

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

**Regular Session  
March 14, 2016**

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 7:35 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, Olson, Barrentine, Gillit, Martinez, Russell, Yates  
Absent: None

A quorum was present.

Also present: City Manager Keck  
Acting City Attorney Comer  
Deputy City Manager/EMRF Board Member Flaherty  
Assistant City Manager Robinson  
City Clerk Ellis  
Deputy City Clerk Carlile  
Economic Development Manager Hollingsworth, Community Development  
Senior Planner Stitt, Community Development  
Planner II Bell, Community Development  
Director Brennan, Utilities  
Deputy Director Henderson, Public Works  
Police Commander Englert  
Technical Support Specialist I Munnell, Information Technology

**5. Consideration of Minutes of Previous Session**

(a) **COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER RUSSELL SECONDED, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 16, 2016.**

**Vote results:**

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

Motion carried.

**6. Recognition of Scheduled Public Comment**

(a) Sarah L. Hughes from the U.S. Small Business Administration - Colorado District Office discussed the Emerging Leaders Program.

(b) David Prado, an Englewood resident, was scheduled to address Council regarding City Ditch but was not present.

(c) Elaine Hults, an Englewood resident, addressed Council regarding boards and foundations.

(d) Doug Cohn, an Englewood resident, addressed Council regarding historic preservation.

(e) Leila Phillips, an Englewood resident, addressed Council regarding the Belleview/Brookridge Comprehensive Plan area.

**7. Recognition of Unscheduled Public Comment**

(a) Sally Reilly, a Kmart/Sears representative, addressed Council regarding the Comprehensive Plan and the Kmart site.

(b) Danielle Holley, an Englewood resident, expressed her concern with the EMRF land sale and the Comprehensive Plan.

Council responded to Public Comment.

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**MAYOR JEFFERSON MOVED AGENDA ITEM 12 (a) (ii) EXECUTIVE SESSION FORWARD.**

**COUNCIL MEMBER YATES MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO MOVE INTO EXECUTIVE SESSION TO DISCUSS A PERSONNEL MATTER PURSUANT TO C.R.S. SECTION 24-6-402 (4)(b).**

**Vote results:**

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

Motion carried.

The meeting adjourned into Executive Session at 8:12 p.m.

The meeting reconvened at 8:45 p.m. with all members present.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO CLOSE THE EXECUTIVE SESSION.**

**Vote results:**

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

Motion carried

**8. Communications, Proclamations and Appointments**

(a) A proclamation declaring March National Nutrition Month in Englewood was considered.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER MARTINEZ SECONDED, TO APPROVE AGENDA ITEM 8 (a) - A PROCLAMATION DECLARING MARCH NATIONAL NUTRITION MONTH IN ENGLEWOOD.**

**Vote results:**

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

Motion carried.

(b) A resolution appointing Stacie Flynn from an alternate to a regular seat on the Board of Adjustment and Appeals was considered.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE AGENDA ITEM 8 (b) - RESOLUTION NO. 48, SERIES OF 2016.**

RESOLUTION NO. 48, SERIES OF 2016

A RESOLUTION APPOINTING STACIE FLYNN TO THE BOARD OF ADJUSTMENT AND APPEALS FOR THE CITY OF ENGLEWOOD, COLORADO.

**Vote results:**

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

Motion carried.

(c) City Manager Keck addressed Council regarding the public unveiling of OpenEnglewood Financial Portal.

**9. Consent Agenda**

(a) Approval of Ordinances on First Reading

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

(i) COUNCIL BILL NO. 16, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR 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.

(b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 10, SERIES OF 2016 (COUNCIL BILL NO. 8, INTRODUCED BY COUNCIL MEMBER OLSON/YATES)

AN ORDINANCE AUTHORIZING THE RENEWAL OF A LEASE WITH PAUL WEBSTER, FOR USE A PORTION OF REAL PROPERTY THE "PASEO" LOCATED AT 3449 SOUTH BROADWAY AS OUTDOOR SEATING FOR "THE BREW ON BROADWAY".

(ii) ORDINANCE NO. 11, SERIES OF 2016 (COUNCIL BILL NO. 9, INTRODUCED BY COUNCIL MEMBER BARRENTINE/YATES)

AN ORDINANCE AUTHORIZING A LEASE WITH ZOMO, LLC. FOR USE OF A PORTION OF THE REAL PROPERTY "THE PASEO" LOCATED AT 3449 SOUTH BROADWAY AS OUTDOOR SEATING FOR "ZOMO".

(iii) ORDINANCE NO. 12, SERIES OF 2016 (COUNCIL BILL NO. 10, INTRODUCED BY COUNCIL MEMBER OLSON)

AN ORDINANCE AUTHORIZING A SECOND AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT AMENDING THE "ART" SHUTTLE COST SHARING INTERGOVERNMENTAL AGREEMENT BETWEEN THE REGIONAL TRANSPORTATION DISTRICT AND THE CITY OF ENGLEWOOD.

(c) Resolutions and Motions

(i) A MOTION APPROVING THE TELE-WORKS INVOICE IN THE AMOUNT OF \$55,729.00.

**Vote results:**

Ayes: Council Members Russell, Barrentine, Olson, Jefferson, Yates, Martinez, 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) City Manager Keck presented a recommendation to approve a bill for an ordinance approving that the Budget Advisory Committee's sunset provision be extended to 31 May 2017; that the Section 2-14-2 be amended to remove a Council liaison; and that the Powers and Duties section reflect the accompanying amendments to the ordinance.

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

COUNCIL BILL NO.11, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE AMENDING TITLE 2, CHAPTER 14, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO THE BUDGET ADVISORY COMMITTEE.

