

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

Regular Session

June 2, 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 7:42 p.m.

2. Invocation

The invocation was given by Council Member McCaslin.

3. Pledge of Allegiance

Two members of Boy Scout Troop 194 presented the Colors and led The Pledge of Allegiance.

4. Roll Call

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

Absent: Council Member Olson

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 Fonda, Utilities
Communication Relations Specialist Arnoldy-Taylor, Police
EMS/Emergency Management Coordinator Green, Fire
Manager of Open Space Lee, Parks and Recreation
Planner II Bell, Community Development
Senior Planner Neubecker, Community Development
Deputy Police Chief Sanchez
Police Commander Englert
Fire Chief Marsh

5. Consideration of Minutes of Previous Session

(a) **COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MAY 19, 2014.**

Vote results:

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

Nays: None

Absent: Council Member Olson

Motion carried.

6. Recognition of Scheduled Public Comment

(a) Deputy Chief of Police Sanchez and Communication Relations Specialist Arnoldy-Taylor, with Mayor Penn, presented the Englewood Police Citizens' Academy #9 graduates: Sean Alberts, KSue Anderson, Jacob Barnes, Patty Brisbois, Lynn Langston, Joel Olson, William Ryan, Kimberly Sanchez, Steve Scott, Stephanie Willingham, Diane Willey, and Council Member Steven Yates with their certificates.

(b) Communication Relations Specialist Arnoldy-Taylor and EMS/Emergency Management Coordinator Steve Green, members of the Jeremy Bitner Fallen Officer Memorial Fund Board of Directors, discussed the 2014 Jeremy Bitner Fallen Officer Fund 5k/10k run and 5k walk. They asked that the City waive the fees for the temporary use permit, the Show Wagon, pop-up tents, tables and chairs.

MAYOR PENN MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO WAIVE THE CITY FEES ASSOCIATED WITH THE JEREMY BITNER FALLEN OFFICER MEMORIAL FUND EVENT.

Vote results:

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

Motion carried.

(c) James Jordan, an Englewood resident, was not present to address Council regarding the proposed South Metro Fire Rescue Authority contract.

7. Recognition of Unscheduled Public Comment

(a) Jeffrey Justice, a Longmont resident, spoke about the 7-Eleven incident, occurring on May 16, 2014, in which a loose dog killed another dog. He objected to the vicious dog being returned to the owner. He does not know of the conditions placed upon the dog or the owner. There is too much unknown. He believes the dog owner should be held responsible.

(b) Patricia Miller, an Englewood resident, spoke about the 7-Eleven dog incident. She reviewed Title 7 of the Englewood Municipal Code. She is afraid because this occurred in her neighborhood and she found out about it from a flyer. She has had her dog attacked by another dog prior to this event. She believes that the owners should be held accountable.

(c) Steve Scott, an Englewood resident, spoke about the UNITE Englewood service last weekend and the speakers. The speakers spoke about being good neighbors, about being an uninformed neighbor, and the Next Door program.

(d) Elaine Hults, an Englewood resident, spoke about problems she had with the headphones at tonight's meeting. She also asked how the Fire Department has gotten to where they are today.

Council responded to Public Comment.

8. Communications, Proclamations and Appointments

(a) An email from Kaylene McCrum announcing her resignation from the Cultural Arts Commission was considered.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO ACCEPT THE RESIGNATION OF KAYLENE MCCRUM FROM THE CULTURAL ARTS COMMISSION.

Vote results:

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

Nays: None
Absent: Council Member Olson

Motion carried.

9. Consent Agenda

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

(a) Approval of Ordinances on First Reading

(i) COUNCIL BILL NO. 30, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE APPROVING SUPPLEMENT NO. 4 TO THE CITY OF CHERRY HILLS VILLAGE CONNECTOR'S AGREEMENT FOR THE INCLUSION OF LAND WITHIN THE DISTRICT BOUNDARIES.

(ii) COUNCIL BILL NO. 33, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT FOR PLAN REVIEW AND INSPECTION SERVICES BETWEEN SOUTH METRO FIRE RESCUE AUTHORITY AND THE CITY OF ENGLEWOOD.

(b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 26, SERIES OF 2014 (COUNCIL BILL NO. 28, INTRODUCED BY COUNCIL MEMBER OLSON)

AN ORDINANCE AMENDING TITLE 5, CHAPTER 3(D), SECTION 3 OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO THE STANDARD OF "GOOD CAUSE".

