

**CITY OF NORTHGLENN
CITY COUNCIL MINUTES
June 24, 2019**

CALL TO ORDER Mayor Pro Tem Esquibel called a regular meeting of the Northglenn City Council to order on Monday, June 24, 2019 at 7:00 p.m. in the City Hall Council Chambers, 11701 Community Center Drive, Northglenn.

ROLL CALL Present were: Mayor Pro Tem Esquibel, Council members Sauers, Leighty, Downing, Brown, Whitman, Duran Mullica, and Willford.

ABSENT None.

STAFF PRESENT City Manager Geyer, City Attorney Hoffmann, and City Clerk Small.

PLEDGE OF ALLEGIANCE The Pledge of Allegiance was given.

RESOLUTIONS:
CR-63 – Appointment of Mayor City Clerk Small read the title.

MOTION TO PASS Council member Downing **MOVED** and it was **SECONDED** by Council member Willford to approve CR-63 with the name Antonio Esquibel inserted.

MOTION PASSED There was discussion and the motion **PASSED**.
IN FAVOR - Esquibel, Sauers, Leighty, Downing, Brown, Whitman, Duran Mullica, Willford.
OPPOSED - None.
ABSENT - None.

OATH OF OFFICE:
Office of Mayor Municipal Judge Bailhache administered the oath of office to Mayor Esquibel. Mayor Esquibel stated he will lead the Council in a positive and respectful manner.

RESPONSE TO CITIZEN INQUIRY:
CRM System Usage City Manager Geyer reported on usage of the Citizen Relationship Management (CRM) system during May 2019.

AGENDA ADDITIONS AND DELETIONS: None.

PROCLAMATIONS:

50th Anniversary Resident
Recognition Program

Brian Carney

Mayor Esquibel read the proclamation honoring Brian Carney as a nominee for the City's 50th Anniversary Resident Recognition Program. Mayor Esquibel presented the proclamation to Mr. Carney and thanked him for his positive contributions to the City of Northglenn.

Philip Carney II

Council member Duran Mullica read the proclamation honoring Philip J. Carney II as a nominee for the City's 50th Anniversary Resident Recognition Program. Council member Duran Mullica presented the proclamation to Mr. Carney and thanked him for his contributions to the City of Northglenn.

Mary Hermann

Council member Whitman read the proclamation honoring Mary Hermann as a nominee for the City's 50th Anniversary Resident Recognition Program. Council member Whitman presented the proclamation to Ms. Hermann and thanked her for her positive and consistent contributions to the City of Northglenn.

Rob Konrade

Council member Leighty read the proclamation honoring Rob Konrade as a nominee for the City's 50th Anniversary Resident Recognition Program. Council member Leighty presented the proclamation to Mr. Konrade and thanked him for his contributions to the City of Northglenn.

PRESENTATIONS:

Eagle Scout Recognition

City Council joined Mayor Esquibel to recognize Boy Scout Joshua Hiatt, Troop #124. Mayor Esquibel provided information about the Eagle Scout project Joshua coordinated to improve flowerbed irrigation in nine City parks. Mayor Esquibel presented Joshua with a certificate of appreciation and thanked him for his efforts to improve the community.

June Neighborhood
Beautification Awards

Ms. Jenni Murphy, Community Outreach Coordinator, provided information about the Northglenn Neighborhood Beautification Program and stated the awards being presented are for the Yard of the Month category. Council joined Ms. Murphy in congratulating those receiving awards for the month of June.

The residents recognized were: Paula Meisner, Wesley Amen, Eric Castillo, Mike and Jill Farrer, Tom Spencer, Michael and Robin Ayers, Donna Covello and Kelly Boyer, Kirk Schilthuis, James and Patricia Kuzara, Chris and Tara Lyons, Jolie and Misha Hale, and Harold and JoAnne Sandoval.

Xcel Energy Colorado
Energy Plan

Mr. Preston Gibson, Xcel Energy Area Manager, presented information about Xcel Energy's Colorado Energy Plan. Mr. Gibson spoke about the company's objectives to reduce carbon, protect cost and reliability, and advance technology through 2050. Mr. Gibson provided information about increasing renewable energy in Colorado, customer-focused energy solutions, renewable choice programs, energy storage, and affordable clean energy.

**PUBLIC INVITED
TO BE HEARD**

Mayor Esquibel called for any person wishing to address City Council on matters of community interest related to City business not set for public hearing to come forward.

