
Council Newsletter



CITY MANAGER'S NOTES February 27, 2014

Upcoming Council Meetings

City Council will meet on **Monday, March 3, 2014**. The Study Session will begin at 6:00 p.m. in the Community Room. The Regular Meeting will begin at 7:30 p.m. in Council Chambers. The agendas are attached. Sandwiches will be available.

The **March 10, 2014** City Council meeting has been cancelled. The next City Council meeting will be **Monday, March 17, 2014**.

Informative Memoranda

The following are memoranda in response to City Council's requests, as well as other informational items.

1. Articles concerning panhandling limits and the South Platte Working Group plan.
2. Agenda for the joint meeting of the Englewood and Littleton City Councils on March 20, 2014.
3. Letter concerning an in-kind donation to the Greater Englewood Chamber.
4. Community Development Monthly Update, February, 2014.
5. Calendar of Events.
6. Tentative Study Session Topics.
7. Minutes from the Transportation Advisory Committee meeting of January 9, 2014.
8. Minutes from the Planning and Zoning Commission meeting of February 4, 2014.
9. Minutes from the Liquor and medical Marijuana Licensing Authority meeting of February 5, 2014.



Parks and Recreation Department

Englewood Recreation Hosts Night of the Stars Talent Show

On Friday, February 21, 47 contestants and families gathered in Hampden Hall for the Night of the Stars Talent Show. Students grades K-12 from Englewood and surrounding communities competed in Variety, Music and Voice categories. Eight, first-place winners are moving on to compete in the state competition at Chatfield High School on March 8 at 2 p.m.

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City Council approves limits on panhandling



Mathew Hulsey, left, holds a sign in City Hall on Wednesday while members of the bluegrass band Old Time Remedy entertain opponents of a panhandling ordinance. A group of more than 20 protesters moved in out of the rain before the city council meeting considering the ban.

By Amy Hamilton

Thursday, February 20, 2014

Some people thought having an ordinance to outlaw aggressive panhandling was overkill, targeting a group of people who are the most vulnerable.

Others believed the issue of aggressive panhandling is bad for business and the problem is worse than characterized. Still other folks were concerned that limiting panhandling would bring on a lawsuit that the city should not encourage, and instead should focus on the underlying issues of why people are asking strangers for donations.

Even after more than an hour of emotional testimony Wednesday night from a packed crowd that filled council chambers, most of it urging city leaders not to place limits on panhandling, Grand Junction city councilors unanimously decided to enact an ordinance against aggressive panhandling.

Councilor Duncan McArthur clarified in his closing remarks that the ordinance does not outlaw panhandling, but it places restrictions on it that he says are fair to everyone.

“Do (the people who are being asked for money) have a right to say no? I think they do,” he said. “Do people who sit at a sidewalk restaurant with their family and friends have a right not to be approached? I think they do.”

Grand Junction’s ordinance limits how people can go about asking for money. For example, panhandlers cannot ask for donations when it is dark; near a number of private institutions or, for example, automated teller machines; and panhandlers cannot walk onto highways to collect donations.

Also, panhandlers cannot repeatedly ask for money or request funds in an aggressive or obscene way.

Grand Junction Police Chief John Camper said he believed passage of the ordinance wouldn’t result in officers writing a number of tickets, but it would give authorities some “additional tools” for keeping the peace and educating panhandlers about the ordinance.

Harry Weiss, the executive director of Grand Junction’s Downtown Development Authority, said his board members supported the language, as did Julie Mamo of Grand Valley Peace and Justice. Mamo said the ordinance should work to keep all people safe, but she encouraged councilors to revisit the issue in a year. Councilors did not entertain that option.

Councilors passed the ordinance against the recommendation of the American Civil Liberties Union, which stated the ordinance is too broad and could limit free speech of others than the intended aggressive panhandlers.

ACLU of Colorado Legal Director Mark Silverstein did not specify whether the agency would lodge a lawsuit against Grand Junction if councilors passed the ordinance.

“A budget-busting lawsuit is not something that we need at this time,” Eric Niederkruger, a member of the public, told councilors during the meeting.

Council meetings typically don’t attract police officers, but occasionally a couple are stationed at the back of the room. At least six uniformed officers were seen in attendance at Wednesday’s meeting.

A group of about a dozen self-described homeless people and advocates for the homeless spent a few hours in advance of the meeting, protesting with signs and music. As a persistent rain fell, people gathered under the eaves at the entrance to City Hall, sharing plates of food. Some held signs that read, “Asking for help is not a crime,” and “The police will not solve poverty.”

“I’m down here because they’re trying to take away our freedom of speech,” Dennis Rasch, 48, said before the meeting. Rasch said he was homeless and has been panhandling for a year. He flies a sign nearly every day making between \$2 and \$40 to supplement disability payments. Money from panhandling buys some hot food, fuel for his vehicle and, sometimes, helps pay for a hotel room.

Also a bit out of the norm, some protesters in council chambers were allowed inside with their pets. One woman had a cat and a small dog peeking out of her coat, and a puppy on a leash sleeping on a coat on the floor.

COMMENTS

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Your Community

Report released on South Platte plan

By Clayton Woullard
YourHub Reporter

The South Platte Working Group has put out its first South Platte River Corridor Vision report that identifies more than 20 projects to be completed over the next few decades in the river corridor.

The working group is a collection of about 21 different entities, including Littleton, Englewood, Arapahoe County, the Urban Drainage and Flood Control District and several others. They first came together in 2006 to discuss and propose projects to enhance recreational opportunities, enhance the habitat along the river and potentially provide for economic development opportunities.

"How do we create this cool relationship between the community and the businesses and the neighbors and nature without destroying this amenity," said Debbie Brinkman, who represents District 4 as council member in Littleton and has been a part of the group since the beginning when she was Littleton's mayor.

The group has spent \$25 million since 2006 on various projects that have helped with the restoration, beautification and environmental viability of the South Platte, plus improved connections with the greenway and park system throughout the corridor.

Arapahoe County Commissioner Nancy Doty, whose District 1 encompasses the river corridor, said the report is important because it's the culmination of varied groups working together. She said one of the most important and immediate projects in the report is the Dry Creek Channel and Trail Potential Enhancements, which would include reconstructing the corridor and basically make conditions better life for vegetation and the health

of the creek as a tributary to the South Platte River.

"What we hope to accomplish with that is improvement of the connection with the South Platte River and the city of Englewood Center," Doty said, adding that would help recreational and economic development opportunities.

Doty said another important, immediate project is the Oxford-Union Channel and Habitat Improvement Project, which would include the reconfiguration of the channel, including the installation of riffles and pools for recreation.

Another is the Centennial Park/Oxbow Pond Nature Study Opportunity, in which some concrete slabs among the pond banks may have led to water stagnation. It has the potential to become an educational resource as part of Englewood's Centennial Park.

For more information, or to read the report, go to bit.ly/1eZUQb4.

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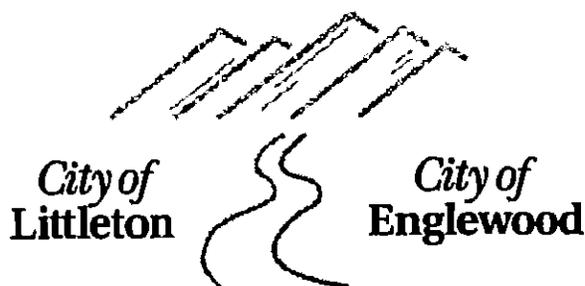
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**LITTLETON/ENGLEWOOD
WASTEWATER TREATMENT PLANT**

2900 S. Platte River Drive
Englewood, Colorado 80110
(303) 762-2600
FAX 762-2620



**AGENDA
FOR THE
JOINT STUDY SESSION
ENGLEWOOD CITY COUNCIL AND LITTLETON CITY COUNCIL
THURSDAY, MARCH 20, 2014, 7:30 a.m.
BREAKFAST MEETING
LITTLETON/ENGLEWOOD WASTEWATER TREATMENT PLANT
2900 SOUTH PLATTE RIVER DRIVE**

- | | |
|--|---|
| I. Gather for Breakfast | |
| II. Welcome and Introductions | Stewart H. Fonda
Director of Utilities |
| III. National Biosolids Partnership Platinum Certificate | Jim Tallent
Treatment Manager |
| IV. National Association of Clean Water Agencies (NACWA) | Dennis Stowe
Plant Manager |
| V. CDPHE Compliance Inspection | Dennis Stowe
Plant Manager |
| VI. Facility Roadmap to the Future | Sarah Reeves
Brown and Caldwell |
| VII. Adjourn | |

**Please note: If you have a disability and need auxiliary aids or services, please notify the City of Englewood, 303-762-2600, at least 48 hours in advance of when services are needed.
Thank you.**



CITY OF ENGLEWOOD
CITY COUNCIL

February 24, 2014

Ms. Colleen Mello
Greater Englewood Chamber of Commerce
3501 South Broadway, 2nd Floor
Englewood, Colorado 80113

Dear Ms. Mello:

Thank you for your request for funding from the City of Englewood's 2014 Aid To Other Agencies Program. The Englewood City Council met on November 4 and December 2, 2013 and additionally on February 18, 2014 to discuss your request. With so many worthy organizations serving Englewood residents and City Council reducing their 2014 Budget, the decision was a difficult one.

After much discussion, City Council came to the conclusion that the City would only fund \$5,869 of the \$7,869 requested in 2014. Please let us and City staff know how you wish these in-kind funds to be utilized.

If you have any additional questions, please let me know.

Sincerely,

Randy Penn
Mayor

Cc: Members of City Council
City Manager Gary Sears
City Attorney Dan Brotzman

Mayor Randy Penn, District 3 • Mayor Pro Tem Linda Olson, District 2
Rick Gillit, District 4 • Joe Jefferson, District 1 • Bob McCaslin, At Large • Jill Wilson, At Large • Steven R. Yates, At Large

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COMMUNITY DEVELOPMENT MONTHLY UPDATE

February 2014

DEVELOPMENT REVIEW PROJECTS

- *Centennial Shopping Center (Federal and Belleview)*
 - New restaurant tenant seeking space in the vacant Panda Buffet location.
 - The broker indicates that the tenant will resubmit for building permit for tenant finish. This tenant will be a similar tenant to the Panda Buffet or International Buffet. **Permit resubmittal pending.**

- *Kent Place (University and Hampden)*

Project: 300 for-lease residential units; 48,175 square feet of retail/commercial

 - The commercial and retail space is 100% leased.
 - Construction continues on the residential portion of the project on 300 residential units.
 - **Phase I residential leasing to commence in June 2014 with occupancy beginning in the Fall of 2014.**

- *Martin Plastics (Oxford and Navajo)*

Project: A maximum of 252 residential units

 - Staff met with LCP to discuss the possibility of phasing the project and possibly keeping the bow-truss building. According to the PUD, an administrative modification can be made if the increase in ground coverage of structures is 20% or less. LCP will look into total ground cover and submit at a later date for a DRT meeting.
 - Staff met with the developer to discuss PUD amendment and fire access issues.

