CITY MANAGER’S NOTES
August 25, 2016

Upcoming Council Meetings

On Monday, August 29, 2016, a Study Session will be held at 6:00 p.m., in the Community Room.

City Offices will be closed on Monday, September 5, 2016, in observance of Labor Day.

The next Study Session will be held on Tuesday, September 6, 2016, at 6:00 p.m. in the Community Room. The Regular Meeting will be held at 7:30 p.m.

Informational Items

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

1. Installation Art Piece at RiverRun Trailhead: Bird in Spire
2. YourHub front page article: Elementary Funding on Ballot – Englewood seeks $97.5 million to replace four schools, preschool building
3. Englewood Herald article: Englewood sex-offender restrictions face challenge in Federal Court
4. Denver Post editorial piece: Englewood’s sex-offender law is too restrictive
5. Business Den news article: Birdsall re-plants farther south on Broadway
6. YourHub Business Q&A: Palango! Fitness on Broadway, Englewood
7. Denver Post article: Roscoe Davidson, legendary Colorado educator, dies at 89
8. Calendar of Events
9. Tentative Study Session Topics

Parks, Recreation and Library Update

RiverRun Trailhead Art Installation

The new art for RiverRun Trailhead was installed on Tuesday, August 23, 2016. The RiverRun Art Selection Committee held a Call for Proposal and chose “Bird in Spire” by Latka Studio. The art stands twelve feet tall and has a light at the top in addition to two lights at the base for night display. (See attached photo)
Elementary funding on ballot

Englewood seeks $97.5 million to replace four schools, preschool building

Kyle Johnson stacks beanbags as he plays a game during a gym class at Clayton Elementary School in Englewood. Just five years after voters approved a $45 million bond to support high school and middle school upgrades in Englewood Public Schools, the district is preparing to go back to the ballot this year for $97.5 million to rebuild its four elementary schools and one preschool building.

Seth McConnell, YourHub
Seeking $97.5 million for schools

Englewood wants to replace four elementary schools, early childhood building

By Joe Rubino
YourHub Reporter

Five years after voters approved a $45 million bond to improve the district's high school and middle school campuses, Englewood Schools will be back on the ballot this fall seeking nearly $100 million to help rebuild its aging elementary and preschool buildings.

The district's Board of Education unanimously agreed on Aug. 2 to go to voters, asking for a $97.5 million bond issue and a $12.5 million mill levy override to fund the complete replacement of its four elementary schools buildings and its early childhood education building, all of which are at least six decades old, officials say.

The decision was recommended to the board after months of tours, public open house and feedback sessions and additional research by the volunteer Facilities Long-Range Planning Committee, composed of 28 parents, community members and district staff.

"I'm so grateful for the participation of this group," Englewood's Superintendent Wendy Rubbin said in a press release after the board's vote. "At some point, we must be the ones to say that it's time for something new.

School board president Tena Prange, who has a daughter at Cherry Creek Elementary, another at all-Earl Elementary, two at all-Earl Leadership Academy and one who just graduated from Englewood High School, said the outdated schools at all-three student district are a safety issue.

"We can't continue putting Band-Aids on old buildings that need major renovations," Prange said.

Some of the schools do not have adequate layouts to provide designated spaces for student drop off and pickup before and after school, district officials say. Some feature grandfathered-in fire suppression systems and entry ways that do not meet modern safety guidelines.

There are also a number of concerns with building accessibility under the American with Disabilities Act.

Nicole Westfall is the principal at Clayton Elementary School, 4600 S. Fox St. The school has about 500 students in kindergarten through sixth grade. Though Westfall didn't advocate for or against the bond issue, she recently pointed out numerous issues with Clayton, which was first built in 1938 before undergoing several renovations and additions over the years.

"We are not accessible right now under the ADA," Westfall said, noting the school does not have an elevator despite its second-floor gym. "We struggle to meet one of our core values of being an inclusive environment because of the structural limitations of our building."

Clayton also has an outdated and clausornous heating and cooling system. Westfall said. Temperatures can fluctuate unpredictably and the noise from the machinery disrupts teachers.

Englewood isn't the only district going to voters this year. According to the Colorado School Finance Project, districts statewide are pursuing or considering pursuing a combined $4 billion in bond funding and mill levy overrides this November in the wake of declining education funding from the state since 2010.

Prange is firm in the decision to go to ballot this year — just five years after voters approved the middle school and high school bond. She said that upgrades on the high school and middle school campuses allowed for the inclusion of high-quality STEM labs at Englewood High School, the creation of a popular cosmetology program at Colorado's Best High School of Choice and other opportunities that improved the quality and variety of education the district can provide.