Mr. Tim McCormack, 1398 Cherrywood Drive, congratulated Mayor Esquibel for his appointment to office. Mr. McCormack stated he is a candidate for District Attorney in the 17th Judicial District and provided information about himself.

Mr. Norm Terry, 10683 Brewer Drive, inquired about the status of the Northwest Open Space Improvements Project. City Manager Geyer stated she will obtain an update on the project and will provide information to Mr. Terry. Council member Brown inquired about including the project information in the July issue of the Northglenn Connection.

**LEGISLATIVE POLICY
COMMITTEE UPDATE:**

Council member Willford reported the Legislative Policy Committee received an overview of the 2019 legislative session from Representative Kyle Mullica, and discussed the upcoming search for a new City lobbyist. Council member Willford stated she shared the Colorado Communities for Climate Action (CC4CA) policy statement with City Council via email and asked to receive feedback in preparation for the CC4CA retreat on June 27, 2019.

**CONSENT AGENDA
MOTION TO PASS**

Council member Sauers **MOVED** and it was **SECONDED** by Council member Downing to approve the consent agenda.

MOTION PASSED

There was no discussion and the motion **PASSED**.
IN FAVOR - Esquibel, Sauers, Leighty, Downing, Brown,
Whitman, Duran Mullica, Willford.

OPPOSED - None.

ABSENT - None.

The following items were approved on the consent agenda:

- Minutes of the June 10, 2019 Regular Meeting
- CR-64 – Support for Adams County Open Space Grant Application – Blender Bikes
- CR-65 – Support for Adams County Open Space Grant Application – Civic Center Outdoor Recreation Amenities

PUBLIC HEARINGS:

CB-1923 – Short-Term
Rental Property
Regulations

City Clerk Small read the title.

Mayor Esquibel opened the public hearing on CB-1923 and called for any person wishing to speak either “for” or “against” CB-1923 to come forward.

Ms. Mendi Mullett, 11109 Melody Drive, provided information about her home-based business and the operation of her home as a short-term rental property. Ms. Mullett asked City Council to consider amendments to Section 18-18-6(h) to remove the restriction concerning retail or commercial activities in a short-term rental property and to Section 18-18-6(i) to allow multiple leases per day with a maximum number of two occupants per room.

Mr. Brook Svoboda, Director of Planning and Development, provided information about CB-1923 and the enforcement of regulations concerning home-based businesses.

City Attorney Hoffmann stated the ordinance was drafted to address impacts to the neighborhood and spoke about the enforcement of provisions related to home-based businesses and occupancy.

There were questions from Council regarding commercial activities, home-based businesses, occupants per room, and vehicles related to short-term rental properties.

Mayor Esquibel called for any other person wishing to speak on CB-1923 to come forward. There was no response and the public hearing was closed.

CB-1928 – Stormwater
Program Ordinance
Revisions

City Clerk Small read the title.

Mayor Esquibel opened the public hearing on CB-1928 and called for any person wishing to speak either “for” or “against” CB-1928 to

come forward. There was no response and the public hearing was closed.

CB-1929 – Fermented
Malt Beverage & Malt
Liquor Amendments

City Clerk Small read the title.

Mayor Esquibel opened the public hearing on CB-1929 and called for any person wishing to speak either “for” or “against” CB-1929 to come forward. There was no response and the public hearing was closed.

CB-1930 – Public
Service Company of
Colorado (Xcel Energy)
Franchise Agreement

City Clerk Small read the title.

Mayor Esquibel opened the public hearing on CB-1930 and called for any person wishing to speak either “for” or “against” CB-1930 to come forward.

Mr. Preston Gibson, Xcel Energy, stated he was present to answer questions from City Council.

Mayor Esquibel called for any other person wishing to speak on CB-1930 to come forward. There was no response and the public hearing was closed.

ORDINANCES –
Second Reading:

CB-1923 – Short-Term
Rental Property
Regulations

City Clerk Small read the title.

MOTION TO PASS

Council member Downing **MOVED** and it was **SECONDED** by Council member Sauers to approve CB-1923 on second reading.

MOTION TO AMEND

Council member Duran Mullica **MOVED** and it was **SECONDED** by Council member Sauers to amend CB-1923 by the deletion of subsections 18-18-6(h) concerning retail and commercial activities and 18-18-6(i) limiting short-term rentals to one lease per day.

