

**ENGLEWOOD CITY COUNCIL
ENGLEWOOD, ARAPAHOE COUNTY, COLORADO**

Regular Session

March 3, 2014

A permanent set of these minutes and the audio are maintained in the City Clerk's Office.

Minutes and streaming audios are also available on the web at:

<http://www.englewoodgov.org/inside-city-hall/city-council/agendas-and-minutes>

1. Call to Order

The regular meeting of the Englewood City Council was called to order by Mayor Penn at 7:31 p.m.

2. Invocation

The invocation was given by Council Member McCaslin.

3. Pledge of Allegiance

The Pledge of Allegiance was led by Council Member McCaslin.

4. Roll Call

Present: Council Members Jefferson, Olson, Gillit, McCaslin, Wilson, Yates, Penn

Absent: None

A quorum was present.

Also present: City Manager Sears
City Attorney Brotzman
Deputy City Manager Flaherty
City Clerk Ellis
Deputy City Clerk Bush
Director Gryglewicz, Finance and Administrative Services
Director White, Community Development
Director Fonda, Utilities
Engineer IV Brennan, Utilities
Engineer IV Abouaish, Utilities
Fleet Manager White, Public Works
Open Space Manager Lee, Parks and Recreation
Planner Voboril, Community Development
Senior Planner Neubecker, Community Development
Police Commander Watson
Fire Chief Marsh

5. Consideration of Minutes of Previous Session

(a) COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 18, 2014.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit

Nays: None

Motion carried.

6. **Recognition of Scheduled Public Comment**

There were no scheduled visitors.

7. **Recognition of Unscheduled Public Comment**

(a) Doug Cohn, an Englewood resident, provided Council with a list of addresses where he found business signs in the R-1-A Zone District. He said the majority of the signs are security company signs. He is asking for clarification in regards to the signs. He doesn't think it is addressed under the home occupation changes being considered.

(b) Elaine Hults, an Englewood resident, discussed security company signs on properties. They are to prevent home break-ins and she said they should be okay signage for all homes.

Council responded to Public Comment.

8. **Communications, Proclamations and Appointments**

(a) An email from Tom Kelly announcing his resignation from the Public Library Board was considered.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO ACCEPT THE RESIGNATION OF TOM KELLY FROM THE PUBLIC LIBRARY BOARD.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit
Nays: None

Motion carried.

9. **Consent Agenda**

(a) Approval of Ordinances on First Reading

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE CONSENT AGENDA ITEMS 9 (a) (i), (ii), 9 (b) (i), (ii), (iii), AND 9 (c) (i), (ii), (iii).

(i) COUNCIL BILL NO. 11, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE AUTHORIZING THE INTERGOVERNMENTAL AGREEMENT ENTITLED "FUNDING AGREEMENT FOR RTD FUNDING OF LOCAL TRANSPORTATION SERVICES" (ENGLEWOOD ART SHUTTLE) BETWEEN THE REGIONAL TRANSPORTATION DISTRICT (RTD) AND THE CITY OF ENGLEWOOD, COLORADO.

(ii) COUNCIL BILL NO. 12, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT ENTITLED "COLORADO INTERNET CRIMES AGAINST CHILDREN TASK FORCE MEMORANDUM OF UNDERSTANDING (MOU)" BETWEEN THE CITY OF COLORADO SPRINGS AND MEMBER PARTIES INCLUDING THE CITY OF ENGLEWOOD, COLORADO.

(b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 7, SERIES OF 2014 (COUNCIL BILL NO. 8, INTRODUCED BY COUNCIL MEMBER OLSON)

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT ENTITLED "EAST METRO AUTO THEFT TEAM (EMATT) MEMORANDUM OF UNDERSTANDING FOR PARTICIPATING AGENCIES" BETWEEN THE COLORADO STATE PATROL, THE COUNTIES OF ARAPAHOE AND DOUGLAS AND THE CITIES OF AURORA, COMMERCE CITY AND ENGLEWOOD TO COMBAT AUTO THEFTS AND VEHICLE INSURANCE FRAUD IN THE EAST METRO AREA.

