

INDEPENDENT ETHICS COMMISSION – Formal Complaint Form

BEFORE THE INDEPENDENT ETHICS COMMISSION CASE NO. 17-13  
OF THE STATE OF COLORADO (IEC use only)

COMPLAINT

The Complainant is:

M.A.K. Investment Group, LLC

Address (Include City and Zip Code)

Daytime Phone No.

c/o Ireland Stapleton Pryor & Pascoe, PC  
Attention: Russell W. Kemp, Esq.  
717 17<sup>th</sup> Street, Suite 2800  
Denver, CO 80202

303-628-3624

Email: rkemp@irelandstapleton.com

The Respondent is:

Jeff Allen, former Council Member of City of Glendale, Colorado

Address (Include City and Zip Code)

Daytime Phone No.

950 South Birch Street  
Glendale, CO 80246

303-759-1513

Email: Unknown

The specific act or things complained of, with the facts to give a full understanding of the situation, is (are):

Jeff Allen was at the relevant times a voting member of the City Council of Glendale, Colorado. This Complaint relates to former Councilman Allen's actions as a voting member of the City Council.

The minutes of the Regular Meeting of the City Council of Glendale, Colorado, March 2, 2010, attached as **Exhibit 2** ("March 2010 Minutes"), reflect that Mayor Dunafon (then a council member and Mayor Pro Tem) and Councilman Allen recused themselves on a vote to renew the liquor license for Bavarian Inn Restaurant, Inc. dba Shotgun Willie's because, according to

the city attorney, "each have an ownership interest in the licensee". The licensee is Shotgun Willie's.

The pattern of Councilman Allen not voting on matters involving Shotgun Willie's continued. The minutes of the Regular Meeting of the City Council of Glendale, Colorado, March 1, 2011, attached as **Exhibit 3** ("March 2011 Minutes"), indicate that Allen "did not vote" on the renewal of the Shotgun Willie's liquor license. The minutes of the Regular Meeting of the City Council of Glendale, Colorado, November 1, 2011, attached as **Exhibit 4** ("November 2011 Minutes"), reflect that Councilman Allen "abstained" from a vote regarding eminent domain proceedings for the site of Shotgun Willie's.

#### The Shotgun Willie's Vote

Minutes of the Regular Meeting of the City Council of Glendale, Colorado, March 1, 2016 are attached as **Exhibit 5** ("March 2016 Minutes"). Consent agenda item d is the renewal of the Tavern Liquor License for Bavarian Inn Restaurant Incorporated d/b/a Shotgun Willies, 490 South Colorado Boulevard. On information and belief, Shotgun Willie's, as noted above, is owned in part by Councilman Allen. Shotgun Willie's is a trademark and tradename for Bavarian Inn Restaurant Incorporated (see attached **Exhibit 6**). As reflected in the March 2016 Minutes, Councilman Allen was present at the meeting. There is no indication in the minutes of any disclosure, recusal or abstention for the Consent Agenda. Councilman Allen seconded the motion to approve the Consent Agenda, and the Consent Agenda "passed unanimously," including the renewal of the liquor license for Shotgun Willie's.

C.R.S. Section 24-18-109(3)(a) provides: "A member of the governing body of a local government who has a personal or private interest in any matter proposed or pending before the governing body shall disclose such interest to the governing body and shall not vote thereon and shall refrain from attempting to influence the decisions of the other members of the governing body in voting on the matter."

C.R.S. Section 24-18-109(3)(b) allows voting on a matter otherwise prohibited by Section 109(3)(a), but only "if his participation is necessary to obtain a quorum or otherwise enable the body to act and if he complies with the voluntary disclosure procedures under section 24-10-110." C.R.S. Section 24-10-110 provides that the voluntary disclosure shall be made in writing to the Secretary of State.

C.R.S. Section 31-4-404(2)&(3) contains a similar prohibition and procedures for disclosure and compliance. C.R.S. 24-18-108(d) is also

implicated by the actions of Mayor Dunafon and former Councilman Allen raised in this Complaint.

Section 4.27 of the Glendale Municipal Code provides: "No member of the Council shall vote on any question in which he has a financial interest, other than the common public interest, or on any question concerning his own conduct."

The City's Code of Ethics, Section 2.14.040(B) contains a similar prohibition: "No elected official, officer, board member, employee, or independent contractor shall perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which he either has a substantial financial interest or is engaged as counsel, consultant, representative or agent."

There is no record of any disclosure by Councilman Allen to the Secretary of State. Except to the extent that Councilman Allen completely divested the interest he owned in Shotgun Willie's in 2010, he violated the cited statutes and provisions of the Municipal Code by participating in his official capacities and voting on matters in which he had a direct financial interest.

The remedy to the matter:

On behalf of our client, we request that the Independent Ethics Commission investigate the ethical violations described above, make findings and assess appropriate penalties, pursuant to its mandate in Article XXIX, Section 5 of the Constitution of the State of Colorado "to hear complaints, issue findings, and assess penalties...on ethics issues arising... under any other standards of conduct and reporting requirements as provided by law." We specifically invoke the independent jurisdiction of the Independent Ethics Commission to enforce laws of the State of Colorado enacted to preserve the public trust in government service without conflicts of interest. C.R.S. Section 24-18-103(1). Pursuant to C.R.S. Section 24-18-103(2), sanctions that would be appropriate for a private trustee breaching a fiduciary duty are requested. Furthermore, sanctions pursuant to Section 6 of Article XXIX of the Constitution may be appropriate for any actions found to be a breach of the public trust for private gain.

I (We) hereby acknowledge that I (we) will cooperate in this Complaint and will appear at any hearing if the Complaint is set for hearing.

Signature(s): Signature of representative of Complainant on attached page.

Attorney (if applicable):  RUSSELL W. KEMP, #30158  
IRELAND, STAPLETON PRYOR & PASCOE, P.C.

Dated at Denver, Colorado, this 24<sup>th</sup> day of MARCH, 2017.

I (We) hereby acknowledge that I (we) will cooperate in this Complaint and will appear at any hearing if the Complaint is set for hearing.