- *Flood Middle School Redevelopment (Broadway and Kenyon)*

Project: 306 luxury apartment complex

 - Construction drawings for a building permit have been reviewed and the architect will be resubmitting revised plans.
 - Edward Barsocchi closed on the property with Wood Partners, who will ultimately develop the site. Building permits have been submitted and are pending final approval.
 - A Building Permit was issued on January 3rd for construction. **Construction is underway.**

- *Masonic Property (3500 South Sherman)*
 - A variance was granted for a reduction in the required amount of ground floor commercial space for this zone district.
 - The broker for the property is actively contacting developers and neighboring property owners to seek buyers for the property

- *Craig Hospital Expansion (3425 South Clarkson)*
 - Craig Hospital closed Clarkson permanently on January 22.
 - Construction is underway.

- *3550 South Inca*
 - A DRT meeting was held in May with the architect for the Rocky Mountain Veterinary Neurology Clinic. The plans call for demolishing the existing building and constructing a new 10,000 SF facility.
 - A follow-up DRT meeting was held January 21. The architects will begin preparing construction drawings for a possible start date in Spring.

- *Groove Toyota (5460 South Broadway)*
 - Construction is underway for a \$6.7 million project.
 - Groove Subaru is planning a remodeling project that would go forward later this year. The project is in the early stage of discussions.

- *General Iron Works (Bates and Galapago)*
 - **Met with developer on February 24 to discuss an affordable housing project on five acres of the site.**
 - **Owner expects to receive no further action. Letter from Colorado Public Department of Health and Environment (CDPHE) will conclude actions under the Voluntary Clean-up Plan filed with CDPHE.**

- *Larry Miller Nissan (5001 South Broadway)*

Project: 41,189 square feet for retail/commercial development

 - A site plan for additional retail space in the center portion of the property was submitted for consideration at an upcoming DRT. Users of this space have not been disclosed.
 - Advance Auto Parts is now open.
 - Sprouts Farmers Market construction is well underway, with an anticipated opening in June.
 - Tenants for the middle 8,000 square foot pad site are still being secured.

- *Nathan's Funtastic Fun (Broadway and Dartmouth)*

Project: Redevelopment to a Chick-Fil-A restaurant

 - The Planning Commission voted 7-2 to forward PUD to Council. A first reading will be held at the December 2, 2013 Council meeting.
 - City Council voted 6 - 1 to approve the Chick-Fil-A PUD and the Speer's Broadway Addition Major Subdivision on December 2, 2013.
 - **Abatement on the commercial building has begun. Once the abatement is complete demolition of all structures will start.**

- *Holiday Motel (4475 South Broadway)*
 - A DRT was held on April 23 to discuss the possibility of a second story addition on part of the existing building. The applicant stated that the motel is under new ownership and wants to do some work to the façade of the building as well as interior remodel.

- **A building permit is currently under review for the second story addition.**
- AG Machining (4607 South Windermere)
 - Staff met with representatives from AG Machining during a DRT held August 20 to discuss a possible expansion to the current building. Staff provided comments and the representative is currently making revisions.
 - **A building permit is currently under review for the new addition.**
- Red Bird Farms (2520 South Raritan)
 - A representative for Red Bird Farms submitted for a DRT meeting to be held on August 27th. They are looking into doing an 11,500 s.f. addition to the existing building.
 - A second DRT meeting with revisions to landscaping and parking was held on September 12, 2013.
- *Englewood Shrine Club (Floyd and Logan)*
 - Shadow Creek Homes has purchased the Shrine Club building and is interested in developing the property with a residential use. A DRT application was submitted on September 23.
 - The developer is requesting a PUD that includes renovating the former Shrine Club building into four rental homes. The proposal also includes the construction of four detached single-family homes, each with the potential for flexible living space located above the detached garages. A pre-application neighborhood meeting was held at 6:30 pm on Thursday, November 7th, 2013 at 3299 S. Logan Street.
 - Shadow Creek Homes is preparing to submit a formal PUD application in late January or early February.
 - **PUD submitted on February 18, 2014 with a public hearing before Planning Commission tentatively scheduled for April 2014. Proposal is for 4 apartments in existing Shrine Club building, plus 3 single family homes with detached garages and accessory dwelling units.**
- *Sonic Drive-In (5090 and 5098 S. Federal Blvd.)*
 - An application for DRT review has been submitted for a new Sonic Drive-In fast food restaurant to replace the car wash and adjacent payday loan uses at South Federal Boulevard and Belleview Avenue.
 - A DRT meeting was held on December 10.
 - Property owner and tenant (Sonic) have inquired about Enterprise Zone tax credits.
- *Scientology Building (3385 South Bannock)*
 - Based on a conversation with the Architect, the property recently sold and the developer plans to scrape the structure and construct an apartment building, with some ground floor live work space or office space.
 - **DRT meeting with applicants was held on February 11, 2014. Applicant is researching issues with using alley for access and possible deck encroachments over public rights-of-way.**

- **Hill Top Motel (3800 South Broadway)**
 - Met with franchisee for Dunkin Donuts about a possible redevelopment of this property into a 2,200 s.f. facility with drive-thru.
 - Met with artist seeking to construct flexible artist loft space with some commercial, e.g. coffee shop.
- **2967, 2969, and 2971 South Lincoln Street**
Project: Tri-plex
 - These newly constructed units are being offered for sale at a price of \$480,000 each.

BOARDS & COMMISSIONS

- *Board of Adjustment and Appeals*
 - **The Board has not met yet in 2014.**
- *Keep Englewood Beautiful*
 - Commissioners are researching banning plastic bags in grocery stores.
 - **KEB will have a planning session at the March meeting to discuss events for the upcoming year.**

COUNCIL REQUESTS

- CR14-002: Kent Place Construction Cranes
- **CR14-028: Creative District Information**

HOUSING

- *Rehab*
 - Under Construction
4896 South Delaware Street
 - 3686 South Fox Street
Outside legal counsel filed a Complaint with Arapahoe County Court seeking a judgment against the former owner. The Court will consider the Complaint at 9:30 o'clock on March 7, 2014. **When granted the eviction, coordinated through the Arapahoe County Sheriff's Department, will begin.**

In mid-October a new rehab loan servicing software was implemented after several months of testing and training. The new software replaces the legacy software and provides better customer service and financial report capabilities.

- *Neighborhood Stabilization Program (NSP)*
The eighteenth and final single-family home of Project Rebuild, the City's Neighborhood Stabilization program, was sold on October 24, 2013. With the close out of this program, staff has taken the initial \$1.7 million State Division of Housing grant and, by reinvesting each home's sale proceeds, leveraged the initial grant to a total program valued at \$3.3 million.

- *Energy Efficiency Englewood (E³)*
 - The City received a Notice to Proceed for the 2013/2014 Energy Efficiency Englewood (E³) program. Community Development Block Grant funding was received for 12 income-eligible homeowners. Each grant is \$8,000, with a 20 percent match from the homeowner, for eligible energy saving home improvements. Applications have been mailed and interviews are starting. There are currently 45 people on the waiting list.
 - **All 12 homeowners have received their energy audits and are proceeding with their energy saving upgrades. Projects must be completed by April 15, 2014.**

SPECIAL PROJECTS

- *Englewood Light Rail Corridor Plan*
 - Community Development submitted an application to DRCOG for a second round of planning funding to explore in greater detail key implementation projects identified in the original Plan. DRCOG notified Community Development on September 19 that the City's application was approved for funding for fiscal years 2014-2015 by the DRCOG Board of Directors. The total approved funding amount for this project is \$300,000.
 - **An IGA with RTD is currently being prepared and is projected to come to Council in April. A request for consultant proposals is expected to be released in May, with the final selection to be made in July.**

- *Development of Acoma/Englewood Parkway*
 Project: 98 residential units; 23,000 retail/commercial space; parking structure and surface parking
 - On August 21, the Authority unanimously voted to pursue exclusive negotiations with Medici Communities on the Acoma/Broadway/Englewood Parkway property. City Council will be briefed on the project at the September 3 Study Session.
 - Troy Gladwell of Medici Communities held a community meeting on October 16 to review the proposal and answer questions. Approximately 50 people attended. A second community meeting was held on November 12.
 - Second reading was held on November 4 on the sale of the City's parcel to the Englewood Urban Renewal Authority.
 - Medici held a third community meeting on December 10 in the Community Room.
 - Medici will be submitting a DRT application the week of January 20. Medici is submitting an application to CHFA for housing tax credits. Support letters from City Council, EURA and Community Development have been **provided to the developer. A redevelopment and sale agreement has been drafted and is being reviewed by Medici.**
 - **DRT was held on February 11. Revisions to the site plan include a reduction in dwelling units to 109 and an increase in parking of approximately 25 spaces. Alternatives for on-street parking on Acoma are being evaluated.**

ZONING

- *Home Occupations*
 - City Council asked staff to research possible changes to the Home Occupations policy in order to allow home businesses in the R-1-A zone.
 - Public Hearing with Planning and Zoning Commission was held on October 8, 2013. The Commission voted to recommend approval to City Council.
 - First reading is scheduled for the November 18 City Council meeting; public hearing is scheduled for December 2.
 - Approved at first reading with City Council on January 21, 2014. Public hearing scheduled for February 3, 2014. **A second public hearing was held on February 18, 2104.**

- *PUD Process Amendment*
 - On September 4, 2013 Planning & Zoning Commission reviewed proposed changes to the PUD review process. The Commission supports the two-step process, which allows a District Plan and Site Plan to be reviewed separately, allowing developers some level of entitlements before proceeding with a more detailed site plan.

- *Non-Conforming Structures*
 - The Community Housing Development Association requested a zoning text amendment to the UDC, so that their recently renovated apartments (Canterbury East and Canterbury South; 3550 and 3600 South Delaware Street) would not be non-conforming due to higher density.
 - Planning & Zoning Commission reviewed the request on September 17, 2013 and requested additional information on the number of structures in the City over the allowed density. Most Commissioners did not support a text amendment for a specific property or specific to affordable housing, but potentially would support rezoning for higher density in this area.
 - Staff has found 104 structures that are nonconforming due to density. Staff continues to research options that preserve existing development and the right to rebuild following damage or destruction.
 - **A Public Hearing with Planning & Zoning Commission was held on February 20, 2014. The Commission recommended approval.**

- *Small Lot Development Standards*
 - A Study Session was held at Planning and Zoning Commission on October 22, 2013. The study session focused on proposed amendments to the UDC that establish dimensional standards for small lots. The amendments provide property owners and lenders with a high degree of certainty for the purposes of appraisal, sale, additions, redevelopment, etc.
 - A public hearing is scheduled with Planning Commission on November 19, 2013.
 - The Planning Commission recommended approval of the Small Lot Development Standards at the November 19 public hearing.