MOTION PASSED

There was discussion and the motion to amend **PASSED**.
IN FAVOR - Esquibel, Sauers, Leighty, Downing, Brown,
Whitman, Duran Mullica, Willford.
OPPOSED - None.
ABSENT - None.

MOTION TO AMEND Council member Duran Mullica **MOVED** to amend CB-1923 by the revision of subsection 18-18-4(e) to allow accessory dwelling units (ADUs) to be utilized as short-term rental properties.

MOTION DIED There was discussion and the motion died for lack of a second.

MOTION PASSED There was discussion and the main motion, as amended, **PASSED**.
IN FAVOR - Esquibel, Sauers, Leighty, Downing, Brown, Whitman, Duran Mullica, Willford.
OPPOSED - None.
ABSENT - None.

CB-1928 – Stormwater
Program Ordinance
Revisions

City Clerk Small read the title.

MOTION TO PASS Council member Downing **MOVED** and it was **SECONDED** by Council member Sauers to approve CB-1928 on second reading.

MOTION PASSED There was no discussion and the motion **PASSED**.
IN FAVOR - Esquibel, Sauers, Leighty, Downing, Brown, Whitman, Duran Mullica, Willford.
OPPOSED - None.
ABSENT - None.

CB-1929 – Fermented
Malt Beverage and Malt
Liquor Amendments

City Clerk Small read the title.

MOTION TO PASS Council member Sauers **MOVED** and it was **SECONDED** by Council member Downing to approve CB-1929 on second reading.

MOTION PASSED There was no discussion and the motion **PASSED**.
IN FAVOR - Esquibel, Sauers, Leighty, Downing, Brown, Whitman, Duran Mullica, Willford.
OPPOSED - None.
ABSENT - None.

CB-1930 – Public
Service Company of
Colorado (Xcel Energy)
Franchise Agreement

City Clerk Small read the title.

MOTION TO PASS Council member Sauers **MOVED** and it was **SECONDED** by Council member Downing to approve CB-1930 on second reading.

City Manager Geyer provided information about issues raised by staff

concerning the franchise agreement related to the definition of a “public project” and to third party use of Xcel’s distribution poles for small cell facilities.

Mr. Preston Gibson, Xcel Energy, spoke about negotiations concerning the franchise agreement and Xcel’s position regarding third party use of distribution poles. Mr. Gibson stated Xcel is receptive to a discussion regarding small cell providers and requested Council adopt the franchise agreement as written.

Ms. Carolynne White, Brownstein Hyatt Farber Schreck, stated she represents Public Service Company of Colorado (Xcel Energy). Ms. White spoke about the definition of a “public project” in the franchise agreement and differences between a city or public project and an urban renewal project.

MOTION TO CONTINUE Council member Downing **MOVED** and it was **SECONDED** by Council member Duran Mullica to continue CB-1930 on second reading to July 8, 2019 for the purpose of addressing Section 1.16 of the franchise agreement regarding the definition of a “public project.”

MOTION PASSED There was discussion and the motion to continue CB-1930 on second reading **PASSED**.
IN FAVOR - Esquibel, Sauers, Downing, Brown, Whitman, Duran Mullica, Willford.
OPPOSED - Leighty.
ABSENT - None.

RESOLUTIONS:
CR-67 – Amended
Employee Guidelines

City Clerk Small read the title.

MOTION TO PASS Council member Downing **MOVED** and it was **SECONDED** by Council member Sauers to approve CR-67.

City Manager Geyer provided a summary of CR-67.

MOTION PASSED There was discussion and the motion **PASSED**.
IN FAVOR - Esquibel, Sauers, Leighty, Downing, Brown, Whitman, Duran Mullica, Willford.
OPPOSED - None.
ABSENT - None.

CR-68 – Fitness Passport
Service Agreement

City Clerk Small read the title.

MOTION TO PASS Council member Sauers **MOVED** and it was **SECONDED** by

Council member Willford to approve CR-68.

City Manager Geyer provided a summary of CR-68.

MOTION PASSED

There was discussion and the motion **PASSED**.

IN FAVOR - Esquibel, Sauers, Leighty, Downing, Brown,
Whitman, Duran Mullica, Willford.

OPPOSED - None.

ABSENT - None.

CR-69 – Short-Term
Rental Property License
Fees

City Clerk Small read the title.

MOTION TO PASS

Council member Downing **MOVED** and it was **SECONDED** by
Council member Sauers to approve CR-69.

City Clerk Small provided a summary of CR-69.

MOTION PASSED

There was discussion and the motion **PASSED**.