(ii) ORDINANCE NO. 27, SERIES OF 2014 (COUNCIL BILL NO. 29, INTRODUCED BY COUNCIL MEMBER OLSON)

AN ORDINANCE AMENDING TITLE 5, CHAPTER 3(D), SECTION 5, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO PUBLIC HEARING NOTICE – POSTING AND PUBLICATIONS

(iii) ORDINANCE NO. 28, SERIES OF 2014 (COUNCIL BILL NO. 32, INTRODUCED BY COUNCIL MEMBER OLSON)

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE REGIONAL TRANSPORTATION DISTRICT (RTD) AND THE CITY OF ENGLEWOOD PERTAINING TO THE ENGLEWOOD LIGHT RAIL CORRIDOR NEXT STEPS STUDY AND AN INTERGOVERNMENTAL AGREEMENT ENGLEWOOD LIGHT RAIL CORRIDOR NEXT STEPS STUDY BETWEEN THE CITY OF SHERIDAN AND ENGLEWOOD, COLORADO.

(c) Resolutions and Motions

(i) RESOLUTION NO. 45, SERIES OF 2014

A RESOLUTION AUTHORIZING A SUPPLEMENTAL APPROPRIATION OF FUNDS FOR CLEAN ENERGY COLLECTIVE (CEC) SOLAR GARDEN COMMUNITY PROGRAM.

(ii) AN AGREEMENT WITH THE CLEAN ENERGY COLLECTIVE TO PURCHASE SOLAR PANELS IN THE ARAPAHOE COUNTY XCEL SOLAR ARRAY THROUGH XCEL ENERGY'S SOLAR REWARDS COMMUNITY PROGRAM.

(iii) THE PURCHASE OF WATER METERS AND ELECTRONIC REMOTE TRANSMITTERS FROM NATIONAL METER AND AUTOMATION, INC. IN THE AMOUNT OF \$87,621.36 IN CONJUNCTION WITH DENVER WATER'S PURCHASE TO ENSURE THE BEST QUANTITY PRICE.

Vote results:

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

Motion carried.

10. **Public Hearing Items**

(a) **COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO OPEN THE PUBLIC HEARING TO GATHER INPUT ON COUNCIL BILL NO. 31, APPROVING THE SHADOW CREEK HOMES REQUEST TO REZONE 3265-3299 SOUTH LOGAN STREET (FORMER SHRINE CLUB PROPERTY) TO A PLANNED UNIT DEVELOPMENT.**

Vote results:

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

Motion carried and the Public Hearing opened.

All testimony was given under oath.

Planner II Bell presented background information regarding the rezoning of the property located at 3265-3299 South Logan Street.

Toby Terhune, President of Shadow Creek Homes, gave a presentation on the Planned Unit Development for the Logan Street Residences.

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Vote results:

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

Motion carried and the Public Hearing closed.

11. **Ordinances, Resolutions and Motions**

(a) Approval of Ordinances on First Reading

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

(b) Approval of Ordinances on Second Reading

(i) Council Bill No. 24, amending sections of Title 16 of the Englewood Municipal Code pertaining to site improvement plans was considered.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER YATES SECONDED, TO APPROVE AGENDA ITEM 11 (b) (i) – ORDINANCE NO. 29 SERIES OF 2014.

ORDINANCE NO. 29, SERIES OF 2014 (COUNCIL BILL NO.24, INTRODUCED BY COUNCIL MEMBER JEFFERSON)

AN ORDINANCE AMENDING TITLE 16, CHAPTER 2, SECTIONS 2, 7, 9, AND TITLE 16, CHAPTER 3, SECTION 2, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO ZONING SITE PLAN REVIEW.

Vote results:

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

Nays: None

Absent: Council Member Olson

Motion carried.

(c) Resolutions and Motions

(i) Manager Lee presented a recommendation from the Parks and Recreation Department to approve, by motion, the contract for the Little Dry Creek Fountain Project. Staff further recommends awarding the contract to the lowest acceptable bidder, Straight Line Sawcutting Inc. in the amount of \$59,880.00.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) – AWARDING THE CONTRACT FOR THE LITTLE DRY CREEK FOUNTAIN PROJECT TO STRAIGHT LINE SAWCUTTING INC. IN THE AMOUNT OF \$59,880.00.

Vote results:

Ayes: Council Members McCaslin, Wilson, Penn

Nays: Council Members Yates, Jefferson, Gillit

Absent: Council Member Olson

Motion defeated.

12. **General Discussion**

(a) Mayor's Choice

(b) Council Members' Choice

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) – AWARDING THE CONTRACT FOR THE LITTLE DRY CREEK FOUNTAIN PROJECT TO STRAIGHT LINE SAWCUTTING INC. IN THE AMOUNT OF \$59,880.00, WITH THE CITY'S PORTION COMING OUT OF THE PUBLIC IMPROVEMENT FUND (PIF).

Vote results:

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

Nays: Mayor Penn

Absent: Council Member Olson

Motion carried.

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 9:09 p.m.

 /s/ Loucrishia A. Ellis
City Clerk