- **Additional review criteria and a change in appeal process recommended by City Attorney's Office. An additional public hearing with the Planning and Zoning Commission is scheduled for March 4, 2014.**
- *Zoning Site Plans*
 - Staff is working on changes to the Zoning Site Plan review process. Changes are proposed to address cases where a site work is proposed or a building permit is not required, but applicants are looking for some assurance of development approval.
 - Review by Planning and Zoning Commission is scheduled for January 22, 2014.
 - **A public hearing was held on February 20, 2014; the Commission recommended approval.**

ART SHUTTLE

- Due to the closure of Clarkson Street, a new shuttle route was implemented on January 22. Signs were relocated and new route maps were printed by Craig Hospital.
- The average monthly ridership for 2013 was 15,096.

BUSINESS NEWS

- *Arapahoe County Enterprise Zone*
 - Craig Hospital was approved by the State's Economic Development Commission as a qualified contribution project. Craig Hospital has initiated the capital fundraising campaign and contributions through the Arapahoe County Enterprise Zone are being processed.
 - The Colorado Office of Economic Development and International Trade has changed the software backing the enterprise zone and administrators across the state are working on implementing this new requirement. The impact to businesses is minimal - only 2013 precertification authorizations will be temporarily delayed.
 - **The State's Economic Development Commission approved a \$12,000 grant to support the administration of the Arapahoe County Enterprise Zone. OEDIT staff is drawing up the grant contract and this will be sent to Council for approval.**
- *Commercial Catalyst Program*

Medical Office Building	3555 S Lafayette	Pending	Façade and signage
Bill Smith Plumbing	4101 S Broadway	Complete	Signage
Uhrig Holdings, LLC	4351 S Broadway	Approved	Façade and signage
Kraft Development	3141 S Broadway	Construction	Façade and signage
Englewood Lock and Safe	4310 S Broadway	Pending	Signage

Other Business Activities:

- 2749 South Broadway – Vacant thrift store recently sold and will be remodeled for use by another retailer. **Property is cleaned up and cleaned out and the owner is seeking viable tenant(s).**
- Lone Star Trust NEC Clarkson and US 285 – Property is currently being considered for development to become a memory care and assisted living facility. Zoning is in place to allow this use.
- 180 East Hampden – The property is under new ownership. Staff has contacted the new owner to discuss a possible catalyst grant to support facade enhancements.
- Chase Bank – A 5,000 pad site is being considered for construction at the Chase Bank property. This pad site would be adjacent to US 285 and Elati.
- Landmark Lincoln – The property owner for Landmark Lincoln is working towards a substantial façade enhancement. This project involves a significant investment in rebranding the building to be consistent with corporate requirements and involves a small expansion of the building.
- 65 West Floyd – The owner is considering a major remodel for this building and will seek to attract new tenants for the newly vacated space.
- 3855 South Broadway – Denver Media Center recently opened a recording studio at this location.
- Olde Town Group – Met with investor/developer seeking to acquire and restore historic structures in Englewood.
- 2950 South Broadway – Tocabe American Indian Restaurant considering space at this location. This would be their second Denver-metro location.

**CITY OF ENGLEWOOD
2014 CALENDAR OF EVENTS**



Mon., March 3	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., March 4	7:00 p.m.	Planning and Zoning, Public Hearing, Council Chambers
Wed., March 5	3:00 p.m.	Firefighters Pension Board, Public Works Conf. Rm.
	5:45 p.m.	Cultural Arts Commission, City Council Conference Room
	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers
Mon., March 10	Cancelled	Study Session
Tues., March 11	5:00 p.m.	Water and Sewer Board, Comm. Development Conf. Rm.
	6:30 p.m.	Keep Englewood Beautiful, City Council Conf. Rm.
Wed., March 12	Cancelled	Board of Adjustment and Appeals, Council Chambers
	6:30 p.m.	Englewood Urban Renewal Authority, City Council Conference Room
Thurs., March 13	11:00 a.m.	Alliance for Commerce in Englewood, City Council Conference Room
	5:30 p.m.	Parks and Recreation Commission, Malley Recreation Center
	6:30 p.m.	Transportation Advisory Board, City Council Conf. Room
Mon., March 17	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., March 18	4:30 p.m.	Budget Advisory Committee, City Council Conf. Room
	7:00 p.m.	Planning and Zoning Community Development Conf. Room/Council Chambers
Wed., March 19	6:30 p.m.	Code Enforcement Advisory Committee, City Council Conf. Room
	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers

Thur., March 20	7:30 a.m.	Joint meeting with Littleton @ WWTP, 2900 So. Platte River Drive
Mon., March 24	6:00 p.m.	Study Session, Community Room
Mon., March 31	Cancelled	Study Session
Wed., April 2	5:45 p.m.	Cultural Arts Commission, City Council Conference Room
	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers
Mon., April 7	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., April 8	5:00 p.m.	Water and Sewer Board, Community Development Conference Room
	6:30 p.m.	Keep Englewood Beautiful, City Council Conf. Rm.
	7:00 p.m.	Planning and Zoning, Community Development Conference Room/Council Chambers
Wed., April 9	6:30 p.m.	Englewood Urban Renewal Authority, City Council Conference Room
	7:00 p.m.	Board of Adjustment and Appeals, Council Chambers
Thurs., April 10	11:30 a.m.	Alliance for Commerce in Englewood, City Council Conference Room
	5:30 p.m.	Parks and Recreation Commission, Broken Tee Englewood Golf Maintenance Facility
Mon., April 14	6:00 p.m.	Study Session, Community Room
Tues., April 15	4:30 p.m.	Budget Advisory Committee, City Council Conf. Room
Wed., April 16	7:00 p.m.	Local Liquor and Medical Marijuana Licensing Authority, City Council Chambers
Mon., April 21	6:00 p.m.	Study Session, Community Room
	7:30 p.m.	Council Meeting, Council Chambers
Tues., April 22	7:00 p.m.	Planning and Zoning, Community Development Conference Room /Council Chambers
Mon., April 28	6:00 p.m.	Study Session, Community Room

TENTATIVE



**STUDY SESSIONS TOPICS
FOR ENGLEWOOD CITY COUNCIL**

March 10	Study Session NLC Conference in Washington, D. C. – 3/8 to 3/10/14
March 17	Study Session & Regular Meeting Posting for Medical Marijuana Grow Facilities Fire Training Center Update Council Policy Manual Decorum
March 20	Joint breakfast meeting with Littleton @ WWTP (Thursday morning) WWTP 5 Year Plan
March 24	Study Session Financial Report Board and Commission Reports
March 31	No meeting scheduled – 5 th Monday
April 7	Study Session & Regular Meeting
April 14	Study Session Fire Study
April 21	Study Session & Regular Meeting Financial Report
April 28	Study Session 2015 Proposed Budget Board and Commission Members Reappointment Discussion Board and Commission Reports
May 5	Study Session & Regular Meeting
May 12	Citizen of the Year Celebration

May 19	Study Session & Regular Meeting CAFR/Holscher, Mayberry & Company Financial Report Board and Commission Reports
May 26	Memorial Day Holiday – No meeting scheduled
June 2	Study Session & Regular Meeting
June 9	Study Session Board and Commission Interviews
June 16	Study Session & Regular Meeting Financial Report Board and Commission Reports (CML Conference – 6/17-20/14)
June 23	Study Session Tour of River Run facility Tour of Fire Training Facility Tour of Humane Society of South Platte River
June 30	No meeting scheduled – 5 th Monday
July 7	Study Session & Regular Meeting
July 14	Study Session Financial Report
July 21	Study Session & Regular Meeting

FUTURE STUDY SESSION TOPICS

Public Comment Process
Motel Calls for Service
City Council Technical Allowance
Medical Marijuana Regulations
Recreation Marijuana Regulations
Cultural District
Motels

**ENGLEWOOD TRANSPORTATION ADVISORY COMMITTEE
REGULAR BI-MONTHLY MEETING**

Minutes of January 9, 2014



The regular bi-monthly meeting of the Englewood Transportation Advisory Committee was called to order by Chair Berger at 6:30p.m. in the City Council Conference Room, City of Englewood Civic Center.

Members Present: David Anderson
Andy Berger, Chair
Daryl Kinton
Christine McGroarty, Alternate Member
Steven Yates, Council Liaison
Rick Kahm, Director of Public Works, ex officio

Members Absent: Dave Cowan
Peter Smith

Also Present: Ladd Vostry, Traffic Engineer
Linda Trujillo, Recording Secretary
Sergeant Christian Contos
B. Dutch Seyfarth – Topsy Taxi
Brad K. Evans – Topsy Taxi

It was determined that a quorum was present.



Approval of Minutes

Chair Berger asked if there were any additions or corrections to the minutes of November 14, 2013. There were none. The minutes had been approved by email poll on December 20, 2013.



Public Comment

Mr. Berger turned the floor over to Mr. B. Dutch Seyfarth and Mr. Brad Evans, who introduced themselves. Mr. Seyfarth and Mr. Evans passed out flyers regarding the Topsy Taxi program. Mr. Seyfarth began the presentation by mentioning the death of Officer Bitner last Memorial Day, due to a drunk driver. Seyfarth said that the incident had sparked an interest among his group of concerned citizens and small business owners to do something about the issue of drunk driving. Seyfarth said that discussions with local small business owners including liquor serving establishments had indicated that there was room for improvement. The group has become involved with a program called "Topsy Taxi", which has been in existence for over 30 years. The program, currently in place in Aspen, provides free taxi rides to intoxicated people, using no tax dollars. Seyfarth pointed out that the program has helped to reduce the number of fatal accidents related to alcohol. Seyfarth said that the recent "Heat is On" campaign by the Colorado State Patrol had resulted in over 400 DUI arrests in Colorado over the Halloween weekend, with the majority in the Denver metro area.

Mr. Evans explained how the program works, saying that it gives intoxicated people an alternative to driving. The intoxicated person can ask for a voucher from a bar member, and then call a taxi who provides that person a free ride. Evans said that the group believes that in the City of Englewood, all bars are

available to participate, and that the group has a 501c3 in place to operate the program. The group is now looking for collaboration with the City and County.

