

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

**Regular Session
December 7, 2015**

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 Jefferson at 7:40 p.m.

2. Invocation

The invocation was given by Council Member Russell.

3. Pledge of Allegiance

The Pledge of Allegiance was led by Council Member Russell.

4. Roll Call

Present: Council Members Jefferson, Barrentine, Gillit, Martinez, Russell, Yates
Absent: Council Member Olson

A quorum was present.

Also present: City Manager Keck
Acting City Attorney Comer
Deputy City Manager Flaherty
Assistant City Manager Robinson
City Clerk Ellis
Deputy City Clerk Carlile
Manager Stowe, Littleton/Englewood Wastewater Treatment Plant
Director Brennan, Utilities
Communications Coordinator Hoffhines, City Manager's Office
Police Commander Englert
Right of Way Services Manager Nimmo, Public Works
Fleet Manager White, Public Works
Manager Vega, Human Resources
Technical Support Specialist I Munnell, Information Technology

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 NOVEMBER 16, 2015.**

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Martinez, Gillit
Nays: None
Absent: Council Member Olson

Motion carried.

6. Recognition of Scheduled Public Comment

(a) City Council recognized the student artists whose artwork is included in the 2016 Englewood Calendar. Communications Coordinator Hoffhines, Mayor Jefferson, and Council Member Martinez introduced and presented each child with a framed and matted copy of their artwork and 2 tickets to an upcoming Englewood Arts Concert. Mayor Jefferson also acknowledged Englewood School Board Members: Tena Prange, President, Kevin Ebert, Jason Sakry, Sharon Scheminske, Dagan Thomas, Superintendent of Englewood Schools, Dr. Wendy Rubin, the Englewood's Art Teachers: Mary Lynn Baird, art teacher at Clayton Elementary, Kate Dulaney, art teacher at Charles Hay World School (former art teacher at Cherrelyn and Bishop), Erick Swanson, art teacher at Englewood Middle School, Ryan Talbot, art teacher at All Souls School, Emily Winthrop, art teacher at Englewood High School, Kim Young, art teacher at Colorado's Finest High School of Choice and Englewood School Administrators: Mandy Braun, Principal at Englewood Middle School, Jon Fore, Principal at Englewood High School, Linda Lewis, Principal at Bishop Elementary School, Eva Pasiewicz, Principal at Cherrelyn Elementary School, Dr. Bobbie Skaggs, Principal at Colorado's Finest High School of Choice, Nicole Westfall, Principal at Clayton Elementary School.

The student artists are:

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
Gabiella 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, an Englewood resident, addressed Council regarding historic preservation.

(e) Elaine Hults, an Englewood resident, encouraged Council to support historic preservation. She also addressed Council's decorum.

7. Recognition of Unscheduled Public Comment

There were no unscheduled visitors.

Council responded to Public Comment.

8. Communications, Proclamations and Appointments

(a) A proclamation declaring December 15, 2015, Bill of Rights Day was considered.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER BARRENTINE SECONDED, TO APPROVE A PROCLAMATION DECLARING DECEMBER 15, 2015, BILL OF RIGHTS DAY.

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Martinez, 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) and (ii).

(a) Approval of Ordinances on First Reading

(i) COUNCIL BILL NO. 60, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT (IGA) "NetDMR SUBSCRIBER AGREEMENT" BETWEEN THE COLORADO CDPHE WQCD (REGULATORY AUTHORITY) AND THE LITTLETON/ENGLEWOOD WASTEWATER TREATMENT PLANT.

(ii) COUNCIL BILL NO. 62, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE APPROVING AN APPLICATION AND AUTHORIZING THE ACCEPTANCE OF THE COLORADO DEPARTMENT OF TRANSPORTATION (CDOT) TRAFFIC RECORDS UNIT FY16 FUNDING APPLICATION - 405C, BETWEEN THE CITY OF ENGLEWOOD, COLORADO AND THE STATE OF COLORADO DEPARTMENT OF TRANSPORTATION.

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Martinez, Gillit
Nays: None
Absent: Council Member Olson

Motion carried.

