



## AGENDA

1000 Englewood Pkwy – Council Chambers  
Meeting  
Englewood, CO 80110  
p.m.

Regular City Council

Monday, Dec. 7, 2015 7:30

1. Call to Order 7:40 p.m.

2.  Invocation. **Russell**

3.  Pledge of Allegiance. **Russell**

4.  Roll Call.

**Present:** Barrentine, Gillit, Martinez, Russell, Yates, Jefferson

**Absent:** Olson

5.  Consideration of Minutes of Previous Session.

a. Minutes from the Regular City Council Meeting of November 16, 2015.

**Motion:** To approve the minutes of November 16, 2015.

**Moved by:** Gillit **Seconded by:** Yates

**Vote:** **Motion Approved** (summary: Yes = 6 No = 0)

6. Recognition of Scheduled Public Comment.

- a.  Leigh Ann Hoffhines recognized student artists whose artwork is included in the 2016 Englewood Calendar:
- Isaiah (Jett) Coleman, 11th Grader at Colorado's Finest High School of Choice
  - Avery Garcia, 2nd Grader at Cherrelyn Elementary
  - Jake Swenson, 12th Grader at Colorado's Finest High School of Choice
  - Alexis Garb, 3rd Grader at Clayton Elementary
  - Brianna Cervantes, 9th Grader at Englewood High School
  - Eden Thomas, 1st Grader at Cherrelyn Elementary

Emelia Mullenberg, 9th Grader Colorado's Finest High School of Choice  
Brook Sullivan, 6th Grader at Clayton Elementary  
Gabriella Fatovic, Kindergartner at All Souls School  
Miranda Coleman, 9th Grader at Englewood High School  
Estie Vercande, 1st Grader at Cherrelyn Elementary  
Jes Connell, 9th Grader at Colorado's Finest High School of Choice  
Dustin Peterson, 10th Grader at Englewood High School

- b. ► Veronica and Oscar Reyes, from Color Esperanza, shared with Council how Color Esperanza helped them through a very difficult situation.
- c. ► George, from Color Esperanza, addressed Council regarding their vision and outreach in Englewood.
- d. ► Doug Cohn, Englewood resident, addressed Council regarding historic preservation.
- e. ► Elaine Hults, Englewood resident, encouraged Council to support historic preservation. She also addressed Councils decorum.

#### 7. Recognition of Unscheduled Public Comment.

There was no Unscheduled Public Comment.

► Council Responded to Public Comment.

#### 8. ► Communications, Proclamations, and Appointments.

a. Proclamation declaring December 15, 2015, Bill of Rights Day.

**Motion:** To approve Agenda Item 8 (a).

**Moved by:** Gillit **Seconded by:** Barrentine

**Vote: Motion Approved**(summary: Yes = 6 No = 0)

#### 9. ► Consent Agenda Items

a. Approval of Ordinances on First Reading.

i. Council Bill 60 – The Littleton/Englewood Wastewater Treatment Plant recommends Council approve a bill for an ordinance approving an IGA for NetDMR between the L/E WWTP and Colorado Department of Public Health and Environment, Water Quality Control Division for the Clean Water Act National Pollutant Discharge Elimination System permit-required electronic reporting of the Discharge Monitoring Reports.

**Staff: WWTP Manager Dennis Stowe**

- ii. Council Bill 62 - The Police Department recommends Council adopt a bill for an ordinance authorizing the Englewood Police Department to accept grant funding from the Colorado Department of Transportation (CDOT) 405C Traffic Records Program for an E-Ticketing system. **Staff: Deputy Police Chief Jeff Sanchez**

**Motion:** To approve Consent Agenda Item 9 (a) (i) & (ii).

**Moved by:** Gillit **Seconded by:** Yates

**Vote: Motion Approved**(summary: Yes = 6 No = 0)

b. Approval of Ordinances on Second Reading.

There were no additional Ordinances on Second Reading.

c. Resolutions and Motions.