Seyfarth said that they have spoken with bar owners as well as law enforcement in Aspen, who speak highly of the program. Seyfarth stated that implementing the program in Englewood would be much easier than it was in Aspen; with its approximately eight square miles and most of the approximately 150 liquor serving establishments being located along Broadway or Hampden. In addition, excellent transportation options are available, but those options are not as available at late-night hours, when the need is greatest.

Seyfarth said that the group is proposing that the Committee recommend to City Council that the annual Liquor License renewal fee be increased by about \$50, with 100% of that increase going into funding the program. Secondly, they would like City Council to recommend to the County government that a mandatory fine of \$250 be added to any drunk or impaired driving conviction, with that amount also going towards funding the program. Seyfarth added that the group also has partners willing to help with fundraising events.

Council person Yates asked about the 501c3 status. Evans replied that participating cities operate in different ways; and that they are proposing the program in Englewood be run under a 501c3 and could be administered by them with no new positions. Yates asked if there were other entities that are collecting funds to give to private organizations to manage. Seyfarth said that there had been quite a few. Yates asked if the intention was to include all of Arapahoe County. Seyfarth replied that the focus was to start the program in Englewood at this time. Yates asked if there were other counties that collected funds for just a portion of the county. Seyfarth said that there were not, but that the intention was to get those convicted of the crime to pay for the program, not the county. Yates said that he believed that dispersing funds to only part of the county could be problematic.

Seyfarth said they would like to start a pilot program, and were seeking a recommendation to take the proposal to City Council. Director Kahm asked which Court handles local DUI cases. Sgt. Contos said that DUI is a state charge, so many DUI arrests in Englewood are charged through Arapahoe County Court; and any fines or punishments are levied by a county court judge. Kahm expressed his concern regarding the county agreeing to disperse funds. Seyfarth said that initial contact had been made with representatives from the County, but that they were seeking local support before moving forward with the County. Kahm then asked about the proposed increase in liquor license fees. Seyfarth said that those funds would also be used for "TIPS" training for those working in liquor serving establishments to learn to recognize those intoxicated patrons. Dave Anderson asked whether the training was being implemented in Aspen. Seyfarth replied that it was.

Daryl Kinton shared that he believed there was a need for such a program if it were logistically feasible. Kinton asked if the service would be available only for residents of Englewood. Evans said that limits would be put on the price of the fare (Aspen does \$75). Seyfarth said that the average taxi ride in the metro area is \$12 - \$15. Mr. Yates asked if funding through liquor sales tax had been explored. Evans replied that it had, but that it would be difficult to track. Yates asked how many rides were anticipated to be needed.

Seyfarth said that estimates were around 100 rides per week. Yates commented that it would equate to around \$78,000 per week. Seyfarth added that the administrative costs were estimated at around 10%.

Seyfarth said that their main goal of reducing the number of drunk drivers on the streets would be accomplished by changing the culture of drinking and driving, and that taxi companies were supportive of the program. Christine McGroarty noted that she had had difficulties getting a cab late on weekend nights. Seyfarth responded that they were working with South Suburban Taxi, which caters to this area.

Evans asked Sgt. Contos what the Police Department's position was regarding the program. Sgt. Contos responded that the Department as well as the City Attorney's office was concerned about liabilities with the program. Contos said that policy issues would prohibit police participation regarding making contacts to hand out vouchers. Contos said that police would not be able to participate in the voucher process due to their policy, as well as state law, which requires police to take someone determined to be over the legal limit and unable to care for themselves and make a legal and proper decision, into custody. Evans asked how the city of Aspen circumvented that policy. Contos said that possibly they were not as concerned about liability. Contos added that there was also a concern regarding the possibility that an impaired driver who received a free cab ride could pay the cab driver to take them back to their car, and then could possibly return to their car and cause an accident. Contos said that the City could be held liable in such an instance. Seyfarth referred to a report he had brought written by the National Highway Transportation Administration, which shows a copy of the voucher currently being used in Pitkin County (serving the City of Aspen). Seyfarth said that in Aspen, abusers' addresses were acquired, so that in the future that person could only be taken home or to another safe location.

Dave Anderson asked what the group's response was to the City's position. Evans responded that the program was feasible without the Police participation. Sgt. Contos asked what the value of the vouchers would be. Seyfarth responded that they would be good for up to \$75, but that the average rate of the taxi rides was anticipated to be \$12. Dave Anderson asked about the cost for the users to retrieve their vehicles. Evans replied that the cost would be incurred by the person who got the taxi ride. Seyfarth added that when cars are towed in Aspen, the person picking up their car may show their ticket voucher to the Sheriff's Department, who then waives the towing fee, which is paid by the program.

Ms. McGroarty asked how the group proposed to administer the program. Seyfarth replied that he, Evans, and another partner were volunteering to get the program started. Dave Anderson asked if the Liquor Board would be helpful. Seyfarth replied that changing the Liquor License fee could be done without a public vote, and could be implemented by that group. Sgt. Contos asked how staff time would be paid for in doing the accounting for the program. Evans replied that it would have to be determined.

Director Kahm asked if the three partners planning on implementing the program would be paid employees. Evans replied that they would be eventually. Seyfarth added that the three did not expect it to become full-time jobs, and that eventually they would welcome community members to sit on a Board of Directors to help oversee the distribution and administration of funds.

Andy Berger said that he had become aware of the program recently, and that he had invited the group to present their proposal to the Committee; and the group was requesting that the Committee recommend

that Council listen to their presentation and consider implementing the program on a trial basis. Mr. Berger made the motion that the Committee send a recommendation to City Council to hear the group's proposal and to consider it on a trial basis. Daryl Kinton said that he believed that there was merit in the proposed program. Dave Anderson remarked that he felt there were many issues to work through, and that he was not sure Council would consider the proposal at this point. Stephen Yates said that the biggest issue in his mind was funding. Evans said that planning is still in the exploratory stages based on information still to be determined, and that supplementing the program would be fundraising. Ms. McGroarty said that she believed the City Attorney needed to be consulted regarding the legality of the government collecting a fee to turn over to a non-profit organization. Mr. Seyfarth said that they were seeking solutions to some of those questions. Mr. Yates said that he felt the program was worth trying to push forward. Mr. Seyfarth said that they had the support of many businesses who are willing to help with funding, but that they also required the support of the community. Daryl Kinton suggested that the group bring in some of their business supporters if they talk with City Council. Ms. McGroarty recommend the group get a business plan to address some of the issues discussed before they address Council.

Mr. Kahm asked if the group had spoken with any other City staff. Seyfarth responded that they had spoken with Mayor Penn, Chief John Collins, and the City Attorney, and that they were interested in discussing the program. Mr. Kahm suggested that the next step would be for staff to have some discussions with the City Attorney's office in order to answer some of the basic questions. Sgt. Contos suggested that the group contact Kerry Bush, who is the City's Deputy City Clerk and the City's liaison to the Liquor Authority. Ms. Bush can advise as to how the Authority works and how fees are determined. Ms. McGroarty said that obstacles regarding the City assisting with the program may be difficult, and it may be easier to move forward without official Council approval. Mr. Seyfarth said that history has proven in other communities that the program has not been successful without municipal support.

Regarding the motion made earlier motion, Dave Anderson seconded the motion, and Daryl Kinton voted aye. The motion was approved. The Committee agreed that once the group has gathered the information required to present the proposal to City Council, that they would send their recommendation to Council. Mr. Evans and Mr. Seyfarth left the meeting.

Sgt. Contos agreed to share his comments regarding Topsy Taxi that had been scheduled under New Business. Sgt. Contos reiterated his earlier comments regarding the Police Department's position of not being involved due to risk management issues, but said that he did not believe that the Department would object to local businesses participating in the program. Chair Berger said that he felt that speaking to the Committee had helped the group understand what information was needed before they approached City Council.

Old Business

Martin Plastics Redevelopment

Rick Kahm said that there was nothing new to report with the proposed development.

Broadway/Kenyon Redevelopment (Flood Middle School)

Kahm reported that the project was moving forward; utility work is underway as well as foundation work for the parking garages.

5001 S. Broadway Redevelopment

Mr. Kahm said that the Advance Auto Store is open, and construction continues on the Sprouts store. The new traffic signal will be installed and site improvement work will be completed before Sprouts opens mid-summer.

RTD Rail Trail

Kahm said that unfortunately, funding for the project most likely would not be granted. Staff had met with RTD staff, and learned that the project would likely not be eligible for funding.

New Business

Tipsy Taxi – Sgt. Christian Contos

Andy Berger thanked Sgt. Contos for his input during the Tipsy Taxi presentation.

Recognition of Dave Anderson

Chair Berger presented Dave Anderson with a plaque in honor of his years of service to the Committee. Berger said that Anderson had been on the Committee since its inception, including serving as Chairman. Mr. Anderson said that he had enjoyed his time on the Committee, and noted the Committee's website which features projects that the Committee has worked on. Mr. Kahm thanked Anderson for his service.

Rick Kahm said that with Mr. Anderson's term ending, there were two vacancies on the Committee; and that Christine McGroarty had expressed interest in becoming a voting member. Discussion ensued regarding interested candidates, etc., and whether the other vacancy created by Dave Cowan would be filled.

Director's Choice

Rick Kahm had no further items for discussion.

Chairperson's Choice

Chair Berger had no further items for discussion.

Committee Members' Choice

Dave Anderson asked about the speed monitoring device on Logan, saying that it appeared that it was not registering. Ladd Vostry explained that at times the device would not work if large vehicles were parked too close, and that staff would check on it.

Anderson then asked about the Chik-fil-A development being approved and whether it was too late for the Committee to weigh in on the traffic impacts at Dartmouth and Broadway. Ladd Vostry said that the Public Hearing had already been held. Council member Yates added that residents had expressed concerns

to him regarding people using the alley, and recommended that the alley be made one-way southbound towards Chik-fil-A. Yates said that another concern was how drivers would manage going north on Broadway.

Mr. Vostry said that there would be some challenges regarding traffic flow, but that studies had shown that the majority of patrons for Chik-fil-A will be coming from Acoma, as the entrance on Broadway will be right-in, right-out. The intersection at Acoma and Dartmouth may be over capacity at times, and traffic on Acoma will increase. Vostry said that much of the traffic will come from the neighborhood.

Mr. Kahm said that the project had gone through the design review process involving all city departments, and that any development at that site would have the same access issues and would increase traffic. Vostry said that fortunately, the majority of peak traffic would be around lunchtime and on Saturdays (the business is not open on Sundays). Kahm added that the traffic study had been done by professional engineers but that staff had reviewed it. Vostry said that the study had been updated twice based on staff's comments. For example, it was recommended to change the striping on Dartmouth between Broadway and Acoma indicating a longer left turn lane eastbound; however this may have an impact on street parking. In addition, the left turn lane on northbound Broadway will be extended so as not to block through lanes. Vostry said that increased traffic was inevitable.

