

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

Regular Session

March 17, 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 7:38 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 White, Community Development
Communications Coordinator Hoffhines, City Manager
Senior Planner Stitt, Community Development
Senior Planner Neubecker, Community Development
Field Operations Administrator Nimmo, Public Works
Planner Voboril, Community Development
Deputy Chief of Police Sanchez
Fire Chief Marsh

5. Consideration of Minutes of Previous Session

(a) **COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER YATES SECONDED, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MARCH 3, 2014.**

Vote results:

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

Nays: None

Motion carried.

6. Recognition of Scheduled Public Comment

(a) City Council recognized the Englewood nominees for the 2014 Arapahoe County Mayors and Commissioners Youth Awards. Also present were: Englewood School Superintendent Brian Ewert, and school board members Tena Prange, Duane Tucker, and Kevin Ebert, Englewood High School Principal Jon Fore, Englewood High School Assistant Principal Brooke Davis, Englewood Middle School Principal Mandy Braun, Colorado's Finest Alternative High School Principal Bobbie Skaggs and numerous teachers and counselors.

- (i) Andrew Abalos, an 8th Grader at Englewood Middle School
- (ii) Damon Abeyta, a 12th Grader at Colorado's Finest Alternative High School
- (iii) Jihad Al-Yasiry, an 8th Grader at Englewood Middle School
- (iv) Taylor Blackburn, an 8th Grader at Englewood Middle School
- (v) Auzurai Hubbard, an 8th Grader at Englewood Middle School
- (vi) Maria Johnsen, a 12th Grader at Colorado's Finest Alternative High School
- (vii) Javier Lopez, a 12th Grader at Colorado's Finest Alternative High School
- (viii) Kaitlynn McCormack, a 12th Grader at Colorado's Finest Alternative High School
- (ix) Tim McCrory, a 12th Grader at Colorado's Finest Alternative High School
- (x) Shawn Michaelis, a 12th Grader at Colorado's Finest Alternative High School
- (xi) Isabel Montanez, an 8th Grader at Englewood Leadership Academy
- (xii) Katie O'Brien, a 12th Grader at Colorado's Finest Alternative High School
- (xiii) Erin Peterson, an 8th Grader at Englewood Middle School
- (xiv) Ivy Ryan, a 12th Grader at Englewood High School

7. Recognition of Unscheduled Public Comment

(a) Ida May Nicholl, an Englewood resident, thanked Council for the amendments to the R-1-A Zone District ordinance, which made a significant difference. These changes took away some of the frustration and animosity felt by the citizens toward Council and the City. It will help our City in the long run while helping the home businesses. She commended Council for the adoption of the amendments and for not pushing through the ordinance as originally written.

(b) Steve Ward, an Englewood resident and a current member of the Liquor and Medical Marijuana Licensing Authority and the Budget Advisory Committee, asked Council to expand the good cause reasons for denying medical marijuana licenses to include citizen input.

Council responded to Public Comment.

8. Communications, Proclamations and Appointments

There were no communications, proclamations or appointments.

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), (iii), (iv), 9 (b) (i), (ii), (iii), AND 9 (c) (i) and (ii).

- (i) COUNCIL BILL NO. 15, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT ENTITLED "MEMORANDUM OF UNDERSTANDING" BETWEEN THE UNITED STATES SECRET SERVICE AND THE CITY OF ENGLEWOOD, COLORADO PERTAINING TO COLORADO ELECTRONIC CRIMES TASK FORCE.

- (ii) COUNCIL BILL NO. 16, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE UNITED STATES IMMIGRATION AND CUSTOMS ENFORCEMENT AND HOMELAND SECURITY

INVESTIGATIONS AND THE CITY OF ENGLEWOOD, COLORADO PERTAINING TO IMMIGRATION AND CUSTOMS ENFORCEMENT.

(iii) COUNCIL BILL NO. 17, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT REGARDING THE APPLICATION FOR AND ACCEPTANCE OF AN URBAN AREAS SECURITY INITIATIVE (USAI)/NORTH CENTRAL ALL-HAZARDS EMERGENCY MANAGEMENT REGION (NCR) PROGRAM GRANT.

(iv) COUNCIL BILL NO. 18, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF COLORADO INTERNET CRIMES AGAINST CHILDREN TASK FORCE GRANT AWARD 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. 10, SERIES OF 2014 (COUNCIL BILL NO. 11, INTRODUCED BY COUNCIL MEMBER OLSON)

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) ORDINANCE NO. 11, SERIES OF 2014 (COUNCIL BILL NO. 12, INTRODUCED BY COUNCIL MEMBER OLSON)

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.

(iii) ORDINANCE NO. 12, SERIES OF 2014 (COUNCIL BILL NO. 13, INTRODUCED BY COUNCIL MEMBER McCASLIN)

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).

(c) Resolutions and Motions

(i) AGREEMENT WITH MV PUBLIC TRANSPORTATION, INC. FOR 2014 MANAGEMENT, OPERATION AND MAINTENANCE OF THE ART SHUTTLE FOR A CONTRACT AMOUNT OF \$268,729.20.

(ii) EXTENSION OF THE 2012 CONCRETE UTILITY CONSTRUCTION CONTRACT WITH NORAA CONCRETE CONSTRUCTION, FOR CONCRETE UTILITY 2014, IN THE AMOUNT OF \$420,240.45.

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

There were no additional ordinances submitted for approval on first reading. (See Consent Agenda Item 9 (a).)

- (b) Approval of Ordinances on Second Reading

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

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO ALLOW COUNCIL MEMBER OLSON TO ABSTAIN FROM PARTICIPATING WITH COUNCIL BILL NO. 60.

Vote results:

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

Nays: Council Member Yates, Gillit

Motion defeated because it had to be a unanimous vote.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM NO. 11 (b) (i) – ORDINANCE NO. 13, SERIES OF 2014.

ORDINANCE NO. 13, SERIES OF 2013/2014 (COUNCIL BILL NO. 60, INTRODUCED BY COUNCIL MEMBER JEFFERSON)

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.

Vote results:

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

Nays: Council Member Olson

Motion carried.

(ii) 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 GILLIT MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM NO. 11 (b) (ii) – 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.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO AMEND COUNCIL BILL NO. 14, TO INCLUDE MEDICAL MARIJUANA CENTERS IN THE MORATORIUM.

Vote results on the amendment:

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

Nays: Council Member Yates, Jefferson

Motion carried.

Vote results on motion to approve Council Bill No.14 as amended:

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

Nays: Council Member Jefferson

Motion carried.

(c) Resolutions and Motions

There were no additional resolutions or motions submitted for approval. (See Consent Agenda Item 9 (c).)

12. General Discussion

(a) Mayor's Choice

(b) Council Members' Choice

13. City Manager's Report

City Manager Sears did not have any matters to bring before Council.

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 8:27 p.m.

/s/ Loucrishia A. Ellis
City Clerk