M.A.K. Investment Group, LLC  
Signature(s): Nasir A. Khafaji, Member

Attorney (if applicable): \_\_\_\_\_

Dated at \_\_\_\_\_, Colorado, this 24 day of MARCH, 2017

RECORD OF PROCEEDINGS

MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
OF THE  
CITY OF GLENDALE, COLORADO  
March 2, 2010

Mayor Harte led the Pledge of Allegiance.

1. Call to Order and Roll Call. Mayor Larry Harte called the regular meeting of the City Council to order at 7:08 p.m. The following Councilmembers were present: Mayor Pro -- Tem Mike Dunafon, Jeff Allen, LuVerne Davenport, R. Wayne King, Pat Oppen and Steven St. James. Also present were City Manager Jerry Peters, City Attorney Matt Giacomini, City Clerk Anna Fine, other members of the City staff and members of the public.

2. Approval of Agenda. Councilmember King moved to approve the agenda. Requiring no second, the motion passed unanimously.

3. Presentations.

a. Monthly YMCA Update -- Ms. Debbie Ford, Executive Director of the Glendale YMCA, introduced Mr. Jim Brown, fitness instructor, dance instructor and current United States Ballroom Dance Champion. He explained the various dance classes offered at the recreation center. Members of the audience participated in a dance lesson.

b. Cherry Creek Public School Wellness Program -- The representative did not attend the meeting.

c. Cherry Creek Stewardship Partners 2009 Run for the Watershed -- Ms. Casey Davenhall, Watershed Coordinator for the Cherry Creek Stewardship Partners, stated that the organization promotes stewardship in the Cherry Creek Basin. She announced that the Glendale team won the 2010 Spirit Duck Award for the fifty mile run.

4. Public Comments. There were no public comments.

5. Consent Item.

a. Minutes of the February 16, 2010 Regular Meeting  
Councilmember Oppen moved to approve the minutes. Councilmember St. James seconded the motion, which passed unanimously.

6. Renew Tavern Liquor License for Bavarian Inn Restaurant, Inc. dba Shotgun Willie's at 490 South Colorado Boulevard. Mayor Harte read the matter into the record by title only, all Councilmembers having received copies of the same. Mayor Pro Tem Dunafon and Councilmember Allen recused themselves from participation in the proceedings. City Attorney Matt Giacomini opined that it is appropriate that Mayor Pro Tem Dunafon and Councilmember Allen recused themselves from participation in the matter before the Council because they each have an ownership interest in the licensee. Police Chief Victor Ross reviewed the details of the police report and recommended approval. He noted that a number of years ago the Glendale Police Department made officers available to work special detail inside the establishment. He opined that the police presence has prevented incidents that would require police intervention. Mr. George Miller, Operating Manager, reviewed the details of the tavern's operations. He thanked the Glendale Police Department for working with establishment to prevent problems. Mr. Miller stated that business is very good. Councilmember Oppen moved to renew the Tavern Liquor License for Bavarian Inn Restaurant, Inc. dba Shotgun Willie's at 490 South Colorado Boulevard. Councilmember St. James seconded the motion, which passed unanimously.

7. Renew Hotel and Restaurant Liquor License for Gunther Toody's LLC dba Gunther Toody's Diner at 4500 East Alameda Avenue. Mayor Harte read the matter into the record by title only, all Councilmembers having received copies of the same. Police Chief Victor Ross reviewed the details of the police report and recommended approval. Ms. Ann Stalker, Operating Manager, stated that business has increase during the past year. Councilmember Allen moved to renew the Hotel and Restaurant Liquor License for Gunther Toody's LLC dba Gunther Toody's

## RECORD OF PROCEEDINGS

March 2, 2010 Minutes

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Diner at 4500 East Alameda Avenue. Councilmember King seconded the motion, which passed unanimously.

8. Renew Tavern Liquor License for GIAC and IHGR Staybridge Suites Cherry Creek dba Staybridge Suites at 4220 East Virginia Avenue. Mayor Harte read the matter into the record by title only, all Councilmembers having received copies of the same. Police Chief Victor Ross reviewed the details of the police report and recommended approval. Mr. Aaron Williams, General Manager, stated that revenues decreased during the past year. Councilmember King moved to renew the Renew Tavern Liquor License for GIAC and IHGR Staybridge Suites Cherry Creek dba Staybridge Suites at 4220 East Virginia Avenue. Councilmember St. James seconded the motion, which passed unanimously.

9. Discussion Item.

a. Review of the Next City Council Agenda. Council approved the agenda for the April 12, 2010 organizational meeting by unanimous consent.

10. On-Going Updates.

a. Denver Regional Council of Governments. Councilmember Pat Oppen reported that 350 million dollars (federal funds) was allocated to redevelop Union Station (located in Denver). She stated that the 2010 Census forms would soon be in the mail. Councilmember Oppen noted that 26% of the population was not counted during the 2000 Census. Ms. Oppen reported on federal stimulus funds. She stated that smaller communities could unite to submit funding proposals. City Manager Jerry Peters stated that he would investigate the availability of financing.

b. Colorado Municipal League. Mr. Chuck Line reviewed medical marijuana, urban renewal and 2010 ballot issues that could have an impact on Glendale. Mr. Peters announced that the annual conference is scheduled for June 22-25, 2010 in Breckenridge.

c. GIFS Task Force. Mayor Pro Tem Dunafon reported on issues regarding tearing down the buildings on the Spanish Gate property.

d. Transportation Solutions. Councilmember Allen reported on the "Road Ahead" program and on providing additional bike racks in conjunction with the "Living Streets" program.

e. Regional Transportation District. No report.

f. Green Committee. Councilmember King stated that he and committee member Dan Van Winkle plan to attend the April 18, 2010 Earth Day Celebration at Four Mile Historic Park.

g. Fine Arts Committee. Councilmember St. James reported that upcoming classes including "Story Time Hour" for both children and seniors, "Public Speaking" and "Acting for the Camera."

h. Infinity Park. Mayor Pro Tem Dunafon stated that Infinity Park continues to thrive, attracting rugby teams from all over the world. He also reported on the "River Walk" development along the segment of Cherry Creek that runs through Glendale.

11. Department Reports. City Manager Jerry Peters thanked Mayor Pro Tem Dunafon for his leadership on the "River Walk" development project. Public Works Director Bob Taylor reported on the new emergency fire signals along Birch Street. Mr. Chuck Line reported on the upcoming Planning Commission Task Force meeting.