(b) Approval of Ordinances on Second Reading

There were no additional items submitted for approval on second reading. (See Agenda Item 11 (b).)

(c) Resolutions and Motions

There were no additional resolutions or motions submitted for approval. (See Agenda Item 11 (c).)

10. Public Hearing Items

No public hearing was scheduled before Council.

11. Ordinances, Resolutions and Motions

(a) Approval of Ordinances on First Reading

(i) Director Brennan presented a recommendation from the Utilities Department to approve a bill for an ordinance approving Valley Sanitation District Supplement #24.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER YATES SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 61.

COUNCIL BILL NO. 61, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE APPROVING SUPPLEMENT NO. 24 TO THE VALLEY SANITATION DISTRICT CONNECTOR'S AGREEMENT WITH THE CITY OF ENGLEWOOD TO INCLUDE ADDITIONAL LAND WITHIN THE DISTRICT BOUNDARIES.

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Martinez, Gillit
Nays: None
Absent: Council Member Olson

Motion carried.

(ii) City Manager Keck presented a recommendation from the City Manager's Office to table Council Bill 58 - 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.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER BARRENTINE SECONDED, TO TABLE COUNCIL BILL 58.

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Martinez, Gillit
Nays: None
Absent: Council Member Olson

Motion carried.

(b) Approval of Ordinances on Second Reading

(i) Council Bill 59 - Approving a six-month extension on the marijuana social club moratorium was considered.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER MARTINEZ SECONDED, TO APPROVE AGENDA ITEM 11 (b) (i) - ORDINANCE NO. 54, SERIES OF 2015.

ORDINANCE NO. 54, SERIES OF 2015 (COUNCIL BILL NO. 59, INTRODUCED BY COUNCIL MEMBER GILLIT)

AN ORDINANCE EXTENDING THE EMERGENCY MORATORIUM ON THE ESTABLISHMENT OF NEW MARIJUANA CONSUMPTION ESTABLISHMENTS FOR AN ADDITIONAL SIX MONTH PERIOD.

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Martinez, Gillit
Nays: None
Absent: Council Member Olson

Motion carried.

(c) Resolutions and Motions

(i) Manager Nimmo and Manager White presented a recommendation from the Public Works Department to 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.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER RUSSELL SECONDED, 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.

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Martinez, Gillit

Nays: None
Absent: Council Member Olson

Motion carried.

(ii) Manager White presented a recommendation from the Fleet/ServiCenter to 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.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER YATES SECONDED, TO APPROVE AGENDA ITEM 11 (c) (ii) - THE PURCHASE OF A VOLVO IFB-15-015 FOUR WHEEL DRIVE LOADER FROM POWER EQUIPMENT COMPANY IN THE AMOUNT OF \$116,816.00.

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Martinez, Gillit
Nays: None
Absent: Council Member Olson

Motion carried.

(iii) Director Brennan presented a recommendation from the Utilities Department to approve, by motion, the Advanced Utility Systems annual maintenance billing in the amount of \$61,496.86.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER BARRENTINE SECONDED, TO APPROVE AGENDA ITEM 11 (c) (iii) - THE ADVANCED UTILITY SYSTEMS ANNUAL MAINTENANCE BILLING IN THE AMOUNT OF \$61,496.86

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Martinez, Gillit
Nays: None
Absent: Council Member Olson

Motion carried.

(iv) Director Brennan presented a recommendation from 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.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER YATES SECONDED, TO APPROVE AGENDA ITEM 11 (c) (iv) - THE DENVER WATER BOARD INVOICE FOR THE MEADOW CREEK DAM OUTLET WORKS REPLACEMENT PROJECT IN THE AMOUNT OF \$329,878.14.

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Martinez, Gillit
Nays: None
Absent: Council Member Olson

Motion carried.

(v) Director Brennan presented a recommendation from the Utilities Department to approve, by resolution, the Assignment of License Agreement from Wildacres, LLC for crossing the City Ditch to 2 T Acres LLC.

COUNCIL MEMBER YATES MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (c) (v) - RESOLUTION NO. 101, SERIES OF 2015.

