegations. Council will make determinations of fact and law. Mr. Springer said Mr. Casey would have all his due process rights and an opportunity to tell his side of the story. Mr. Line said that Mr. Casey will have the opportunity to present witnesses at the show cause hearing.

Council directed Mr. Line to write an order to show cause, consistent with the allegations, to be delivered to Mr. Casey 20 days prior to the next City Council meeting on June 4, 2013, and to post the property 10 days prior to the next City Council meeting.

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

25. Adjournment. Mayor Dunafon adjourned the meeting, upon a motion made by Council Member Allen.

Dated: 6-4-13



Mike Dunafon, Mayor

ATTEST:



Sherry Frame, Deputy City Clerk