12. Public Comments. There were no public comments.

13. Council Reports. Councilmember Oppen reported that Mr. Tom Flannigan, Chairman of the Arapahoe - Douglas Mental Health Network Board of Directors, complimented Glendale on "doing it right." Mayor Larry Harte reported that Congresswoman Diana DeGette would meet with City representatives on Monday, February 8, 2010.

14. Other Business. There was no other business.

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15. Items for Press Release. There were no items for press release.
16. Adjournment. There being no other business before the Council, Mayor Harte adjourned the meeting at 8:30 p.m.

  
\_\_\_\_\_  
Larry Harte, Mayor

ATTEST:

  
\_\_\_\_\_  
Anna S. Fine, City Clerk



**RECORD OF PROCEEDINGS**



MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
OF THE  
CITY OF GLENDALE, COLORADO  
March 1, 2011

Mayor Harte led the Pledge of Allegiance.

1. Call to Order and Roll Call. Mayor Larry Harte called the regular meeting of the city council to order at 7:05 p.m. The following councilmembers were present: Mayor Pro Tem Mike Dunafon, Jeff Allen, Paula Bovo, R. Wayne King, Pat Oppen and Steven St. James. Also present were City Manager Jerry Peters, City Attorney Jeffrey Springer, City Clerk Anna Fine, other members of the city staff and members of the public.

2. Approval of Agenda. Councilmember King moved to approve the agenda, amended to add a presentation at agenda item 3b. A second not being required, the motion passed unanimously.

3. Presentations.

a. Monthly YMCA Update Glendale YMCA. Executive Director Debbie Ford congratulated Mayor Harte and his wife Heather for their performance in "Love Letters." Ms. Ford thanked Councilmember St. James for his assistance with the production. Glendale Police Department Detective Marcus McElroy and Sergeant Don Vigil explained a new self-defense program for women: "R A D" – Rape Aggression Defense.

b. Letter of Appreciation from the Association of Russian World War II Veterans for the Generous Donation from the City of Glendale. Mayor Larry Harte explained that the association thanked Glendale for the generous donation to the non-profit group. Mayor Harte noted that the group has been in Glendale since 1970.

4. Public Comments. There were no public comments.

5. Consent Items.

- a. Minutes of the February 1, 2011 Regular Meeting
- b. Proclamation – City of Glendale Spay Day 2011

Councilmember King moved to approve the consent items. Mayor Pro Tem Dunafon seconded the motion, which passed unanimously.

6. Special Events Permit Public Hearing for the Hellenic Orthodox Community Greek Festival at 4610 East Alameda Avenue on March 26, 2011. Mayor Harte read the matter into the record by title only, all councilmembers having received copies of the same and opened the public hearing. Police Chief Victor Ross reviewed the details of the police report and recommended approval. Church President John Matzakos explained that the festival is a celebration of Greek Independence Day. He noted that event proceeds would benefit the local Greek school. Following council questions, Mayor Harte closed the public hearing. Councilmember St. James moved to approve the March 26, 2011 Special Events Permit for the Hellenic Orthodox Community at 4610 East Alameda Avenue. Councilmember Bovo seconded the motion, which passed unanimously.

7. Tavern Liquor License for Bavarian Inn Restaurant, Inc. dba Shotgun Willie's at 490 South Colorado Boulevard. Mayor Harte read the matter into the record by title only, all councilmembers having received copies of the same. Police Chief Victor Ross reviewed the details of the police report and recommended approval. Chief Ross noted a 16% decrease in police calls over the last twelve months. He stated that officers (on special detail) are hired to prevent problems on two of the busiest nights. He stated that there were no calls of a serious nature and no liquor violations during the reporting period. Owner Deborah Matthews reported that business is very good, but not recession proof. Following council questions, Councilmember Bovo moved to approve the Tavern Liquor License for Bavarian Inn Restaurant, Inc. dba Shotgun Willie's at 490 South Colorado Boulevard. Councilmember Oppen seconded the motion,

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which passed unanimously. City Attorney Jeffrey Springer noted that Mayor Pro Tem Dunafon, Councilmember Allen and Councilmember King did not vote on the matter. Mayor Pro Tem Dunafon stated for the record that he does not work for Bavarian Inn Restaurant and does not own property in the City of Glendale other than his condominium.

8. Tavern Liquor License for GIAC Staybridge Suites Cherry Creek dba Staybridge Suites at 4220 East Virginia Avenue. Mayor Harte read the matter into the record by title only, all councilmembers having received copies of the same. Police Chief Victor Ross reviewed the details of the police report and recommended approval. Aaron Williams, operating manager, explained that the hotel serves liquor at evening receptions three times a week and on other occasions as needed. He stated that one TIPS-trained manager supervises every event and that liquor is only served to individuals who present appropriate identification. Following council questions, Councilmember Oppen moved to renew the Tavern Liquor License for GIAC Staybridge Suites Cherry Creek dba Staybridge Suites at 4220 East Virginia Avenue. Mayor Pro Tem Mike Dunafon seconded the motion, which passed unanimously.

9. Hotel and Restaurant Liquor License for Gunther Toody's LLC dba Gunther Toody's Diner at 4500 East Alameda Avenue. Mayor Harte read the matter into the record by title only, all councilmembers having received copies of the same. Police Chief Victor Ross reviewed the details of the police report and recommended approval. Operating Manager Ann Stalker stated that business improved over the past year. Ms. Stalker noted that the restaurant opened in 1994. Following council questions, Councilmember Allen moved to approve the Hotel and Restaurant Liquor License for Gunther Toody's LLC dba Gunther Toody's Diner at 4500 East Alameda Avenue. Councilmember King seconded the motion, which passed unanimously.

10. Scheduling the Public Hearing for a Site Plan Amendment, Special Use Permit and Bulk Plane Variance for CitySet Development at 600 South Colorado Boulevard. Mayor Harte read the matter into the record by title only, all councilmembers having received copies of the same. Deputy City Manager Chuck Line explained the conditions set by the planning commission. Mayor Pro Tem Dunafon noted the many planning commission site plan changes. He commended staff for their hard work. Following council questions, Mayor Pro Tem Mike Dunafon moved to hold a public hearing regarding a Site Plan Amendment, Special Use Permit and Bulk Plane Variance for CitySet Development at 600 South Colorado Boulevard at the April 5, 2011 city council meeting. Councilmember St. James seconded the motion, which passed unanimously.