"Modern elementary school building would allow for similar opportunities," Prange said.

"I don't worry about timing. I believe that our community has the courage of conviction," she said. "Englewood students deserve to have these spaces to learn in."

Joe Rubino: 303-954-3957; jrubino@denverpost.com or @RubinoJC
Englewood sex-offender restrictions face challenge in federal court

Lawsuit fights city's plan to force men to move away

Posted Friday, August 19, 2016 4:43 pm
Tom Munds

Three Englewood residents have filed a federal lawsuit, seeking an order that would stop the city from forcing them to move out of Englewood.

Brian Brockhausen, Allen Toner and Larry Cook are all convicted sex offenders and face the potential of being forced to move out of Englewood because of the city's sex offender residency restriction, an ordinance that bars some offenders from living in most parts of the city.

The suit, filed Aug. 18 in U.S. District Court, says the 2006 ordinance violates the men's state and federal constitutional rights. The suit asks the court to declare that the ordinance is an after-the-fact punishment that is unconstitutional, and requests a permanent injunction prohibiting the city from enforcing the ordinance.

Brockhausen and some of his neighbors have addressed the Englewood City Council about the ordinance, including presentations at the Aug. 15 council meeting.

"I made some bad choices when I was younger," Brockhausen told the council. "I regret those choices. Because of those choices I was sent to prison. I have completed my sentence in prison and was paroled in 2014. I returned to our family home and registered as a sex offender. I want to stay in my home."

Several neighbors told the council that Brockhausen was a good member of the neighborhood and that the ordinance was unfair.

Councilmember Laurett Barrentine said she thought the ordinance didn't apply to Brockhausen because he first moved to the city in 1988 — prior to the 2006 ordinance — and has maintained his home as his permanent address, even when he served his sentence for a sex offense.

"I thought action against Brian was to be put on hold because the council stated they wanted to see if the ordinance should be changed," she said.

The council later considered a moratorium on enforcement of the ordinance, but that did not pass.

The ordinance reportedly could impact as many as 50 current residents, and comments at the council meeting indicated the city would continue to enforce the ordinance and would send letters in the next couple weeks giving offenders 30 days to move out of Englewood or be arrested. Three days after the council meeting, the attorney for Brockhausen, Toner and Cook filed the federal lawsuit.
Englewood’s sex-offender law is too restrictive

The Denver Post Editorial Board

PUBLISHED: August 23, 2016 at 4:35 pm | UPDATED: August 23, 2016 at 5:46 pm

In the interest of public safety, cities should be able to impose reasonable restrictions on where registered sex offenders may live, but Englewood has enacted the equivalent of an outright ban.

Englewood’s attempt to virtually outlaw the ability of registered sex offenders to live within its borders suffered a well-deserved rebuke three years ago when a federal judge overturned the ordinance because it was so restrictive.

As Judge R. Brooke Jackson rightly observed, “Few sex offenders are incarcerated for life. Most will at some point return to the community, and there must be a place for them to live.” Unfortunately, Judge Jackson’s opinion was not the last word in the case, which was eventually dismissed after a complex series of rulings. But now three other sex offenders have launched a fresh lawsuit against Englewood in federal court over its zoning rules that effectively banish them from living within the city despite having served their sentences. And while some of the lawsuit’s arguments differ from the previous case, the overall challenge is no less persuasive.

“Englewood has singled out sex offenders for banishment, and allows convicted and paroled murderers, people convicted of child abuse and neglect, arsonists, drug dealers, burglars, robbers, extortionists, habitual criminals and other violent felons to reside wherever they want to … ,” the lawsuit says, arguing that the overall recidivism rate for all criminals is far higher than for sex offenders in treatment.

In the interest of public safety, cities should be able to impose reasonable restrictions on where registered sex offenders may live, especially those deemed sexually violent predators. But when regulations rule out 99 percent of a jurisdiction for sex offenders, as they do in Englewood, they become the equivalent of an outright ban.

If one city can ban sex offenders, of course, then any city can — and many will. That’s simply not tenable, as it would force an entire class of former offenders into an illegal and perhaps semi-nomadic existence. At its logical extreme, it would force many to leave the region, which no doubt would provoke its own chain reaction.

When Colorado releases sex offenders from prison, they need to be able to reintegrate into the community – often of course with appropriate supervision. But their chances of doing so are greatly curtailed if they can’t even locate a proper place to call home near a network of support.