There were no additional Resolutions or Motions on Second Reading.

10. Public Hearing Items.

There was no Public Hearing scheduled.

11. Ordinances, Resolutions and Motions.

a. Approval of Ordinances on First Reading.

- i.  **Council Bill 61** - The Utilities Department recommends Council approve a bill for an ordinance approving Valley Sanitation District Supplement #24. **Staff: Director of Utilities Tom Brennan**

**Motion:** To approve Agenda Item 11 (a) (i), Council Bill No. 61.

**Moved by:** Gillit **Seconded by:** Yates

**Vote: Motion Approved**(summary: Yes = 6 No = 0)

- ii.  **Council Bill 58** - The City Managers Office recommends Council table a bill for an ordinance amending Title 6, Chapter 1, Section 8, of the Englewood Municipal Code 2000 adopting smoking prohibitions, state standards, further defining public buildings and unifying the definition of tobacco throughout the code. **Staff: City Manager Eric Keck**

**Motion:** To table Agenda Item 11 (a) (ii), Council Bill No. 58.

**Moved by:** GillitSecoded by: Barrentine

**Vote:** **Motion Approved**(summary: Yes = 6 No = 0)

b.Approval of Ordinances on Second Reading.

- i.  Council Bill 59 - Approving a six-month extension on the marijuana social club moratorium. **Staff: Interim Community Development Director Michael Flaherty**

**ORD# 54**

**Motion:** To approve Agenda Item 11 (b) (i), Ordinance No. 54, Series of 2015.

**Moved by:** GillitSecoded by: Martinez

**Vote:** **Motion Approved**(summary: Yes = 6 No = 0)

c.Resolutions and Motions.

- i.  The Public Works Department recommends Council approve, **by motion**, the purchase of a 2016 Freightliner M2 106 dump truck with an attached PB loader from Transwest Truck Trailer RV for \$183,521. **Staff: Right of Way Services Manager Larry Nimmo & Fleet Manager Pat White**

**Motion:** To approve Agenda Item 11 (c) (i), the purchase of a 2016 Freightliner M2 106 dump truck with an attached PB loader from Transwest Truck Trailer RV for \$183,521.

**Moved by:** GillitSecoded by: Russell

**Vote:** **Motion Approved**(summary: Yes = 6 No = 0)

- ii.  The Fleet/ServiCenter recommends Council approve, **by motion**, the purchase of a Volvo IFB-15-015 four wheel drive loader from Power Equipment Company in the amount of \$116,816.00. **Staff: Fleet Manager Pat White**

**Motion:** To approve Agenda Item 11 (c) (ii), to purchase a Volvo IFB-15-015 four wheel drive loader from Power Equipment Company in the amount of \$116,816.00.

**Moved by:** GillitSecoded by: Yates

**Vote:** **Motion Approved**(summary: Yes = 6 No = 0)

- iii.  The Utilities Department recommends Council approve, **by motion**, the Advanced Utility Systems annual maintenance billing in the amount of \$61,496.86. **Staff: Director of Utilities Tom Brennan**

**Motion:** To approve Agenda Item 11 (c) (iii), for Advanced Utility Systems annual maintenance billing in the amount of \$61,496.86.

**Moved by:** GillitSecoded by: Barrentine

Vote: **Motion Approved**(summary: Yes = 6 No = 0)

- iv.  The Utilities Department recommends Council approve, **by motion**, the Denver Water Board invoice for the Meadow Creek Dam Outlet Works Replacement Project in the amount of \$329,878.14. **Staff: Director of Utilities Tom Brennan**

**Motion:** To approve Agenda Item 11 (c) (iv), Denver Water Board invoice for the Meadow Creek Dam Outlet Works Replacement Project in the amount of \$329,878.14.