11. Discussion Item.

a. Review the next city council meeting agenda. Council approved the April 5, 2011 regular meeting agenda by unanimous consent.

12. On-Going Updates.

a. Denver Regional Council of Governments. Councilmember Oppen reported on the Metro Vision public hearing regarding allocation of funds.

b. Colorado Municipal League. City Manager Jerry Peters reported on various bills before the legislature. Mr. Peters noted the CML Annual Conference is scheduled for June 21, 2011 through June 24, 2011 in Vail.

c. GIFS Task Force. Deputy City Manager Chuck Line reported on the demolition of the vacant Spanish Gate Apartment buildings. He noted that the property owner might construct a parking lot at the site.

d. Transportation Solutions. No report

e. Regional Transportation District. No report

f. Green Committee. No report

g. Fine Arts Committee. Councilmember St. James congratulated Mayor Larry Harte and his wife Heather for their performances in the February 19, 2011 production of "Love Letters." He also reported on the partnership with the Cheek Creek Theater.

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h. Infinity Park. Mayor Pro Tem Dunafon reported that ABC Channel 7 would be the first US network to broadcast rugby games. He noted that premier college games would begin with CU vs. CSU on March 11, 2011. Deputy City Manager Linda Cassaday reported on a new video designed to recruit teams from around the world to use the Glendale High Altitude Training Center. Ms. Cassaday noted that training in a cold climate would result in better conditioning for players.

i. River Walk. Mayor Pro Tem Mike Dunafun explained the potential of developing the river walk without taxing Glendale citizens or requiring additional bonding. He explained that the Regional Tourism Tax Initiative is based on the redevelopment of blighted areas or areas that create new taxes through tourism. Mayor Pro Tem Dunafon noted that the river walk development would qualify for tourism tax funds. He opined that Glendale might be one of the two cities chosen by the Governor's select committee to receive part of the \$250,000,000 in the tax funds over the next fifteen years. Mayor Pro Tem Dunafun reported on the search for a master developer to manage the 1.5 million square foot project. He encouraged the mayor and council members to contact him or Deputy City Manager Chuck Line with any questions about the project.

13. Department Reports. Mr. Peters noted the CML Annual Conference is scheduled for June 21, 2011 through June 24, 2011 in Vail. Deputy City Manager Chuck Line reported that special event liquor permits would be approved at the local level only. Police Chief Victor Ross reported on various policing issues and incidents. Finance Director Linda Cassaday stated that budget information would be available at the next meeting. She reported that the new park has been rented for a variety of uses that include kickball, cricket, soccer and Ultimate Frisbee. Ms. Cassaday noted that the new park has already generated revenue of over \$10,000. Public Works Director Bob Taylor reported that the exterior graffiti on the Spanish Gate apartment building has been covered.

14. Public Comments. There were no public comments.

15. Council Reports. There were no council reports.

16. Other Business. There was no other business.

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

18. Adjournment. There being no other business before the council, Mayor Harte adjourned the meeting at 8:18 p.m.

  
Larry Harte, Mayor

ATTEST:

  
Anna S. Fine, City Clerk

**RECORD OF PROCEEDINGS**

**MINUTES OF THE CITY COUNCIL  
REGULAR MEETING  
OF THE  
CITY OF GLENDALE, COLORADO  
November 1, 2011**



Mayor Harte led the Pledge of Allegiance.

1. Call to Order and Roll Call. Mayor Larry Harte called the regular meeting of the City Council to order at 7:04 p.m. Mary Kay Bateman called the roll call. The following council members were present: Jeff Allen, Paula Bovo, R. Wayne King, Pat Oppen, Steven St. James and Mayor Larry Harte. Mayor Pro Tem Dunafon was excused. Also present were City Manager Jerry Peters, City Attorney Matt Giacomini, other members of the city staff and members of the public.

2. Approval of Agenda. Mayor Harte noted Item 3 would be cancelled, Item 6 will be tabled to the next regular council meeting Dec 6<sup>th</sup> and Item 21 would become Item 13. Council Member King moved to approve the revised agenda. Requiring no second, the motion passed unanimously.

3. Presentations. There were no presentations.

4. Public Comments. Mayor Harte ask anyone wishing to speak to see Ms. Bateman and noted there will be a time later in the meeting to speak.

5. Consent Items

- a. Minutes of the October 4, 2011 Regular Meeting
- b. Proclamation, Pancreatic Cancer Awareness Month

Council Member King moved to approve the consent items. Council Member Allen seconded the motion and it passed unanimously.

6. Tavern Liquor License for Original Beaver Pond Incorporated dba Dr. Proctor's Lounge at 4201 East Mississippi Avenue. Mayor Harte noted this item has been tabled until the December 6 regular meeting.

7. Special Events Liquor License for Infinity Park Event Center for the French American Chamber of Commerce at 4400 East Kentucky Avenue. Mayor Harte read the matter into the record by title only, all council members having received copies of the same. Police Chief Victor Ross reviewed the details of the police report and recommended approval. Ms. Virginie Ganivet, Event Manager, was introduced and she described the event and answered questions from Council. Mayor Harte clarified errors in the memorandum. Council Member Oppen moved to approve the Special Event Liquor License for Infinity Park Event Center for the French American Chamber of Commerce at 4400 East Kentucky Avenue. Council Member St. James seconded the motion and it passed unanimously.

8. Mr. Gunnar Johnson - Manager's Registration for Tokyo Incorporated dba Tokyo Joe's at 1000 South Colorado Boulevard. Mayor Harte read the matter into the record by title only, all council members having received copies of the same. Police Chief Victor Ross reviewed the details of the police report and recommended approval. Mr. Gunnar Johnson introduced himself, gave a little background and answered questions from Council. Mayor Harte noted memo corrections. Council Member Allen moved to approve Mr. Gunnar Johnson - Manager's Registration for Tokyo Incorporated dba Tokyo Joe's at 1000 South Colorado Boulevard. Council Member King seconded the motion and it passed unanimously.