Yates asked if it would be possible to install a traffic light on Acoma to ease congestion for drivers turning east on Dartmouth. Vostry said that the problem was the short distance between Broadway and Acoma, and that it was hoped that the longer turn lane would minimize the problem. Kahm stated that the anticipated mid-day peak times for the business did not compete with the normal traffic peak of 4:30 to 5:30. Vostry added that much of the traffic generated will be "pass by trips", meaning that those visiting the business are already on the road. Vostry added that the traffic consultants that were chosen have dealt with the business in the past, so they are aware of the unique characteristics. Kahm said that even though the alley dedication is an "L" which comes to the south and ends at Acoma, the drive is also open the east, so exiting to Broadway will be possible during off-peak times.

Yates commented that he had heard residents' concerns regarding going north on the alley. Kahm explained that the alley would still be two-directional, but that during lunch hour peaks, exiting toward Broadway would be difficult. Mr. Vostry added that staff had made sure that the east-west easement between Broadway and the alley was wide enough for two-way traffic.

Christine McGroarty said that she was sorry to lose Mr. Anderson on the Committee.

Daryl Anderson thanked Chair Berger for initiating the contact with the Topsy Taxi group, and said that he felt their presentation was beneficial, and that hopefully they had gotten helpful information to help them move forward.

Ms. McGroarty asked about the background of the two representatives for Topsy Taxi. Mr. Berger replied that Mr. Evans had a business based in Denver, and Mr. Seyfarth did computer/internet related

freelance work. Mr. Berger said that he had an interest in the proposed program, as he had been the victim of a drunk driving accident in the past.

Mr. Kinton commented that he felt that in the next month the group should take a look at the Agenda to determine which subjects merited moving forward.

Council person Yates said that he looked forward to sitting on the Committee, and expected to learn a great deal.

 **Adjournment**

There being no further business, the meeting was adjourned at 8:00p.m.

/s/
Linda Trujillo, Recording Secretary

CITY OF ENGLEWOOD PLANNING AND ZONING COMMISSION
REGULAR MEETING
Community Development Conference Room
February 4, 2014

I. CALL TO ORDER

The regular meeting of the City Planning and Zoning Commission was called to order at 7:00 p.m. in the Community Development Conference Room of the Englewood Civic Center, Vice Chair Fish presiding.

Present: Roth, King, Knoth (7:10), Kinton, Townley (7:10), Fish, King, Freemire, Madrid (Alternate)

Absent: Brick (Excused), Bleile (Unexcused)

Staff: Alan White, Director, Community Development
Chris Neubecker, Senior Planner
Brook Bell, Planner II
John Voboril, Planner II
Nancy Reid, Assistant City Attorney



II. APPROVAL OF MINUTES

· January 22, 2013

King moved;

Kinton seconded: TO APPROVE THE JANUARY 22, 2014 MINUTES

Vice Chair Fish asked if there were any modifications or corrections, there were none.

AYES: Fish, King, Kinton, Roth, Knoth, Townley

NAYS: None

ABSTAIN: Freemire

ABSENT: Brick, Bleile

Motion carried.



Commissioners and Staff introduced themselves to Patrick Madrid, newly appointed Alternate to the Commission



III. STUDY SESSION

Case 2013-02 Small Lot Development Standards UDC 16-9-4

Brook Bell, Planner II, reviewed history of the topic of Small Lot Development Standards and explained the process of changing zoning text and executing amendments. He explained the appeal process for citizens that do not agree with the code once it is amended.

Additional approval criteria and revised language were included in the Staff memo. There was discussion about the remedy for appeals and whether or not the appeal would go through City Council, Board of Adjustments or District Court.

Consensus of the Commission was that the proposed changes are acceptable as written, which would require appeals of decisions on nonconforming lots to be brought to a court of record. Staff will bring the revised code in its current form to the Public Hearing and if the Commissioners wish to change it, they may make a motion at the hearing so that a formal vote and record can be made. The tentative Public Hearing date is March 4, 2014. Members of the Commission were encouraged to submit their opinion to be included in the next meeting packet.



Light Rail Corridor Zoning Reform Discussion

John Voboril, Planner II, presented options and ideas for encouraging development in the vicinity of the Oxford Light Rail Station. One possibility would be to establish a TSA overlay district that would be applied to the industrial areas to facilitate non-industrial and multi-family development in the future.

The presentation included findings and suggestions on the following topics:

- Establishing Boundaries for Oxford Station TSA Overlay
 - Proposed boundary would extend south to Layton
- Setbacks
 - Proposed front setbacks are 0-10 to create an urban environment conducive to pedestrian traffic.
- Minimum Lot Size
 - Consistent with current code; no new lots would be created that are less than the current minimum.
- Minimum Linear Street Frontage
 - 75% of the main street and 25% of the side street. Landscaping could be substituted between the right of way or sidewalk in lieu of the structure to maintain a linear form along the street frontage.
- Zone of Transparency▶
 - Establish minimum requirements for building transparency. Alternatives to windows should be considered for retail businesses. Design could be addressed in light of specific business needs.
- Required Front Street Entrance
 - Would establish business presence; side and rear doors would be permitted. Ideally parking would be located in the rear of the building.
- Building Height▶
 - Currently there are no height restrictions in industrial zones. It was generally agreed that a five or six story building approximately 75 in height would be an acceptable maximum.
- Residential Parking▶
 - Because the area is designated to be transit oriented, the assumption is that there would be fewer parking spaces required due to fewer vehicles.

Due to time restraints, the presentation will be continued at a later date to discuss the following:

- Commercial Parking
- Design Guidelines/Standards
- Street Network



IV.PUBLIC FORUM

No members of the public were in attendance.



V.ATTORNEYS CHOICE

Ms. Reid distributed suggestions regarding proposed changes to UDC 16-9-3 Non-Conforming Structures as she will not be attending the Public Hearing February 20th. Discussion ensued regarding procedures for Staff and the Commission when presenting proposed changes to City Council to increase efficiency in the process.



VI.STAFFS CHOICE

Director White stated that there will be a second Public Hearing regarding Home Occupations at City Council on February 18, 2014. City Council has several changes to the proposed amendment regarding uses in R-1-A.



Director White shared an article in Commissioners Journal that contained information regarding code changes that he feels would be helpful to the Commissioners. This article will be forwarded to the Commissioners.

The next meeting of the Planning and Zoning Commission will be the Public Hearing scheduled for Thursday February 20, 2014 and the topics will be Zoning Site Plan Review and Non-Conforming Structures.



VII.COMMISSIONERS CHOICE

Vice Chair Fish welcomed new voting member of the Commission, Michael Freemire.

Chris Neubecker informed the Commission of a meeting regarding safe routes to school and offered to share the invitation and information with the Commissioners.

The meeting adjourned at 9:20 p.m.

/s/Julie Bailey
Recording Secretary



City of Englewood
Regular Meeting Minutes
ENGLEWOOD LIQUOR AND MEDICAL MARIJUANA LICENSING AUTHORITY
1000 Englewood Parkway, City Council Chambers
February 5, 2014 7:00 p.m.

1. Call to Order and Roll Call

The meeting was called to order at 7:00 p.m. by Chairperson Ostmeyer.

Roll Call.

Present: Michael Buchanan, Jacqueline Edwards, Diane Ostmeyer, Steven Ward,
Carolyne Wilmoth
Absent: None
Also Present: Assistant City Attorney Comer
Deputy City Clerk Bush
Assistant City Clerk McGarry
City Clerk Ellis

2. Consideration of Minutes

- a) The minutes of the telephone poll of January 15, 2014 were considered.

MEMBER WILMOTH MOVED, AND MEMBER BUCHANAN SECONDED, TO APPROVE THE MINUTES FROM THE TELEPHONE POLL OF JANUARY 15, 2014.

Vote Results: Ayes: Members Buchanan, Edwards, Ostmeyer, Ward, Wilmoth
Nays: None

Motion approved.

3. Renewals

- | | |
|---|--|
| a) The Copper Pot on Broadway
2796 S. Broadway | Hotel/Restaurant Liquor License
Expires February 27, 2014 |
| b) Gothic Theater
3263 S. Broadway | Tavern Liquor License
Expires March 28, 2014 |
| c) Wills Investments & 7-Eleven
4601 S. Santa Fe Dr. | 3.2% off premises Liquor License
Expires March 5, 2014 |
| d) Steakhouse 10
3517 S. Elati St. | Hotel/Restaurant Liquor License
Expires May 23, 2014 |

MEMBER WILMOTH MOVED, AND MEMBER EDWARDS SECONDED, TO APPROVE THE RENEWALS FOR AGENDA ITEMS 3 a - d.

Vote Results: Ayes: Members Buchanan, Edwards, Ostmeyer, Ward, Wilmoth
Nays: None

Motion approved.

4. Special Event Permits

a) Museum of Outdoor Arts

The Museum of Outdoor Arts has submitted three applications for dates May 3, 2014, August 2, 2014, and November 1, 2014. All events are at 1000 Englewood Parkway from 6:00 p.m. – 9:00 p.m.

MEMBER WILMOTH MOVED, AND MEMBER EDWARDS SECONDED, TO APPROVE THE THREE SPECIAL EVENT PERMITS FOR THE MUSEUM OF OUTDOOR ARTS FOR DATES OF: MAY 3, 2014, AUGUST 2, 2014 AND NOVEMBER 1, 2014.

Vote Results: Ayes: Members Buchanan, Edwards, Ostmeyer, Ward, Wilmoth
Nays: None

Motion approved. The special event permit was temporarily approved for the Museum of Outdoor Arts, pending the ten (10) day posting of the property and with the public hearing date of February 19, 2014, which will be vacated if no written protests to the issuance of the permit are received by the City Clerk, during the ten-day posting. If no protests are received, the permit will be approved with the February 19, 2014 date. Neighborhood boundaries are set at: Yale Avenue to the north, Oxford Avenue to the south, Broadway to the east and Zuni Street to the west.

5. Public Hearing - Sakura

a) Xin Long LLC dba Sakura
5050 S. Federal Blvd., #36

MEMBER BUCHANAN MOVED, AND MEMBER WILMOTH SECONDED, TO OPEN A PUBLIC HEARING FOR A HOTEL/RESTAURANT LIQUOR LICENSE FOR XIN LONG LLC. DBA SAKURA, 5050 S. FEDERAL BLVD., ENGLEWOOD, COLORADO 80110.