**Moved by:** Gillit**Seconded by:** Yates

Vote: **Motion Approved**(summary: Yes = 6 No = 0)

- v.  The Utilities Department recommends Council approve, by resolution, the Assignment of License Agreement from Wildacres, LLC for crossing the City Ditch to 2 T Acres LLC. **Staff: Director of Utilities Tom Brennan**

#### **RESO# 101**

**Motion:** To approve Agenda Item 11 (c) (v), Resolution No. 101, Series of 2015.

**Moved by:** Yates**Seconded by:** Gillit

Vote: **Motion Approved**(summary: Yes = 6 No = 0)

- vi.  The Community Development Department recommends Council approve, by resolution, the Finding of Fact in the matter of appeal of case #2015-09, 4635 S. Pearl St., Urban Lot Development. **Staff: Interim Community Development Director Michael Flaherty**

#### **RESO# 102**

**Motion:** To approve Agenda Item 11 (c) (vi), Resolution No. 102, Series of 2015.

**Moved by:** Gillit**Seconded by:** Martinez

Vote: **Motion Approved**(summary: Yes = 6 No = 0)

#### 12.General Discussion.

- a.  Mayors Choice.

b.Council Members Choice.

- i.  A motion authorizing the recruitment of a new City Attorney through the use of an executive search firm RFP.

**Motion:** To approve RFP to use an executive search firm for the recruitment of a new City Attorney.

**Moved by:** Gillit**Seconded by:** Russell

Vote: **Motion Approved**(summary: Yes = 6 No = 0)

- ii. ► Executive Session: For discussion of a personnel matter under C.R.S. Section 24-6-402(2)(f) and not involving: any specific employees who have requested discussion of the matter in open session; any member of this body or any elected official; the appointment of any person to fill an office of this body or of an elected official; or personnel policies that do not require the discussion of matters personal to particular employees. [Clerks note: City Council and Acting City Attorney Dugan Comer were in attendance.]

**Motion:** To move into executive session.

**Moved by:** Gillit  
**Seconded by:** Yates

Vote: **Motion Approved**(summary: Yes = 6 No = 0)

Meeting recessed into Executive session at 9:09 p.m.

Meeting reconvened at 9:37 p.m. with all members present.

**Motion:** To close executive session.

**Moved by:** Gillit  
**Seconded by:** Barrentine

Vote: **Motion Approved**(summary: Yes = 6 No = 0)

- iii. ► Approval of a resolution establishing the salary for the Acting City Attorney.

### **RESO# 103**

**Motion:** To approve Resolution No. 103, Series of 2015 setting the Acting City Attorney salary at \$117,281 until a permanent City Attorney is hired at which time the Acting City Attorney will go back to his present salary.

**Moved by:** Gillit  
**Seconded by:** Barrentine

Vote: **Motion Approved**(summary: Yes = 6 No = 0)

### 13.City Managers Report.

- a. ► CML Workshop: Effective Governance for Elected Officials Friday, Jan. 29, 8:30 a.m.- 4 p.m. in Denver.

### 14.City Attorneys Report.

- a. ► Executive Session: For a conference with special counsel for the purpose of receiving legal advice on specific legal questions under C.R.S. Section 24-6-402(4)(b). [Clerks note: City Council, Assistant City Manager Robinson, Acting City Attorney Comer, Human Resource Manager Vega, and Attorney Martin Semple were in attendance.]

**Motion:** To move into executive session.

**Moved by:** GillitSeconded by: Barrentine

Vote: **Motion Approved**(summary: Yes = 6 No = 0)

Meeting recessed into Executive session at 9:42 p.m.

Meeting reconvened at 10:24 p.m. with all members present.

▶ **Motion:** To close executive session.

**Moved by:** GillitSeconded by: Yates

Vote: **Motion Approved**(summary: Yes = 6 No = 0)

15. ▶ Service Line Warranty Agreement discussion.

**Motion:** To terminate the marketing agreement between the City of Englewood and Service Line Warranties of America and to terminate the use of the City logo.

**Moved by:** RussellSeconded by: Barrentine

Vote: **Motion Approved**(summary: Yes = 5 No = 1 Council Member Martinez)



16.Adjournment 10:49 p.m.