9. Introduction of Ordinance No. 7, Series of 2011, An Ordinance of the City Council of the City of Glendale, Colorado, Creating Chapter 5.25 Regarding Merchant Guards Employed By A Single Employer. Mayor Harte read the matter into the record by title only, all council members having received copies of the same. Police Chief Victor Ross went over the ordinance and the single employer armed guard. Council Member Allen moved to approve Ordinance No. 7, Series of 2011, An Ordinance of the City Council of the City of Glendale, Colorado, Creating Chapter 5.25

## RECORD OF PROCEEDINGS

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Regarding Merchant Guards Employed by A Single Employer. Council Member King seconded the motion. Mayor Harte clarified the levels of guards. Mr. Matt Giacomini, Legal Counsel, briefly summarized the ordinance and noted the benefits. There was no discussion and it passed unanimously.

10. Introduction of Ordinance No. 8, Series of 2011, An Ordinance of the City Council of the City of Glendale, Colorado, Creating an Entertainment District for Purposes of C.R.S. 12-47-301(11), Authorization of Common Consumption Areas, and Establishing Application Procedures, Fees and Hours of Operation. Mayor Harte read the matter into the record by title only, all council members having received copies of the same. Chuck Line passed out a power point presentation, gave a brief summary and answered questions. Council Member Bovo moved to approve Ordinance No. 8, Series of 2011, An Ordinance of the City Council of the City of Glendale, Colorado, Creating an Entertainment District for Purposes of C.R.S. 12-47-301(11), Authorization of Common Consumption Areas, and Establishing Application Procedures, Fees and Hours of Operation. Council Member St. James seconded the motion and it passed unanimously.

11. Introduction of Ordinance No. 9, Series of 2011, An Ordinance of the City Council of the City of Glendale, Colorado, Amending Chapter 17.32 of the Glendale Code of Ordinances Allowing Concurrent Review of the Preliminary and Final Site Plans with Certain Requirements. Mayor Harte read the matter into the record by title only, all council members having received copies of the same. Chuck Line went over the ordinance and noted the flexibility and speed it creates. Mayor Harte clarified certain points. Council Member Oppen motioned to approve Ordinance No. 9, Series of 2011, An Ordinance of the City Council of the City of Glendale, Colorado, Amending Chapter 17.32 of the Glendale Code of Ordinances Allowing Concurrent Review of the Preliminary and Final Site Plans with Certain Requirements. Council Member Allen seconded the motion. There was no discussion and the motion passed unanimously.

12. Resolution No. 8, Series of 2011, a Resolution of the City Council of the City of Glendale, Colorado, Making Changes in the Regular City Council Meeting Schedule for 2012. Mayor Harte read the matter into the record by title only, all council members having received copies of the same. Jerry Peters noted the regular scheduled meeting on July 3 is the night that the City has chosen for the July 4<sup>th</sup> fireworks. Mayor Harte noted this meeting would be taken off and the meeting would be on July 17, 2011 and noted that 7 PM meeting time should be included. Council Member Allen made a motion to approve Resolution No. 8, Series of 2011, a Resolution of the City Council of the City of Glendale, Making Changes in the Regular City Council Meeting Schedule for 2012. Council Member King seconded the motion and it passed unanimously.

13. Resolution No. 9, Series of 2011, a Resolution of the City Council of the City of Glendale, Colorado, Approving the Transfer of Real Property for the Settlement of Actions Relating to Eminent Domain of Certain Property Located at the Northeast Corner of the Intersection of East Virginia Avenue and South Colorado Boulevard and Authorizing the City Manager to Negotiate and Execute Said Settlement Agreement. Mayor Harte read the matter into the record by title only, all council members having received copies of the same. Chuck Line went over the details of the resolution and noted that to transfer this land the City must have a resolution. Mr. Line answered questions and clarified points for Council. Council Member Bovo made a motion to approve Resolution No. 9, Series of 2011, a Resolution of the City Council of the City of Glendale, Colorado, Approving the Transfer of Real property for the Settlement of Actions Relating to Eminent Domain of Certain property Located at the Northeast Corner of the Intersection of East Virginia Avenue and South Colorado Boulevard and Authorizing the City Manager to Negotiate and Execute Said Settlement Agreement. Council Member St. James seconded the motion. There was no discussion. The vote was all in favor with Council Members Allen and King abstaining.

### 14. Discussion Items

- a. Review the Next City Council Meeting Agenda. Dr. Proctor's liquor license and a resolution for a five year fire agreement with the City of Denver would be added to the agenda.

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15. On-Going Updates.

- a. Denver Regional Council of Governments. No Report.
- b. Colorado Municipal League. No Report.
- c. GIL'S Task Force. No Report
- d. Transportation Solutions. Council Member Allen noted he was re-elected Secretary, the Board was expanding and their annual fundraiser may be held at the Glendale Event Center.
- e. Regional Transportation District. No Report
- f. Green Committee. Council Member King noted the America Recycle Day at Home Depot on November 15<sup>th</sup>.
- g. Fine Arts Committee. No Report.
- h. Infinity Park. Linda Cassaday commended the women's rugby team and their coach for making it to the finals and noted the upcoming high school girls rugby state championship this weekend. She noted Channel 7 did an interview with Kieran Nelson, Manager of Stadium Operations, who organized a coat drive last weekend at Infinity Park for Coats for Colorado. She also noted the Event Center would be hosting a GOCO Board meeting on November 15<sup>th</sup>.
- i. River Walk. Linda Cassaday noted the weekly Thursday afternoon meetings are updating on progress at this time and things are moving along. She noted the new website for the River Walk and she would see about updates for Council as well. She commented on the opportunity to amend the RTA application, the process and concerns.

16. Department Reports. Jerry Peters noted the annual Denver Glendale Luncheon would be held at Four Mile Park on November 18. Chief Ross had no report but answered questions on the new police cars. Linda Cassaday commented on the promotional Event Center holiday cards. Bob Taylor noted the crew was busy and gave a street update. Mary Kay Bateman read a thank you note from Shawn Snow with History Colorado to all those involved with the Glendale History Walking Tour.