RESOLUTION NO. 101, SERIES OF 2015

A RESOLUTION FOR THE APPROVAL TO AUTHORIZE THE "CONSENT TO ASSIGNMENT" OF THE 2003 CITY DITCH LICENSE AGREEMENT FROM WILDACRES, LLC. TO 2T ACRES. LLC.

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Martinez, Gillit
Nays: None
Absent: Council Member Olson

Motion carried.

(vi) Interim Director Flaherty presented a recommendation from the Community Development Department to approve, by resolution, the Finding of Fact in the matter of appeal of case #2015-09, 4635 S. Pearl St., Urban Lot Development.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER MARTINEZ SECONDED, TO APPROVE AGENDA ITEM 11 (c) (vi) - RESOLUTION NO. 102, SERIES OF 2015.

RESOLUTION NO. 102, SERIES OF 2015

A RESOLUTION APPROVING FINDING OF FACT AND CONCLUSIONS IN THE MATTER OF THE APPEAL OF CASE NO. 2015-09 PERTAINING TO 4635 SOUTH PEARL STREET, URBAN LOT DEVELOPMENT.

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Martinez, Gillit
Nays: None
Absent: Council Member Olson

Motion carried.

12. **General Discussion**

(a) Mayor's 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 was considered.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER RUSSELL SECONDED, TO AUTHORIZE THE RECRUITMENT OF A NEW CITY ATTORNEY THROUGH THE USE OF AN EXECUTIVE SEARCH FIRM RFP.

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Martinez, Gillit
Nays: None
Absent: Council Member Olson

Motion carried.

(ii) An 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 was considered.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER YATES SECONDED, TO MOVE INTO 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 WAS CONSIDERED.

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Martinez, Gillit
Nays: None
Absent: Council Member Olson

Motion carried.

Council moved into Executive Session at 9:09 p.m. [Clerks note: Acting City Attorney Comer joined Council in Executive Session.]

The meeting reconvened at 9:37 p.m. with all Council Members present.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER BARRENTINE SECONDED, TO CLOSE 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 WAS CONSIDERED.

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Martinez, Gillit
Nays: None
Absent: Council Member Olson

Motion carried.

(iii) Approval of a resolution establishing the salary for the Acting City Attorney was considered.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER BARRENTINE SECONDED, 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.

RESOLUTION NO. 103, SERIES OF 2015

A RESOLUTION ESTABLISHING THE SALARY FOR THE ACTING CITY ATTORNEY OF THE CITY OF ENGLEWOOD, COLORADO.

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Martinez, Gillit
Nays: None
Absent: Council Member Olson

Motion carried.

13. City Manager's Report

(a) City Manager Keck discussed the CML Workshop: Effective Governance for Elected Officials to be held on Friday, January 29th from 8:30 a.m. to 4:00 p.m. in Denver.

14. City Attorney's Report

(a) Acting City Attorney Comer requested Council move into 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).

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER BARRENTINE SECONDED, TO MOVE INTO 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).

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Martinez, Gillit
Nays: None
Absent: Council Member Olson

Motion carried.

Council moved into Executive Session at 9:42 p.m. [Clerks note: Assistant City Manager Robinson, Acting City Attorney Comer, Human Resources Manager Vega, and Attorney Martin Semple joined Council in Executive Session.]

The meeting reconvened at 10:24 p.m. with all Council Members present.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER YATES SECONDED, TO CLOSE 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).

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Martinez, Gillit
Nays: None
Absent: Council Member Olson

Motion carried.

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The Service Line Warranty Agreement was discussed.

COUNCIL MEMBER RUSSELL MOVED, AND COUNCIL MEMBER BARRENTINE SECONDED, 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.

Vote results:

Ayes: Council Members Russell, Barrentine, Jefferson, Yates, Gillit
Nays: Council Member Martinez
Absent: Council Member Olson

Motion carried.

15. Adjournment

MAYOR JEFFERSON MOVED TO ADJOURN. The meeting adjourned at 10:49 p.m.

 /s/ Loucrishia A. Ellis
City Clerk