Even reasonable restrictions shouldn’t be totally inflexible. Cities should provide the opportunity for individual offenders to seek exceptions to rules if they can make a good case they deserve the break, along the lines of what Commerce City enacted two years ago. After all, as the plaintiffs against Englewood point out in their lawsuit, “Even if a sex offender complies with residential restrictions, he has no control over whether a third party may open a daycare center, recreation center or swimming pools.”

Englewood is a fine city, but it is not so special that it can be allowed to push registered sex offenders into other communities. Its ultra-restrictive rules should go.
Birdsall co-owner Annie Huston. (Amy DiPierro)

The garden supply shop Birdsall & Co. on Antique Row in Denver is flying south this fall.

On Oct. 1, four years to the day after husband-and-wife Annie and Scott Huston bought Birdsall from its founder, the shop will move into a new location a dozen blocks south.

“The real reason was the hike in lease,” said Annie. “It’s no mystery and everyone knows it on the row. Had the lease stayed the same, then we would have put up with a little bit of lack of space and other drawbacks.”

Birdsall – which sells landscaping merchandise like decorative water fountains, teak outdoor furniture, large potting containers and potted plants – has been based at 1540 S. Broadway for 28 years.

Birdsall opened its doors at 1540 S. Broadway 28 years ago. (Amy DiPierro)

But in the past four years, pot shops and redevelopment projects have sprouted around it. When Huston found out that her rent would rise by a third, she started looking to see if there was suitable space at a better price.
The current shop has 6,200 square feet of indoor space, but it’s split into different buildings separated by a courtyard. Annie said the back alley affords little space to load and unload trucks with products that require a forklift to move and customers only have street parking.

“We needed to move somewhere bigger, somewhere where we have the warehouse attached to the store,” she said.

The new location at 2870 S. Broadway will have slightly more indoor space, all in one chunk, plus a 50-car parking lot. It is being renovated by developer Jon Cook, who is known for adaptive reuse projects on Broadway, including turning the Broadway Plaza Motel into an office and retail development called the Metlo.

“We’re planning on having (the parking lot) landscaped and to create vignettes and show people what they can do in a sterile environment like a parking lot,” said Annie.

The current shop has just over 6,000 square feet of space, split in two by a courtyard. (Amy DiPierro)

There’s also more space for trucks to deliver and pick up orders, she said. Annie said the store delivers as far away as Aspen and online customers have placed orders from Hawaii and Canada. Locally, moving south brings Birdsall closer to suburban customers in its backyard, Annie said.

Annie and her husband depended on Birdsall for a quarter century to supply their landscape architecture firm, Columbine Design.

Since taking over in 2012, Birdsall’s revenue has grown from $600,000 annually in the years prior to 2012 to $1 million last year, Annie said.

The shop now focuses on selling products urban planners, developers and other landscaping professionals can’t find at other garden stores.

“What we allow them to do is to come and see all of it before they purchase it off the floor or order it,” Annie said.
alango! Fitness on Broadway, Englewood

FITNESS WITH A LATIN-INSPIRED SPI

Interview with Felix Ojeda, creator/owner

How did you get involved in this business?
I wanted to help people who wanted to help themselves by bringing a simple, fun and intense program to their lives.

What distinguishes you from other businesses in your category?
Palango! Fitness is a high-intense, cardio, conditioning, toning group fitness class that combines Latin music with strong fitness moves such as squats, lunges, kick and punch-es along with salsa and capoeira transitions. What differentiates our program from others is that it is simple, with only two to three moves per song. It is fun, which is proven by our members returning year after year because it is a truly fun workout. And it is intense, with members guaranteed a great workout every time they come.

What do you like best about your line of work?
Being able to help those who want to work toward a happier, healthier lifestyle. There is nothing more satisfying than to watch the physical and emotional transformations of committed members.

Q: What is your business’ biggest challenge?
A: Our biggest challenge is trying to advertise and market against big companies and corporations with big budgets for posters, billboards, etc.

Q: Something people might be surprised to learn about you or your business:
A: We are a locally-owned created small business by Englewood residents who Colorado.
Roscoe Davidson, legendary Colorado educator, dies at 89

By Monte Whaley | mwhaley@denverpost.com
PUBLISHED: August 22, 2016 at 2:48 pm | UPDATED: August 22, 2016 at 4:29 pm

Legendary Colorado educator Roscoe Davidson, described as “selfless” and harboring “endless compassion” for children, died Sunday morning at his home in Denver. He was 89.


After leaving CDE to retire after a 56-year career in public education, he returned to public education by working as interim superintendent in Sheridan School District 2 from 2007 and 2008. He remained in touch with the progress and developments around Englewood and Sheridan schools for many years after he no longer worked in an official capacity, say those who knew him.