17. Public Comments. There were no public comments.

18. Council Reports. Council Member Oppen commented on the Arapahoe-Douglas Mental Health Benefit Luncheon and thanked the City for its donation. Mayor Harte commented on the annual Casino Night and election day.

19. Other Business. Jerry Peters noted Friday, November 11<sup>th</sup> was Veteran's Day and that City offices would be closed.

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

Mayor Harte noted that Executive Session was cancelled.

21. Adjournment. There being no further business Council Member Allen motioned to adjourn at 8:39 p.m.

ATTEST

  
Sherry Frame, Deputy City Clerk

  
Larry Harte, Mayor



RECORD OF PROCEEDINGS

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

March 1, 2016

Mayor Mike Dunafon led the Pledge of Allegiance.

1. Call to Order and Roll Call. Mayor Dunafon called the regular meeting of the Council to order. Sherry Frame, City Clerk, called roll. The following Council Members were present: Mayor Mike Dunafon and Council Members Jeff Allen, Joe Giglio, Dario Katardzic, Lindsey Mintz, and Doris Rigoni. City Manager Jerry Peters, City Attorney Matt Giacomini, and members of City Staff also attended the meeting.

2. Approval of Agenda. Council Member Katardzic moved to approve the agenda. This particular motion requires no second. The motion passed unanimously.

3. Public Comments. David Temchulla of 400 South Elm Street spoke to Council. He has been a resident of the Denver area since 1979 and lives in the Hilltop area. He has had a long-standing business in the area. Mr. Temchulla said he has been excited to hear about the redevelopment plan for Glendale but is concerned to hear about the proposal for a highrise on the corner of South Colorado Blvd. and Virginia Avenue. He said the congestion on Colorado Blvd. is already impossible to navigate, and the addition of a highrise would cause even more traffic and would be an eyesore. He is hopeful that the Council will keep to its original plan of development.

Jeanne Price appeared before Council and said she has spent a considerable amount of time on CORA requests and feels she has not gotten the information she has requested. She said that she has concerns about the Glendale Cherry Creek Chronicle and the Chamber of Commerce.

4. Interview Applicants for City Council Position. Council interviewed Rickalan Kerr and Scott Norquist for a position on the Council. Thereafter, the City Clerk passed out ballots to the Council for their vote. City Attorney Giacomini said that normally Mayor Dunafon only votes in the situation of a tie, but he may vote on filling a Council position. The City Clerk announced the vote was unanimous for Scott Norquist, and Mr. Norquist swore an oath, administered by the Mayor. Council Member Norquist then took his place on the dais.

5. Consent Items

- a. Minutes of the January 5, 2016 Regular Meeting
- b. Minutes of the February 2, 2016 Regular Meeting
- c. Minutes of the February 16, 2016 Regular Meeting
- d. Renewal of Tavern Liquor License for Bavarian Inn Restaurant Incorporated d/b/a Shotgun Willies, 490 South Colorado Blvd.
- e. Renewal of Hotel and Restaurant Liquor License for Silvi's Kitchen at Cityset LLC d/b/a Silvi's Kitchen, 686 South Colorado Blvd.

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- f. Renewal of Hotel and Restaurant Liquor License, Jax Fish House City Set LLC d/b/a Jax Fish House, 650 South Colorado Blvd., Bldg. A
- g. Proclamation for Kids to Park Day, National Parks Trust, May 21, 2016

Council Member Katardzic moved to approve the consent items. Council Member Allen seconded the motion. The motion then passed unanimously.

6. New Manager Registration, Amy Everhart, Silvi's Kitchen at City Set, LLC, d/b/a Silvi's Kitchen, 686 South Colorado Blvd. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same.

Chief Haskins said the Police Department completed a background check on the application for a Change of Manager for Silvi's Kitchen at City Set, LLC, d/b/a Silvi's Kitchen, 686 South Colorado Blvd. The new Operating Manager is Amy Everhart of Northglenn, Colorado, who will replace Amanda Cooper. The criminal check run showed no criminal activity for Amy Everhart. A check with the State of Colorado Liquor Enforcement Section showed no record of complaints against Amy Everhart or Silvi's Kitchen. Based on the investigation and with the consent of the Mayor and City Council, Chief Haskins recommended approval of Amy Everhart as New Manager of Silvi's Kitchen.

Amy Everhart appeared before Council and said she has been in restaurant management for 15 years. She has been working for Silvi's approximately six months. When asked if she has noticed any increased business from the new apartment complex in the neighborhood, she said she assumes business must be coming from the apartment complexes as sales totals have increased over the last two years.

Council Member Allen moved to approve the New Manager Registration, Amy Everhart, Silvi's Kitchen at City Set, LLC, d/b/a Silvi's Kitchen, 686 South Colorado Blvd. Katardzic seconded the motion. The motion then passed unanimously.

7. Public Hearing on the Site Plan Amendment for Hellenic Orthodox Church at 4610 East Alameda Avenue, and Public Hearing on the Concurrent Preliminary and Final Site Development Plan and Special Use Permit for J Tennis Center in the 4600 Block of the North Side of Leetsdale Drive. Mayor Dunafon read the matter into the record by title only, all Council Members having received copies of the same.

The Mayor opened the public hearing. He said that the two public hearings will be held and voted on at the same time.



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Chuck Line, Deputy City Manager, said the site plan amendment for the Greek Orthodox Church involves removing the bottom part of the hill from the previously-approved site plan area. After that removal, the church will still have 27% open space – far above the City's requirement. The amendment was passed unanimously by the Planning Commission, with the recommendations made in the Staff Comments and the further review of two items before the Council meeting: 1) photometrics of the site by the Police Department and 2) further traffic study on the ingress/egress point located on Leetsdale Drive.

Mr. Line said the detention facility was originally designed to be located on the corner in the site plan. It was moved, because it had to be significantly deeper as some visual issues and grade issues were created. The site plan complies with open space requirements at 22.75%. Mr. Line said the number of parking spaces meets the City's requirements and should be double what the facility will need. The top of the building is a 42' ridgeline if the lowest grade is used in the calculation. On the issue of ingress/egress into the site, he said there should be no effect except for peak times when stacking will go past that point. He said the concern is not so much for the people entering and traveling on Leetsdale as it is for people entering the Cherry Street entrance. Even though Staff does not anticipate problems with the right-in, right-out, Staff feels that a condition of approval should be an additional ingress/egress allowing the City to require additional signage, i.e., "No Cherry Street traffic during [certain hours of the day]" or "No Cherry Street access." Council Member Norquist asked if there would be a "no left turn" sign at the exit. Mr. Line said there would be a sign. He said the project will begin this summer.