Vote Results: Ayes: Members Buchanan, Edwards, Ostmeyer, Ward, Wilmoth
Nays: None

Motion approved.

Attorney Zongbing Li, Supreme Court Number 43629, was present representing the applicant. Also present for the applicant was Manager Yifan Zhang and Kelly Piets from Esquire Petitioning.

All witnesses were duly sworn.

Mr. Li said this is a new application for a Hotel/Restaurant liquor license. Mr. Li questioned Ms. Zhang regarding her age (22), the name and address of the business (Xin Long LLC dba Sakura 5050 S. Federal Blvd., #36), the type of restaurant (Japanese, Chinese and American BBQ), if a liquor license is needed (yes), the number of employees to be hired (15), when hoping to open (middle of March), and her experience in selling or

serving alcohol (no experience selling or serving alcohol but does have experience managing). Ms. Zhang said she plans to attend the alcohol awareness training offered by the City of Englewood. Mr. Li questioned how Ms. Zhang would make sure her employees are trained and able to comply with Colorado liquor laws and regulations. Ms. Zhang replied that they will accompany her to the City's training and that they will check identification. Mr. Li inquired if the employees will have experience selling and serving liquor in Colorado? Ms. Zhang answered I will make sure they will. Mr. Li asked how will you check the age and what kind of identification are valid. Ms. Zhang replied all identification will be checked. This includes driver's licenses, state issued or government issued ID's, military ID's, and passports. Mr. Li asked if you or your employees will serve people who become drunk. Ms. Zhang responded no. You can tell by looking at their eyes and judging their behaviors. The customers will only be served in the restaurant.

Mr. Li asked Kelly Pietrs, from Esquire Petitioning, to step up. Mr. Li verified that his client hired Ms. Pietrs and her company to provide petitioning services. Ms. Pietrs agreed. Mr. Li asked that Ms. Pietrs explain what her company did for his applicant. Ms. Pietrs said I am the managing member of Esquire Petitioning Services and we have been in business for 17 years. We did this survey, as we do all surveys, with the circulators carrying a clipboard with a map of the designated neighborhood, a warning sheet detailing the hearing information, signature sheets, and data sheets as to whether residential or commercial door knocks. The circulators were informed to state that the petition concerned a Hotel/Restaurant liquor license, make sure that the person was familiar with the location, and allow the people to sign in support of or in opposition of the issuance of the license. We have a total of 100 residents who signed in support and 36 business owners or managers who signed in support for a combined total of 136 who support the issuance of this license. We did have 2 residents who signed in opposition to the issuance of the license. In doing this survey, the circulators are trained to ask why someone may have signed in opposition to the issuance of the license. In this case, both residents stated that there are sufficient numbers of outlets. So roughly 99% of those who signed are in favor of the license and 1.4% are opposed based on a needs and desires basis. Mr. Li asked based on your experience, what do you see from these results. Ms. Pietrs replied in my experience, this is a strong survey indicating that there is a need in the neighborhood for an additional liquor license and a desire among the adult inhabitants.

Mr. Li said I have no further questions.

Chairperson Ostmeyer asked if the Authority had any questions. No one did for Ms. Pietrs.

Member Buchanan had some questions. He asked Ms. Zhang if she was going to be the sole manager and would be there all of the time. Ms. Zhang replied yes. Member Buchanan asked about the presence of Shouqing Chen. Ms. Zhang replied that he will be present but she will be the one managing the restaurant. Member Buchanan noted that she said she had experience managing restaurants before but asked if any of those restaurants sold alcohol. Ms. Zhang replied no. Member Buchanan asked if the restaurant was going to have outdoor seating. Ms. Zhang replied no.

Chairperson Ostmeyer asked Ms. Zhang have you hired people yet. Ms. Zhang responded not yet. Chairperson Ostmeyer asked if you plan to hire people who have experience with alcohol. Ms. Zhang said yes we will.

Member Buchanan asked what will your hours be. Ms. Zhang responded probably from 10 a.m. – 9 p.m. Member Buchanan asked every day. Ms. Zhang said mostly, probably on Sunday we will close at 7 p.m. We haven't set up the exact hours yet. Chairperson Ostmeyer replied that that appears to be some pretty long hours that you will be there. You have indicated that you will be the only manager and that you will be there

all of the time. So if you are not there, who will be managing in your absence? Mr. Li said Shouqing Chen, the owner, always makes sure everything is in order. If there is a need for him to be there, he will be. Mr. Chen has several restaurants and is very experienced. Member Buchanan responded I think where we are going with these questions is that Ms. Zhang is going to be the only manager. That is a lot of hours. Are you going to hire an assistant manager? Mr. Li said yes.

Chairperson Ostmeyer asked if there was anyone present who wanted to speak either for or against this application. There was no one.

She asked if they thought they needed to go into Executive Session. No one did.

MEMBER WARD MOVED, AND MEMBER EDWARDS SECONDED, TO APPROVE THE APPLICATION FOR A HOTEL/RESTAURANT LIQUOR LICENSE FOR XIN LONG LLC. DBA SAKURA, 5050 S. FEDERAL BLVD., ENGLEWOOD, COLORADO 80110.

Vote Results: Ayes: Members Buchanan, Edwards, Ostmeyer, Ward, Wilmoth
Nays: None

Motion approved.

Chairperson Ostmeyer said congratulations. We will state the reasons for our vote.

Member Edwards said it looks to me like you are very well organized, you are in a good spot and you are very much together. I wish you well.

Member Buchanan said you met your burden of needs and desires of the neighborhood. Everything was well organized and we appreciate that Mr. Li. I wish you luck.

Chairperson Ostmeyer said you met the needs and desires. You did a nice job of putting everything together. I wish you a lot of luck.

Member Ward said your surveyor did you well. The needs and desires were very firmly established by the survey. I have no reason to not approve this license. I look forward to visiting your business.

Member Wilmoth said you met the needs and desires. You did a nice job organizing things. I look forward to seeing your restaurant.

Ms. Zhang said thank you.

All members wished the applicant good luck.

MEMBER EDWARDS MOVED, AND MEMBER BUCHANAN SECONDED, TO CLOSE THE PUBLIC HEARING FOR A HOTEL/RESTAURANT LIQUOR LICENSE FOR XIN LONG LLC. DBA SAKURA, 5050 S. FEDERAL BLVD., ENGLEWOOD, COLORADO 80110.

Vote Results: Ayes: Members Buchanan, Edwards, Ostmeyer, Ward, Wilmoth
Nays: None

Motion approved.

6. Public Hearing – Medical Marijuana Optional Premises Cultivation

- a) Buddies Wellness LLC. dba La Bodega
4695 S. Windermere St., Units A & B

MEMBER BUCHANAN MOVED, AND MEMBER WARD SECONDED, TO OPEN A PUBLIC HEARING FOR THE MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION LICENSE FOR BUDDIES WELLNESS LLC DBA LA BODEGA, 4695 S. WINDERMERE ST., UNITS A & B, ENGLEWOOD, COLORADO 80110.

Vote Results: Ayes: Members Buchanan, Edwards, Ostmeyer, Ward, Wilmoth
Nays: None

Motion approved.

Roll Call.

Present: Michael Buchanan, Jacqueline Edwards, Diane Ostmeyer, Steven Ward,
Carolyne Wilmoth
Absent: None

Deputy City Clerk Bush introduced the documents presented: the application, the Individual History Records, the Floor Plan, the Lease, Letter advising of the Public Hearing, the Publisher's Affidavit for the Englewood Herald and the City's website, the zoning compliance letter from Community Development, the proof of posting on the site and the additional supplemental documents regarding Mr. Sandoval's criminal history.

Chairperson Ostmeyer asked who is representing the applicant. Manager Gabriel Sandoval said I am and with me is my father, Romelo Sandoval. He doesn't speak much English, only Spanish. He will be the owner.

All witnesses were duly sworn. Gabriel Sandoval was asked to translate the oath in Spanish to his father.

Gabriel Sandoval said we have been in business almost 4 years, in Denver, with our center. We are applying for a grow license here in Englewood. We started out small and we are growing. We are keeping it family based and not bringing in any other investors. My parents sold a house last summer, which gave us the money to expand at this point. We found a location and it was a perfect spot for us.

Member Buchanan clarified that you are currently licensed in Denver? Is it a dispensary? Mr. G. Sandoval replied yes, with a State and City license. Member Buchanan asked both you and your father are the licensees. Mr. G. Sandoval replied no, only my dad. I am the manager. Member Buchanan asked do you have a grow facility? Mr. G. Sandoval responded yes, it is with the center, at the same location. It is very small. Member Buchanan asked have you had any issues with the City and County with your licensing. Mr. G. Sandoval replied no.

Chairperson Ostmeyer asked does your grow support one dispensary. Mr. G. Sandoval replied yes, it is our dispensary. It supplies our patients right now. Member Buchanan asked if this new facility will replace your current grow facility. Mr. G. Sandoval responded no, we are going to use both. We are ready for this.

Chairperson Ostmeyer said it looks like they have done a good job with their paperwork. Is that correct Kerry? Deputy City Clerk Bush responded they eventually submitted a complete application. Member Buchanan asked how long has it taken. Mr. G. Sandoval replied it has taken about two months. Member Buchanan asked did you take care of it yourself or did you have an attorney. Mr. G. Sandoval responded we did it on our

own. Member Buchanan asked if you did it on your own in Denver too. Mr. G. Sandoval answered we did it. Member Buchanan asked what type of security will you have at the grow facility. Mr. G. Sandoval said the State pretty much determines what type of security we have. The State does an inspection. They set the rules. At our current location, about 2,000 feet, we have about 28 cameras. At this location, because it is much bigger, we are looking at about 100 cameras. Member Buchanan asked what is the size of this location again. Mr. G. Sandoval replied 5,000 feet in Unit A and 3,000 feet in Unit B, for a total of 8,000 feet. Deputy City Clerk Bush stated that their grow will only be in the 5,000 foot Unit A as our Code does not allow for larger sized grow facilities. 5,000 feet is the maximum size allowed.

Chairperson Ostmeyer asked have you had any security problems at your current facility. Mr. G. Sandoval answered one time we had an attempted break-in. A truck tried to bash through a garage door that we had. It was 2 years ago.

Chairperson Ostmeyer asked how do you plan to take your product to your dispensary and what kind of security do you have in place for that. Mr. G. Sandoval replied everything we do is manifested through the State. As soon as it gets dry, we weigh it and then manifest it. We notify the State and give them our driving plan and all of the information they require. Myself and my dad will be the ones transporting it.