“Roscoe was a tremendous mentor, and not only to me but many other educators are well,” said Sheridan School District 2 Superintendent Michael Clough. “Many times I asked myself, ‘is this what Roscoe would do?’

“He worked with an unwavering ethical compass and approached each situation with warmth, a genuine sense of humanity and a problem-solving spirit,” added Clough. “He cared for all children and worked in the most selfless way you can imagine. He worked every minutes of every day with endless compassion for others, but especially children.”
When Davidson retired from the CDE, then Gov. Bill Owens said: “Among professional educators across the state, your dignity, sterling character, and tireless devotions to children approach legend.”

Davidson also worked as an adjunct professor at the University of Denver, a post he held for almost three decades.

Davidson was named Colorado Superintendent of the Year by the Colorado Association of School Executives in 1991. He was also named Citizens of the Year by the City of Englewood in 2010.

Born in Denver on July 5, 1927, Davidson attended Denver Public Schools and earned his bachelor's degree in humanities and education from the University of Denver. He later earned his master's degree from the University of Michigan in school administration and his doctorate from the University of Denver in curriculum and administration.

He began his career in Denver as a teacher at Lincoln Elementary School and then later served as coordinator of instruction, school principal (including Bromwell, Asbury and Bradley elementary schools), executive director of elementary education, and associated superintendent of instruction in the division of education.

Davidson is survived by his wife, Mary Jo; two daughters; three stepchildren, two grandsons and four stepgrandchildren.

A memorial service is being planned for September.
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<tr>
<th>Date</th>
<th>Time</th>
<th>Event Details</th>
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<tbody>
<tr>
<td>Mon., Sept. 5</td>
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<td>City Hall Closed – Labor Day</td>
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<tr>
<td>Tues., Sept. 6</td>
<td>6:00 p.m.</td>
<td>Study Session, Community Room</td>
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<td>7:30 p.m.</td>
<td>Regular Meeting, Council Chambers</td>
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<td>Wed., Sept. 7</td>
<td>11:30 a.m.</td>
<td>Alliance for Commerce in Englewood, Greater Englewood Chamber of Commerce, 2501 S. Broadway, 2nd floor</td>
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<td>5:45 p.m.</td>
<td>Cultural Arts Commission, City Council Conference Room</td>
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<td>7:00 p.m.</td>
<td>Planning and Zoning Commission, City Council Conference Room/Council Chambers</td>
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<td>7:00 p.m.</td>
<td>Liquor &amp; Medical Marijuana Licensing Authority, Council Chambers</td>
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<td>Thurs., Sept. 8</td>
<td>5:30 p.m.</td>
<td>Parks and Recreation Commission, Englewood Recreation Center</td>
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<td>6:30 p.m.</td>
<td>Transportation Advisory Committee, City Council Conference Room</td>
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<td>Mon., Sept. 12</td>
<td>6:00 p.m.</td>
<td>Study Session, Community Room</td>
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<td>Tues., Sept. 13</td>
<td>5:00 p.m.</td>
<td>Water &amp; Sewer Board, Community Development Conference Room</td>
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<td>6:00 p.m.</td>
<td>Keep Englewood Beautiful, City Council Conference Room</td>
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<td>7:00 p.m.</td>
<td>Library Board, Library Board Room</td>
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<td>Wed., Sept. 14</td>
<td>6:30 p.m.</td>
<td>Urban Renewal Authority, City Council Conference Room</td>
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<td>7:00 p.m.</td>
<td>Board of Adjustment and Appeals, Council Chambers</td>
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<td>Tues., Sept. 20</td>
<td>4:30 p.m.</td>
<td>Budget Advisory Committee, City Council Conference Room</td>
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<td>7:00 p.m.</td>
<td>Planning and Zoning Commission, City Council Conference Room/Council Chambers</td>
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<td>Wed., Sep. 21</td>
<td>7:00 p.m.</td>
<td>Liquor &amp; Medical Marijuana Licensing Authority, Council Chambers</td>
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<td>Tues., Oct. 4</td>
<td>11:30 a.m.</td>
<td>Alliance for Commerce in Englewood, City Council Conference Room</td>
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<td>7:00 p.m.</td>
<td>Planning and Zoning Commission, City Council Conference Room/Council Chambers</td>
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<td>Wed., Oct. 5</td>
<td>5:45 p.m.</td>
<td>Cultural Arts Commission, City Council Conference Room</td>
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<td>7:00 p.m.</td>
<td>Liquor &amp; Medical Marijuana Licensing Authority, Council Chambers</td>
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<tr>
<td>Tues., Oct. 11</td>
<td>5:00 p.m.</td>
<td>Water &amp; Sewer Board, Community Development Conference Room</td>
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6:00 p.m.  Keep Englewood Beautiful, City Council Conference Room