Josh Bertrand, Director of Public Works, said the site plan includes improvements along South Dahlia Street that currently do not exist, specifically a sidewalk, an urban gutter, and streetlights. He noted the Greek Church volunteered to put in these improvements. Captain Mike Gross said the photometrics provided will be consistent with what the Police Department would have asked for in environmental design, i.e., LED lights.

Chris Bremner, a representative from the Jewish Community Center appeared before Council. He said the Center currently has four tennis courts and is antiquated. A major remodel of the entire Center is being planned, and the tennis club will be the first step in the process. The entire project will cost approximately \$50 million and will include the building of a new fitness center, an early childhood education center, administrative offices, and a membership-based tennis club, as well as improvements to the parking lot. He said the Jewish Community Center worked with the Greek Church on the height of the building, so as not to obstruct the Church's view of the City, but it is important to the Jewish Center to have a right-in turn off Leetsdale Drive. Mr. Bremner said there will be a mezzanine level on the north side where people can look down on the courts. Mr. Line confirmed for Council Member Mintz that no variances are being requested.

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John Johns, Real Estate Chairman of the Greek Assumption Cathedral, addressed Council and said that the collaboration with the Jewish Community Center, another non-profit association, works perfectly for them. He said the improvements have been needed for years.

The Mayor closed the public hearing.

Council Member Rigoni moved to approve the Site Plan Amendment for Hellenic Orthodox Church at 4610 East Alameda Avenue and approve the Concurrent Preliminary and Final Site Development Plan and Special Use Permit for J Tennis Center in the 4600 Block of the North Side of Leetsdale Drive. Council Member Mintz seconded the motion. The motion then passed unanimously.

8. Presentation and Consider Conversion to LED Street Lights. Josh Bertrand said that he, Jerry Peters, and Chuck Line met with Hollie Velasquez Horvath and Susan Davis from Xcel Energy. He said Xcel gave the City a few options for converting to LED street lights. The LED conversion program is part of the tariff agreement that Ken Feldman and 19 municipalities negotiated with Public Utilities Commission.

Mr. Bertrand said the LED light is a better quality light. The color rendering index helps to see and identify objects. The color rendering of high pressure sodium is 20; the color rendering index of LED lights is 70. He explained the makeup and history of high pressure sodium lights. Mr. Bertrand said there is energy savings with LED lights and calculated the City's savings on its 370+ street lights to be 50 tons of coal. He showed some photos to Council of the differences in what could and could not be seen when an area is lit with the two types of lights. LED lights should not sign in residents' windows but rather should shine down on the streets. Mr. Bertrand said the LED street lights have warranties of 10-15 years.

Mr. Bertrand said Xcel gave the City two options: *Option A.* Xcel would pay 100% of the cost. The \$304.00 per light conversion rate would be billed into Xcel's energy rate. Xcel says there would be between a 5% and a 7% total cost savings. Because of the number of 50-watt LED street lights, Mr. Bertrand believes the savings would be more like 4%. He believes the job could be completed within a three-month period. *Option B.* The City would pay for the fixtures and lamps in the approximate amount of \$112,805 but would realize more energy costs, of approximately 17% of \$12,903. It would take about 12 years to recoup the costs of the initial layout. *Option C.* Do nothing and continue to use the high pressure sodium lights.

Mr. Bertrand said it is Staff's suggestion to choose *Option A*, which gives the City better quality lights, new technology, a small savings, and none of the risks, i.e., a bad batch of lights from the manufacturer. Linda Cassaday, Deputy City Manager and Finance Director, agreed with *Option A*. When asked if changing to LED street lights would change the City's insurance rates, Captain Gross

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said he would ask CIRSA the question. Mr. Line said the number of street lights out in the City at the same time would decrease significantly.

Council Member Norquist moved to approve Staff's *Option A*, thereby converting the City's 371 street lights to LED lights. Council Member Allen seconded the motion. The motion then passed unanimously.

9. Discussion Item. Council reviewed the agendas for the April 11 and April 19, 2016 Council meetings.

10. On-Going Updates

- a. DRCOG. No report.
- b. CML. No report.
- c. Transportation Solutions. No update.
- d. RTD. No update.
- e. Green Committee. No update.
- f. Infinity Park. Ms. Cassaday said the home opener rugby game is March 12. She mentioned the Glendale Raptors Rugby Academy, which is the umbrella program for all the youth programs, i.e., in-school and after-school programs and coaching programs that Mark Bullock and Andre Snyman are doing around the country. The January and February in-school programs have reached 940 kids, and March and April programs are scheduled, as well as two six-week after-school programs at Cory and University Park Elementaries. Invitations were sent out in early February for the Serevi Rugbytown 7s; nearly all teams were committed within a week. Typically, 17 teams participate in the tournament; 20 have signed up this year.
- g. Glendale 180. No report.
- h. Technology and Communication Committee. No report.

11. Department Reports. Chuck Line said the intersection near the Rite Aid and Noodles and Company will be widened to add one lane going northbound into the three-way intersection. Lane assignments are still being studied. Improvements are also underway at Virginia Avenue and Colorado Blvd. Nicole Limoges, YMCA Executive Director, said the membership goal for January was met, and they are under in their drops – for a positive membership net. A personal training sale in January and February, which normally nets \$5,000, brought in \$6,800 this year. The first-time Trivia Night was successful, raising \$6,000 between ticket and silent auction sales. The Easter celebration will be held on March 26. Captain Gross said Sports Authority is asking for Run, Hide, Fight, Treat training for 900 employees. Linda Cassaday said the City's annual audit will begin on April 4. Chief Haskins said the Police Department will go to the Solana on March 12 and help with their health fair. The next Ready Glendale will be held on March 24; the topic is weather spotting.