Member Buchanan asked have you communicated with any of the other businesses in that area where you are proposing to go. Have you had any communication with them? Mr. G. Sandoval said no, except with the landlord. We did notify the sandwich store next to us. Member Buchanan said my recollection of the area is that there is a chain link fence around the area. Mr. G. Sandoval said correct. There is also another building in front of us.

Member Buchanan asked if it is the State that monitors your grows. Mr. G. Sandoval said yes. Everything is monitored. It is put into a tracking system. It tracks from seed to clone to point of sale. Member Buchanan asked how many people will be working there. Mr. G. Sandoval replied eventually about 8 people. We haven't hired anyone yet. We haven't built out the building yet. We hope to open about July. Member Buchanan asked what hours will they be working. Mr. G. Sandoval responded from about 5 in the morning until about 10 at night. A couple of shifts.

Member Buchanan said 5,000 feet is a lot of space and that will be a lot of plants that have a smell. Have you made provisions regarding the smell? Mr. G. Sandoval said yes. We will have carbon filters in every flower room. There are filters in the dry room. Most of the smell is in the flower rooms and the dry rooms. We will have carbon and filters.

Member Buchanan asked about safety gear for the employees. Mr. G. Sandoval replied they have standard jumpsuits. We do this to make sure no one brings any bugs in.

Member Buchanan clarified that this grow operation is only for your dispensary in Denver. Nothing going to retail sales? Mr. G. Sandoval responded it is only for our center and nothing for retail.

Member Edwards asked if you have ever been denied a license before. Mr. G. Sandoval said no. Member Edwards read statements from the original application filed in Denver and with the State regarding marking yes on being denied. Mr. G. Sandoval said I don't know where that came from.

Member Edwards also questioned mislisting of the address as being on Colfax or Cedar. Mr. G. Sandoval said it is on Cedar.

Mr. G. Sandoval explained his criminal history. He provided copies of his background and explained what had happened. Everything has been completed.

Member Buchanan asked if there is any required training for Medical Marijuana. Mr. G. Sandoval said there is no training except for the MITS training.

Member Buchanan questioned the civil action listed on the criminal history. Was that a foreclosure? Mr. G. Sandoval said yes, I lost my house in about 2000. The sales covered any debt. Answering Member Buchanan's question, Mr. G. Sandoval said it was prior to obtaining the Medical Marijuana Center and grow licenses.

Member Buchanan asked what kind of business background do you have besides running the current facility in Denver. Mr. G. Sandoval said I managed my brother's clothing store for about 10 years. It was a clothing store/skateboard shop. I was also a real estate agent for about 4 years.

Member Edwards inquired if the State has issued a license for the center. Mr. G. Sandoval replied yes, we have a State license and one from the City for both the center and the grow.

Member Buchanan asked who handles the books. Where do you bank? I understand that that could be difficult. Mr. G. Sandoval responded that I take care of the books. Right now, we are cash based but I am hearing that this could change. They may be opening that up. Member Buchanan asked if there is going to be any money at the grow facility. Mr. G. Sandoval said no, most of it should be at the center.

Member Ward said I would like to know, given your criminal history that we have already talked about, why you swore on this affidavit that you have not been arrested or convicted. Mr. G. Sandoval said that was my mistake. I was thinking along the lines of the State application where it was more for felonies. Member Ward said and on the Arrest Disclosure form, the same thing? Mr. G. Sandoval replied the same thing, yes.

Member Buchanan said I am looking through the rules regarding Medical Marijuana. There appears to be some pretty specific rules regarding transporting. Are you familiar with these rules? Mr. G. Sandoval said yes. Member Buchanan continued saying you have to be authorized to transport the product. The new people that you hire will have to be licensed. Mr. G. Sandoval said the people we hire will be more as growers. My dad and I will be the transport people. Of those 8 people, there will be only about 4 people there at one time.

Member Buchanan said when you applied with the City and County of Denver and with the State, did you disclose your criminal history? Mr. G. Sandoval said the State is only concerned with felonies so that is where I got confused. Member Buchanan asked if you supplied your military discharge paper to them. Mr. G. Sandoval said yes. It was a general discharge. It was unable to adjust to military life. I was 17 years old. After one week, it was decided that this life wasn't really for me.

Chairperson Ostmeyer asked if the Authority had any other questions.

Member Buchanan asked Deputy Clerk Bush to what extent does the City of Englewood oversee the facilities. We have one or two at this point. Deputy Clerk Bush responded that we will do an initial inspection but it is the Police Department's job to monitor the lawfulness of the establishment. Member Buchanan questioned does the City and County of Denver do that? Does the State? Mr. G. Sandoval said yes they do.

Chairperson Ostmeyer asked if the Authority had any other questions.

Member Edwards said the only other thing I noticed was missing was the floor plan for Unit A. Is that going to be your office or will you be growing there? Mr. G. Sandoval replied Unit A is the smaller unit and we hope to eventually have it become a MIPS. Member Edwards said what are you going to do with it in the meantime? Mr. G. Sandoval said we are taking this one step at a time and doing what we can afford to do. Chairperson Ostmeyer clarified that you will be using the 5,000 foot for growing but you hope to eventually become involved with the edibles aspect of the business. Mr. G. Sandoval said I did speak with Audra, in Community Development, and she seems to think that we could possibly grow more than the 5,000 feet. I will look into it. We plan to stick with the 5,000 feet. Several people responded that 5,000 feet is the maximum and nothing over that would be allowed. Mr. G. Sandoval acknowledged this statement. Member Buchanan inquired if it was in our Code and he was told yes and it was specific to Englewood. Chairperson Ostmeyer stated we are letting you know now that it is only 5,000 feet. Mr. G. Sandoval said that is still a perfect spot for us and would allow us to grow in the future into the MIPS field with edibles.

Member Buchanan inquired as to how much traffic do you anticipate going in and out of the area? Transporting? Mr. G. Sandoval answered not very much. Just the normal 4 to 5 people who are there every day.

Member Edwards said the heating and ventilation are separate from the other units. Mr. G. Sandoval said correct or it will be. Our architects and engineers will see how it can be built out and separated.

Chairperson Ostmeyer asked if there is anyone here who would like to speak in favor of the issuance of this license for Buddies Wellness. There was no one.

Chairperson Ostmeyer asked if there was anyone who wanted to speak in opposition of this license. I see we have one person who signed up. Mr. Ray, would you please come forward.

Speaking in opposition for the license:

1) Gerald Ray, an Englewood resident, said I came here initially to speak in opposition to the idea of a marijuana grow operation in Englewood. I am generally opposed to it. With what has been said, I have heightened concerns about the qualifications of the specific applicant, in addition to my own general concerns about the operation as a whole. I am a long time resident of Englewood and have served on various boards. My wife volunteered 17 years with the schools. The concerns I have about the whole concept of a marijuana grow operation in Englewood is the direction it takes our city. This particular issue is not what the community wants to see. We have seen a variety of things come about whether it is the Medical Marijuana operations or tattoo parlors. When these things come about it presents a crossroad for Englewood and which path do we take? The Englewood Master Plan is not consistent with a marijuana grow operation. Our City is trying to go in a different direction than that. We are building a new high school, tearing out the Flood Middle school and rebuilding, the projected plan at Navajo and Windermere. I think we are trying to develop the City along the lines where people want to come and bring their kids. The schools and the City need to work together as it is very important. We have seen other areas in the Front Range; Commerce City is an example, where they have struggled for many years with an image and a reputation. They are trying to turn things around there. I want to see good things happen in Englewood. Marijuana in general does not bring the kind of business or people into the community that we want to have or see. We learned about the hearing tonight from the Englewood Herald. That is why we take that paper. Our address is within 2 or 3 blocks from this location. We have been through a zoning issue before and spent about 6 months before Council trying our case. We got zoning with restrictions. That is what helps our City become a better City. I am just generally opposed to marijuana grows in the city and I think there are better locations for these facilities. I've read

about the energy drain on the community and the costs associated with that. I am not sure how that would impact the citizens of Englewood. Member Buchanan clarified you mean electricity energy? Mr. Ray said yes. They are energy hogs from what I understand. The application for this site was specifically posted, as I understand, but we specifically went looking for it but didn't see it. We had a hard time finding the address. We didn't see the posting for the application that is coming up in a couple of weeks.

I have a question as to how this process works. Chairperson Ostmeyer said Kerry can explain it to you as she does most of the work. Please, Kerry, would you walk him through this.

Deputy City Clerk Bush said this Authority is a quasi-judicial Authority and has the authority to make decisions. In this City, these decisions do not go before City Council. This Authority has the legal authorization to make decisions regarding liquor and Medical Marijuana. They can make the decision tonight, as they did earlier for the liquor license, or they can make it in 5 days. It is a single Public Hearing usually. As for the posting, we publish the notice in the Englewood Herald newspaper, on the City's website and a poster is posted on the location site. It is verified and an affidavit is completed along with a picture of the posting.

Member Buchanan said I have a question for you regarding a statement you made. You said that you had concerns regarding this particular applicant. Could you articulate that? Mr. Ray answered I didn't know anything about the applicant prior to coming tonight. Just from the questions asked and the answers being given, I have concerns about the control and management of the operation.

Member Ward said Mr. Ray, would I be correct if I asserted your opinion as being generally opposed to having marijuana, retail or medical, outlets in general, in the City? Mr. Ray replied yes but I need to clarify that. I understand some of that if it is controlled and all of the things are done right. What I don't want is for Englewood to become a haven for any kind of marijuana distribution or growth. It seems that once someone gets a foothold in the community, then everyone else wants to have a blanket business. This must be the place to go to because they don't have a lot of restrictions, it's easy to get into, or whatever else. I don't want us to become a haven for that type of situation. I don't think the City wants to go in this direction based upon the Master Plan. Member Ward said Council has set zoning and distancing requirements for marijuana establishments. It is not like there is going to be many on one street. I am sympathetic to some of your arguments because I don't live that far either. Mr. Ray said there are concerns regarding safety. It is not too far from the various parks. We all know that there is money to be made from marijuana, whether it is honest or dishonest. That issue concerns us from a safety standpoint and involves kids.

Member Wilmoth said you might be interested to know that we have denied one marijuana application. We do take the time to look at the application and all of its aspects. We do not just give a blanket yes. Kerry gives us a lot of information to consider before we do a vote.

Mr. Ray said we have two of our neighbors here tonight but two others could not make it. We are concerned.