(ii) ORDINANCE NO. 8, SERIES OF 2014 (COUNCIL BILL NO. 9, INTRODUCED BY COUNCIL MEMBER OLSON)
AN ORDINANCE AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF A VICTIM ASSISTANCE LAW ENFORCEMENT (VALE) GRANT FROM THE VICTIM ASSISTANCE LAW ENFORCEMENT BOARD OF THE 18TH JUDICIAL DISTRICT.

(iii) ORDINANCE NO. 9, SERIES OF 2014 (COUNCIL BILL NO. 10, INTRODUCED BY COUNCIL MEMBER OLSON)

AN ORDINANCE AUTHORIZING THE CITY OF ENGLEWOOD, COLORADO TO APPLY FOR AND ACCEPT FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE – OFFICE OF JUSTICE PROGRAMS, FOR THE PURCHASE OF BULLET PROOF VESTS.

(c) Resolutions and Motions

(i) RESOLUTION NO. 38, SERIES OF 2014

A RESOLUTION APPROPRIATING FUNDS FOR THE RIVER RUN PROJECT.

(ii) PURCHASE OF A FORD 550 TRUCK WITH CHIPPER BODY THROUGH A STATE AWARD IN THE AMOUNT OF \$77,613.00.

(iii) APPROVAL OF A LETTER REQUESTED BY THE COLORADO WATER CONSERVATION BOARD REGARDING THE ENGLEWOOD WATER CONSERVATION PLAN.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit
Nays: None

Motion carried.

10. Public Hearing Items

No public hearing was scheduled before Council.

11. Ordinances, Resolutions and Motions

(a) Approval of Ordinances on First Reading

(i) Planner Voboril presented a recommendation by the Community Development Department to adopt a bill for an ordinance approving an Intergovernmental Agreement with Denver Regional Council of Governments regarding the licensing of the 2014 Denver Regional Aerial Photography Project.

COUNCIL MEMBER McCASLIN MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 13.

COUNCIL BILL NO. 13, INTRODUCED BY COUNCIL MEMBER McCASLIN

A BILL FOR AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT (IGA) ENTITLED "LICENSING AGREEMENT REGARDING DENVER REGIONAL AERIAL PHOTOGRAPHY PROJECT" BETWEEN THE DENVER REGIONAL COUNCIL OF GOVERNMENTS AND THE CITY OF ENGLEWOOD,

COLORADO FOR THE CITY'S PARTICIPATION IN THE DENVER REGIONAL AERIAL PHOTOGRAPHY PROJECT (DRAPP).

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit
Nays: None

Motion carried.

(b) Approval of Ordinances on Second Reading

(i) Council Bill No. 60, authorizing amendments to Title 16: Unified Development Code regarding Home Occupations was considered.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO ALLOW COUNCIL MEMBER OLSON TO RECUSE HERSELF FROM PARTICIPATING WITH COUNCIL BILL NO. 60.

Vote results:

Ayes: Council Members McCaslin, Wilson, Penn, Jefferson, Olson, Gillit
Nays: Council Member Yates

Motion defeated because it had to be a unanimous vote by the remaining members.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (b) (i) - COUNCIL BILL NO. 60.

COUNCIL BILL NO. 60, INTRODUCED BY COUNCIL MEMBER JEFFERSON

A BILL FOR AN ORDINANCE AMENDING TITLE 16, CHAPTERS 5, 4-C (1) (a) THROUGH (g); 5-4-C (2) AND 11-2-B, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO HOME OCCUPATIONS AND ALLOWING THEM IN THE R-1-A ZONE DISTRICTS.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER YATES SECONDED, TO AMEND COUNCIL BILL NO. 60, 16-5-4-C (1) (a) (i) (a) (i) TO REFLECT THAT R-1-A MIRRORS THE RESTRICTIONS FROM ALL OTHER RESIDENTIAL ZONE DISTRICTS.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit
Nays: None

Motion carried.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER YATES SECONDED, TO AMEND COUNCIL BILL NO. 60, 16-5-4-C (1) (a) (i) (a) (ii) TO REFLECT THAT R-1-A ALLOWS ALL COMMERCIAL DELIVERY SERVICES BETWEEN THE HOURS OF 7:00 A.M. AND 9:00 P.M.