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12. Public Comments. Nassrin Kholghy said that over time the Glendale Cherry Creek Chronicle quoted the size of their land as being a different figure in various articles. In August 2006, it said 7 acres; in June 2015, it said 5 acres; in July 2015, it said 3 to 5 acres; in November 2015, it said 6 ½ acres; in February 2016, it said 5 acres; and in June 2016, it said 3.8 acres. She also said that originally the Glendale 180 covered 22 acres, from Colorado Blvd. to Cherry Street. The City's site says 42 acres. Ms. Kholghy commented on the February 2016 meeting between the City, the Kholghys, and Dana Crawford. [Mayor Dunafon asked that the record reflect Ms. Kholghy had gone over the three-minute per-person time limit for public comment. He asked her to continue.] The Mayor said the Council is always happy to extend the Kholghys extra time for public comments any time. He said the Kholghys are plaintiffs in a federal lawsuit against the City, which causes difficulty to responding to any of their comments or questions.

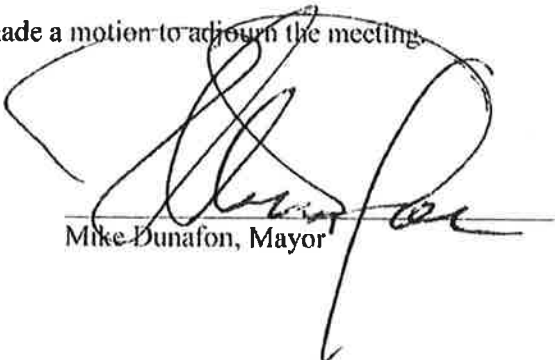
13. Council Reports. Council Members thanked Rickalan Kerr for his interest in serving on the Council. Council Member Norquist will now be the Council representative to RTD. Council Member Mintz said that, as a business owner in Glendale, she is very grateful to Ms. Cassaday for the business coming into the City from the rugby and event center events. Mayor Dunafon said the response from the citizens during this year's election cycle was encouraging.

14. Other Business. There was none.

15. Items for Press Release. There were none.

16. Adjournment. Council Member Allen made a motion to adjourn the meeting.

Dated: 4/19/16



Mike Dunafon, Mayor

ATTEST:



Sherry Frame, City Clerk



Colorado Secretary of State  
Date and Time: 08/20/2012 04:08 PM  
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ABOVE SPACE FOR OFFICE USE ONLY

**Statement of Renewal of Trademark Registration Filed Prior to May 29, 2007  
of a Reporting Entity**

filed pursuant to § 7-70-104 of the Colorado Revised Statutes (C.R.S.)

The filing of this document provides and/or restates information to comply with the Trademark Act (Article 70 of Title 7, C.R.S.) as repealed and reenacted May 29, 2007.

1. The entity ID number and the true name of the trademark registrant are

Entity ID number 19871312848  
(Colorado Secretary of State ID number)

True name BAVARIA INN RESTAURANT, INC.

2. The trademark ID number of the trademark to be renewed and the trademark as stated in the statement of trademark registration are

Trademark ID number 19921113919

Trademark  
SHOTGUN WILLIE'S

3. The goods or services in connection with which the trademark was used on the date of first use in commerce in this state are described in detail as follows

Nightclubs featuring adult entertainment

The class into which such goods or services fall is 041 Education and Entertainment  
(Class)

(Caution: Leave blank unless deleting goods or services)

The goods or services with respect to which the trademark is **no longer used** are

4. A description of the attached specimen sufficient to identify the nature of the specimen is

a photograph of the nightclub signage

5. The date of first use in commerce of the trademark in this state by such registrant or such registrant's predecessor in interest is 04/30/1982

(mm/dd/yyyy)

6. Such registrant is currently using the trademark in commerce in this state in connection with the goods or services described in the statement of trademark registration, excluding any goods or services identified above.
7. Such registrant believes, in good faith, that such registrant has the right to use the trademark in commerce in this state in connection with the goods or services, excluding any goods or services identified above, and such registrant's use of the trademark does not infringe the rights of any other person in that trademark.
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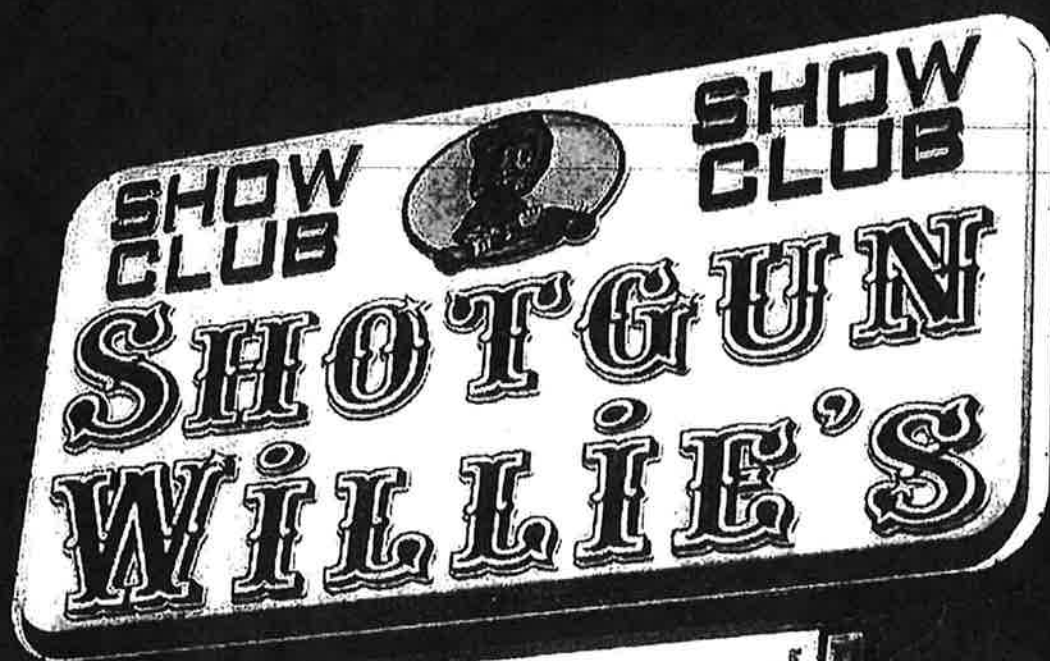
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