Member Edwards asked what specifically are some of your concerns. This is in a warehouse, with very tight security, everything that comes in and goes out is tracked. With the distancing requirements we have in Englewood, which are probably the strictest in the State, the next closest one would be at least 2,500 feet away. It is not as though it can be clustered together. Please detail what specifically concerns you. Mr. Ray responded 2,500 feet is not a very long distance. It is still close together and close to the residents. My primary concern with marijuana is just because it is attractive, a hot commodity, and it attracts the kind of people who would be inclined to do something. It is a safety issue more than anything else. Member Edwards asked how would you know what is in the warehouses. Mr. Ray replied it was posted in the newspaper and

people who are interested in that kind of thing can get that information. I don't want to see us going in the wrong way.

Chairperson Ostmeyer said Mr. Ray, I can see where you are coming from. We all have a long road ahead of them. We are going with what our voters have voted for and are trying to manage it well. It is going to take some time. You are going to have to bring the two together at some point. We are trying to do the very best job we can to look at both sides. We don't have a whole lot of experience to go on. Mr. Ray said I know that Englewood cannot be an isolationist community but it is about control and making good decisions for the future. This is a community we have invested in and want to continue to do so in the future. Do you have any more questions for me? Thank you for your time.

The Authority said thank you for coming here tonight.

2) Mark Foster, an Englewood resident, said there are some things I heard tonight and I felt something needed to be said. I have two big concerns about the licensing of this particular applicant; security and background. I am a business owner, with multiple interests right down that strip. That is a largely uncontrolled strip. There are a lot of vulnerable businesses. If this licensee has great security, then the businesses around it are going to be at higher risk because it is going to be an attractive nuisance. As far as the background, it has been well established that people who are inclined to indulge in adult substances, are going to be inclined to indulge in more than one. This means that marijuana now...the people who run or work at the facility, are probably going to be inclined to utilize other substances. This brings an unattractive element like cocaine, meth, whatever. These are going to be the kinds of people who broke into one of my business interests and stole hundreds of pounds of aluminum. That's all I have to say. Are there any questions for me? There were none.

Chairperson Ostmeyer said thank you very much.

Mr. Sandoval asked if he could respond to the statements made. There were a couple of concerns about the security or the spacing. I have already addressed the distancing. It is in an industrial area. As far as myself, I am a hard working individual. I don't do any other drugs. I don't drink alcohol. I may smoke marijuana in the evening. I think it would be a good fit.

Member Buchanan asked if you have any response to the concerns raised about the security issues. Mr. G. Sandoval said not necessarily. We are going to have all of those cameras so it should be better. We are off of the road there. We had the poster up there.

Chairperson Ostmeyer asked have you spent very much time on the premises. Mr. G. Sandoval replied we have been over there laying out plans and I have been talking with the electricians. Chairperson Ostmeyer asked in that time, have the other businesses talked to you or indicated that they preferred not to see it or relayed any negativity to you. Mr. G. Sandoval said no.

Member Buchanan asked where does 5,000 square feet fit in with the other grow facilities, in your experience. Mr. G. Sandoval said it is pretty small. Some are 30,000 or 40,000 feet. This location is pretty discreet. I am not concerned about it. Member Buchanan said but you have heard here tonight that others are concerned about it. Is there anything else you can do? Mr. G. Sandoval replied maybe hire a security guard but we would wait until we could afford it.

Member Buchanan asked have you looked at other locations. Mr. G. Sandoval said yes but it is limited and there is not much available. The spacing requirements in Englewood indicated that it could handle a couple of more establishments.

3) Linda Ray, an Englewood resident, said my husband indicated that we could be changing at this point. I would like to remind you that up to the last few years, Englewood has been the best kept secret in Denver and the suburbs. We could have moved but we chose to stay. There are a lot of people moving in and many homes are being upsized or built. Englewood is on the verge of change. It would change in a very different way if we start approving marijuana grow facilities. I understand the need for industrial. This current application is a very narrow strip of industrial. It is a new facility, I think it is a lumberyard, going in. I want you to really think that money is being spent giving schools the chance to rebuild. My son and his family have chosen to stay in Englewood. There are new families moving in. I hate for us to go down a path that could change that.

Chairperson Ostmeyer said thank you very much.

Chairperson Ostmeyer asked if anyone else wanted to speak. No one did.

Chairperson Ostmeyer asked if the Authority thought they needed to go into Executive Session.

MEMBER WARD MOVED, AND MEMBER BUCHANAN SECONDED, TO RECESS INTO EXECUTIVE SESSION.

Vote Results: Ayes: Members Buchanan, Edwards, Ostmeyer, Ward, Wilmoth
Nays: None

Motion approved.

The meeting recessed at 8:32 p.m.
The meeting reconvened at 9:16 p.m. with all members present.

MEMBER WILMOTH MOVED, AND MEMBER EDWARDS SECONDED, TO RECONVENE FROM EXECUTIVE SESSION.

Vote Results: Ayes: Members Buchanan, Edwards, Ostmeyer, Ward, Wilmoth
Nays: None

Motion approved.

MEMBER EDWARDS MOVED, AND MEMBER WILMOTH SECONDED, TO APPROVE THE APPLICATION FOR THE MEDICAL MARIJUANA OPTIONAL PREMISES CULITVATION LICENSE FOR BUDDIES WELLNESS LLC. DBA LA BODEGA, 4695 S. WINDERMERE ST., UNITS A & B, ENGLEWOOD, COLORADO 80110.

Vote Results: Ayes: Members Buchanan, Edwards, Ostmeyer, Wilmoth
Nays: Member Ward

Motion approved.

Chairperson Ostmeyer said we will state the reasons for our vote.

Member Edwards said I voted to approve this OPC because I feel the paperwork was in order. I appreciate the explanations you have given us. I did have concerns about the miscommunication or mismarking on the

criminal history. I see the paperwork and understand some of the confusion. That was my main concern. I feel that you are an ongoing business and since the State has issued you licenses and you have the badges, you are working in compliance with what you are supposed to be doing. I think the location you have chosen is off of the beaten track and not near where children would be playing for the most part. I think the nature of the business, since there will not be any customers coming in to make purchases or deliveries, creates a business that will have minimal traffic and minimal disruption to the area around them, provided the security is in order. Knowing that there is a tremendous investment in what you are doing, I know that it is your number one concern to keep yourselves, your property and your product safe. As far as the neighborhood is concerned, I appreciate the citizens coming in, but I didn't hear anything that was specific enough that would really make me afraid to have this facility in this location. That is how I based my vote.

Member Buchanan said I voted in favor of this despite my concerns about the lack of disclosure on the prior arrest issues. You were forthright with your explanations. The offenses were minor and quite a distance in the past. In my perspective, in order to apply Englewood's rules for licensing, regarding these types of applications for licensing, I can go forward with this in spite of those issues. Your application was correct and in compliance with the rules. I see no reason to deny based upon the application itself. The evidence shows that you are successfully operating a grow and dispensary in the City and County of Denver and operating under State rules. I expect that you can operate a grow facility here based upon the evidence. I appreciate the public coming tonight and articulating their concerns. We don't hear from the public very often. We take this very seriously. Mr. Sandoval, in regards to that, you really need to take security very seriously and pay attention to that. Your neighbors have pointed that out to you. You have requirements under the State rules and you are aware of that but you can go beyond that. The City of Englewood takes our licensing, both liquor and marijuana, very seriously. Do pay attention. We expect you to be a good corporate citizen. You are going to be up for renewal every year with us. Other than that you have met the requirements. I don't have any other reasons to deny this.

Chairperson Ostmeyer said I voted yes for several reasons. Like Mr. and Mrs. Ray and Mr. Foster, I have lived in Englewood a very long time. I have raised my family here. That isn't to say that I didn't have concerns when this all started years ago. We are here today, and we have passed marijuana laws. Englewood voters passed it. You have met your due diligence. It is one of the cleanest applications I have seen in a very long time and I appreciate it. I would also rather because we have said in Englewood, our voters and our Council that we are going to do this, I feel that you as a small operation and an experienced operator will be the best fit for this community. I hope that I am not wrong, and I don't think I will be. That said, I can only wish you well and let you know that we will watch you like we do all of our licensees. I think that you are going to be all right. I think you did a good job. That's why I voted yes.

Member Ward said I was the lone no vote. My primary concern was the non-disclosure of the arrest record. I believe that the standard for licensing a marijuana facility is not the same standard as licensing for a liquor facility. You are operating in a highly regulated industry where attention to detail is incredibly important and full disclosure is an absolute necessity. I can tell you if you had given us full disclosure, you likely would have got a yes vote from me. I think in this case, as stated before, the offenses occurred long ago and were relatively minor. I see the harm of lack of disclosure the greater offense. The other issue is the members of the community who came out to oppose this license. That did weigh in to my decision. We did not see anyone from the community who came in to support the license. That also weighed in on my decision. My vote was no.

Member Wilmoth said we are really in an area of transition. The voters have voted for marijuana in the State of Colorado. We are also in a state of transition. Looking at applications, questioning things. It is a difficult

position to sit here and look over all of the paperwork. We need to abide by the voters decision in the State and in the City. We have a lot of things that are in place that we will be looking at. You will have to renew in a year. People will be looking at you because you own the establishment. I do appreciate that people have come out and voiced their concerns. We rarely have anyone coming out and voicing their opposition. I wish you well in your business.

MEMBER EDWARDS MOVED, AND MEMBER WILMOTH SECONDED, TO CLOSE THE PUBLIC HEARING FOR THE MEDICAL MARIJUANA OPTIONAL PREMISES CULITVATION LICENSE FOR BUDDIES WELLNESS LLC. DBA LA BODEGA, 469S S. WINDERMERE ST., UNITS A & B, ENGLEWOOD, COLORADO 80110.

Vote Results: Ayes: Members Buchanan, Edwards, Ostmeyer, Ward, Wilmoth
Nays: None

Motion approved.

7. Citizen’s Forum

There were no citizens present who desired to speak.

8. Authority Members’ Choice

The Authority did not have any comments.

9. Counsel’s Choice

Prosecuting Attorney Comer did not have any matters to bring before the Authority.

10. Clerk’s Choice

a) Reappoint Diane Ostmeyer chair for 2014.

MEMBER WILMOTH MOVED, AND MEMBER BUCHANAN SECONDED, TO APPROVE THE REAPPOINTMENT OF DIANE OSTMEYER AS CHAIR OF THE LIQUOR AND MEDICAL MARIJUANA LICENSING AUTHORITY.

Vote Results: Ayes: Members Buchanan, Edwards, Ostmeyer, Ward, Wilmoth
Nays: None

Motion approved.

b) Deputy City Clerk Bush informed the Authority of Alcohol Awareness Training that she will be hosting for the liquor licensees and their staff. The invitation letters went out in today’s mail to the licensees.

11. Adjournment

The meeting was adjourned at 9:32 p.m.

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/s/ Kerry Bush, MMC
Deputy City Clerk