Vote results:

Ayes: Council Members Yates, McCaslin, Penn, Gillit
Nays: Council Members Wilson, Jefferson, Olson

Motion carried.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO AMEND COUNCIL BILL NO. 60, 16-5-4-C (1) (a) (i) (a) (ii) TO ALLOW ONE CUSTOMER AT A TIME AT EACH LOCATION.

Vote results:

Ayes: Council Members Yates, Wilson, Penn, Jefferson, Olson, Gillit
Nays: Council Member McCaslin

Motion carried.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO AMEND COUNCIL BILL NO. 60, 16-5-4-C (1) (d) (1) TO ALLOW ONE ASSISTANT.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Gillit
Nays: Council Members Jefferson, Olson

Motion carried.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO AMEND COUNCIL BILL NO. 60, 16-5-4-C (1) (b) TO ALLOW DETACHED ACCESSORY STRUCTURE FOR STORAGE ONLY.

Vote results:

Ayes: Council Members Yates, McCaslin, Penn, Jefferson, Olson, Gillit
Nays: Council Member Wilson

Motion carried.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER YATES SECONDED, TO APPROVE COUNCIL BILL NO. 60 AS AMENDED.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit
Nays: None

Motion carried.

(c) Resolutions and Motions

(i) Fleet Manager White presented a recommendation from the Utilities Department and Public Works Department to approve, by motion, the purchase of a rubber-tired wheel loader/backhoe. Staff recommends awarding the contract to Honnen Equipment, the lowest acceptable bidder, in the amount of \$131,555.00.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO AWARD THE CONTRACT TO HONNEN EQUIPMENT FOR THE PURCHASE OF A RUBBER-TIRED WHEEL LOADER/BACKHOE IN THE AMOUNT OF \$131,555.00.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit
Nays: None

Motion carried.

(ii) Engineer IV Brennan presented a recommendation from the Utilities Department to approve, by motion, the proposal by the Allen Water Filtration Plant residuals and removal to Secure On-Site Services USA in the amount of \$174,635.06 for the disposal of 750 cubic yards of production.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER YATES SECONDED, TO APPROVE THE PROPOSAL BY THE ALLEN WATER FILTRATION PLANT RESIDUALS AND REMOVAL TO SECURE ON-SITE SERVICES USA IN THE AMOUNT OF \$174,635.06 FOR THE DISPOSAL OF 750 CUBIC YARDS OF PRODUCTION.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, Olson, Gillit
Nays: None

Motion carried.

12. **General Discussion**

(a) Mayor's Choice

(b) Council Members' Choice

(i) Council Bill No. 14, an emergency ordinance creating a moratorium on the establishment of any new medical marijuana business which manufactures or cultivates medical marijuana was considered.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE EMERGENCY COUNCIL BILL NO. 14.

COUNCIL BILL NO. 14, INTRODUCED BY COUNCIL MEMBER WILSON

A BILL FOR AN EMERGENCY ORDINANCE CREATING A MORATORIUM ON THE ESTABLISHMENT OF ANY NEW MEDICAL MARIJUANA BUSINESS WHICH MANUFACTURES OR CULTIVATES MEDICAL MARIJUANA.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Gillit

Nays: Council Members Penn, Jefferson, Olson

Motion carried.

13. **City Manager's Report**

City Manager Sears announced his retirement from the City effective September 1, 2014.

14. **City Attorney's Report**

City Attorney Brotzman did not have any matters to bring before Council.

15. **Adjournment**

MAYOR PENN MOVED TO ADJOURN. The meeting adjourned at 9:36 p.m.

 /s/ Loucrishia A. Ellis
City Clerk