IN FAVOR - Esquibel, Sauers, Leighty, Downing, Brown,
Whitman, Duran Mullica, Willford.

OPPOSED - None.

ABSENT - None.

CR-70 – 120th Avenue
Corridor Improvements
Project Administration
Services

City Clerk Small read the title.

MOTION TO PASS

Council member Downing **MOVED** and it was **SECONDED** by
Council member Sauers to approve CR-70.

Mr. Brook Svoboda, Director of Planning & Development, provided a
summary of CR-70.

MOTION PASSED

There was no discussion and the motion **PASSED**.

IN FAVOR - Esquibel, Sauers, Leighty, Downing, Brown,
Whitman, Duran Mullica, Willford.

OPPOSED - None.

ABSENT - None.

DISCUSSION ITEMS:

Mayoral Appointments
to Boards and Committees

City Manager Geyer requested direction regarding filling the City
Council appointment and liaison vacancies created by Mayor Dodge's
resignation.

Mayor Esquibel stated he is willing to fulfill the appointments previously held by Mayor Dodge, and is open to hearing from other Council members if they wish to serve in any of the positions. Council member Downing expressed interest in filling the liaison appointment to the Northglenn Senior Organization and Council member Leighty stated she had offered to be appointed as the liaison to the North Metro Fire Rescue District. There was discussion about the various appointments and it was the consensus of Council to consider filling the vacancies at the July 8, 2019 City Council meeting.

There was brief discussion about the timing of the election of the Mayor Pro Tem position. It was the consensus of Council to elect a Mayor Pro Tem after the Ward 4 vacancy is filled on July 22, 2019.

COMMUNICATIONS:

Council

Council member Leighty reported she attended the Regional Transportation District's (RTD) North Metro Elected Officials briefing on the N Line project. Council member Leighty stated she has concerns about the lack of communication to Northglenn residents regarding safety related to the new N Line and asked City Manager Geyer to look into RTD's communications regarding the project. Council member Leighty reported she attended the Colorado Municipal League (CML) conference and appreciated the learning opportunity.

Council member Brown thanked Council and residents for their support over the last six weeks. Council member Brown spoke about the division on City Council and apologized for not addressing City Council members directly when she has received inquiries from residents about Council's behavior. Council member Brown stated she supports Mayor Esquibel and spoke about improving the Council.

Mayor Esquibel reported he attended the CML conference and stated he believes the City is in good shape.

Council member Whitman reported on the Anythink Libraries and stated their current space assessment of facilities identified the Huron Branch as being over capacity. Council member Whitman provided information about the Library's My Summer Program and reminded everyone there are still opportunities to see the goats at the Bennett, Commerce City, and York Street branches. Council member Whitman reported she attended the Police Department swearing-in ceremony and acknowledged Officer Frazier, who is the grandson of longtime residents George and Karen Klocker. Council member Whitman expressed concern about Council's handling of recent

issues regarding the 50th Anniversary Resident Recognition Program and the City Council liaison appointment to the North Metro Fire Rescue District.

Council member Duran Mullica reported she attended the CML conference and stated it was a good opportunity to network and get new ideas from other cities.

Council member Willford reported she attended the CML conference and stated it was a great opportunity to connect with colleagues. Council member Willford reported she attended a Start By Believing event with Police Chief May, which included a presentation from the national organization. Council member Willford reported she missed the last Parks and Recreation Advisory Board meeting due to a death in the family. Council member Willford congratulated Mayor Esquibel on his appointment and encouraged residents of Ward 4 to consider applying for the Ward 4 Council member vacancy.

Staff

City Clerk Small provided an update on the City Council Ward 4 vacancy process and stated the City's election information will be updated to include the election of the mayor position in November.

City Manager Geyer stated an Executive Session for City Council appointee evaluations will be held on July 1, 2019 and asked Council to let her know if they are not able to attend the meeting.

Mr. Brook Svoboda reported on the City's Dumpster Days event and stated it was very successful. Mr. Svoboda reported staff is still collecting the dumpsters at Northwest Open Space and stated he estimates that between 80-100 tons of trash were collected during the event.

**PUBLIC INVITED
TO BE HEARD**

Mayor Esquibel invited any member of the public wishing to speak on items previously addressed by Council to come forward. There was no response.

ADJOURNMENT

The City Council meeting adjourned at 10:28 p.m.

JOHANNA SMALL, CMC
City Clerk

ANTONIO B. ESQUIBEL
Mayor