7:00 p.m.  Library Board, Library Board Room

Wed., Oct. 12  6:30 p.m.  Urban Renewal Authority, City Council Conference Room

7:00 p.m.  Board of Adjustment and Appeals, Council Chambers

Thurs., Oct. 13  5:30 p.m.  Parks and Recreation Commission, Malley Senior Recreation Center

Tues., Oct. 18  4:30 p.m.  Budget Advisory Committee, City Council Conference Room

7:00 p.m.  Planning and Zoning Commission, City Council Conference Room/Council Chambers

Wed., Oct. 19  7:00 p.m.  Liquor & Medical Marijuana Licensing Authority, Council Chambers

Wed., Nov. 2  5:45 p.m.  Cultural Arts Commission, City Council Conference Room

7:00 p.m.  Liquor & Medical Marijuana Licensing Authority, Council Chambers

Mon., Nov. 7  2:00 p.m.  Malley Center Trust Fund Board, Malley Senior Recreation Center

Tues., Nov. 8  3:00 p.m.  NonEmergency Employees Retirement Board, Public Works Conference Room

5:00 p.m.  Water & Sewer Board, Community Development Conference Room

6:00 p.m.  Keep Englewood Beautiful, City Council Conference Room

7:00 p.m.  Library Board, Library Board Room

7:00 p.m.  Planning and Zoning Commission, City Council Conference Room/Council Chambers

Wed. Nov. 9  11:30 a.m.  Alliance for Commerce in Englewood, City Council Conference Room

6:30 p.m.  Urban Renewal Authority, City Council Conference Room

7:00 p.m.  Board of Adjustment and Appeals, Council Chambers

Thur., Nov. 10  3:00 p.m.  Police Officers Pension Board, Public Works Conference Room

3:30 p.m.  Firefighters Pension Board, Public Works Conference Room

5:30 p.m.  Parks and Recreation Commission
Broken Tee Golf Course

6:30 p.m.  Transportation Advisory Committee
City Council Conference Room

Tues., Nov. 15  4:30 p.m.  Budget Advisory Committee, City Council Conference Room
TENTATIVE
STUDY SESSIONS TOPICS
FOR ENGLEWOOD CITY COUNCIL

August 29  Study Session-Budget Workshop

September 6  Study Session & Regular Meeting – Tuesday
Parks & Recreation Master Plan Draft 6:00-6:30 p.m.
Historic Preservation

September 12  Study Session
EEF/EMRF
Operational Plan Progress
EMRF Easement Discussion
Police Building Discussion

September 19  Study Session & Regular Meeting
Financial Report
Big Wonderful Outdoor Festival
Dissolution of Ironworks/Urban Renewal Area

September 26  Study Session
Ironworks Metropolitan District Incorporation
City Center Englewood Discussion
Economic Development Policy/Programs

October 3  Study Session & Regular Meeting
MOA Presentation
Dry Gulch Drainage Discussion
Comprehensive Plan

October 10  Study Session
Accessory Dwelling Unit Discussion
Comprehensive Plan

October 17  Study Session & Regular Meeting
Financial Report
Comprehensive Plan

October 24  Study Session
Aid to Other Agencies Discussion
Comprehensive Plan

October 31  No Meeting – 5th Monday

November 7  Study Session & Regular Meeting
Board and Commission Members Reappointment Discussion
Comprehensive Plan

November 14  Study Session
            Comprehensive Plan

November 21 Study Session & Regular Meeting
            Financial Report
            Comprehensive Plan

November 28 Study Session
            Comprehensive Plan

December 5  Study Session & Regular Meeting
            Comprehensive Plan

December 12 Study Session
            Financial Report
            Comprehensive Plan

December 19 Regular Meeting
            No Study Session Scheduled – Holiday Dinner

December 26 Christmas Holidays – No meeting scheduled

2017

January 3   Study Session & Regular Meeting - Tuesday
            Colorado and US Legislators - tentative

January 9   Study Session
            Board and Commission Interviews

January 17 Study Session & Regular Meeting - Tuesday
            Financial Report
            Board and Commission Appreciation Night/Gift Discussion
            Citizen of the Year Selection

FUTURE STUDY SESSION TOPICS

Xcel Partners in Energy
Joint Meeting with Englewood School District
Emerald Ash Borer Presentation/Japanese Beetle Discussion
City Council Response to Public Comment
City Council Retreat