**Vote results:**

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

Motion carried.

(ii) Manager Hollingsworth presented a recommendation from the Community Development Department to approve a bill for an ordinance approving an intergovernmental agreement with the US Small Business Administration (SBA) to co-sponsor the 2016 Emerging Leaders Program.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER MARTINEZ SECONDED, TO APPROVE AGENDA ITEM 11 (a) (ii) - COUNCIL BILL NO. 14.**

COUNCIL BILL NO. 14, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT TO COSPONSOR THE UNITED STATES SMALL BUSINESS ADMINISTRATION COLORADO EMERGING LEADERS PROGRAM BETWEEN THE U.S. SMALL BUSINESS ADMINISTRATION, THE GREATER ENGLEWOOD CHAMBER OF COMMERCE AND THE CITY OF ENGLEWOOD.

**Vote results:**

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

Nays: None

Motion carried.

(iii) Deputy Director Henderson presented a recommendation from the Public Works Department to approve a bill for an ordinance authorizing the vacation of a portion of the alley east of 3400 South Acoma Street and the acceptance of a Transportation and Utility easement for public access to South Acoma Street.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER RUSSELL SECONDED, TO APPROVE AGENDA ITEM 11 (a) (iii) - COUNCIL BILL NO. 13.**

COUNCIL BILL NO. 13, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE AUTHORIZING THE VACATION OF THE NORTHERN 78.5 FEET OF THE ALLEY EAST OF THE 3400 BLOCK OF SOUTH ACOMA STREET AND DEDICATION OF A 125 FOOT TRANSPORTATION/UTILITY EASEMENT LOCATED IN A PORTION OF LOTS 5 AND 6, BLOCK 2 OF CITY GARDENS SUBDIVISION EAST OF THE 3400 BLOCK OF SOUTH ACOMA STREET BY THE ENGLEWOOD URBAN RENEWAL AUTHORITY TO THE CITY OF ENGLEWOOD, COLORADO.

**Vote results:**

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

Motion carried.

(iv) Director Brennan presented a recommendation from the Utilities Department to approve a bill for an ordinance approving the Grant of Right of Way, Grant of Temporary Construction License and Exchange of Right of Way Agreement requested by KRF 965, LLC for construction of the Rite-Aid building.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER YATES SECONDED, TO APPROVE AGENDA ITEM 11 (a) (iv) - COUNCIL BILL NO. 15.**

COUNCIL BILL NO. 15, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE AUTHORIZING A GRANT OF TEMPORARY CONSTRUCTION LICENSE, A GRANT OF RIGHT-OF-WAY AND AN EXCHANGE OF RIGHT-OF-WAY AGREEMENT FOR RELOCATING THE CITY DITCH AT 707 EAST JEFFERSON AVENUE, ENGLEWOOD, COLORADO IN ORDER TO ALLOW FOR THE CONSTRUCTION OF A RITE AID PHARMACY.

**Vote results:**

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

Motion carried.

**COUNCIL MEMBER OLSEN LEFT THE MEETING AT 9:20 P.M.**

(v) EMRF Board Member Flaherty presented a recommendation from the Englewood McLellan Reservoir Foundation to approve a bill for an ordinance, approving the lease of the EMRF property in PA 81 to Shea Properties d.b.a. Central Park at Highlands Ranch, LLC, with an option to purchase following a lease term of 20 years.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER YATES SECONDED, TO APPROVE AGENDA ITEM 11 (a) (v) - COUNCIL BILL NO. 12.**

COUNCIL BILL NO. 12, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE APPROVING A LEASE WITH AN OPTION TO PURCHASE AFTER 20 YEARS ENGLEWOOD MCLELLAN RESERVOIR FOUNDATION AND SHEA PROPERTIES d.b.a. CENTRAL PARK HIGHLANDS RANCH, LLC. IN PLANNING AREA 81 (PA 81).

**Vote results:**

Ayes: Council Members Jefferson, Yates, Martinez, Gillit  
Nays: Council Members Russell, Barrentine  
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 9 (b) - Consent Agenda.)

- (c) Resolutions and Motions

(i) Senior Planner Stitt presented a recommendation from the Community Development Department to approve, by motion, an agreement between the City of Englewood and MV Public Transportation, Inc. for 2016 management, operation, and maintenance of the art shuttle. The contract amount is \$266,834.00.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER MARTINEZ SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) - A CONTRACT BETWEEN THE CITY OF ENGLEWOOD AND MV PUBLIC TRANSPORTATION, INC. FOR 2016 MANAGEMENT, OPERATION, AND MAINTENANCE OF THE ART SHUTTLE, IN THE AMOUNT OF \$266,834.00.**

**Vote results:**

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

Motion carried.

(ii) EMRF Board Member Flaherty presented a recommendation from the Englewood McLellan Reservoir Foundation to approve a resolution supporting the EMRF to enter into a ground lease with MKS Residential, d.b.a. Solana Lucent Station, LLC, for the lease of 9.89 acres in Lot 4 in PA 85 owned by EMRF.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER YATES SECONDED, TO APPROVE AGENDA ITEM 11 (c) (ii) - RESOLUTION NO. 49, SERIES OF 2016.**

RESOLUTION NO. 49, SERIES OF 2016

A RESOLUTION SUPPORTING THE ENGLEWOOD MCLELLAN RESERVOIR FOUNDATION LEASE OF LOT 4 IN HIGHLANDS RANCH PLANNING AREA 85 (PA 85) WITH SOLANA LUCENT STATION LLC. CONSISTING OF 9.89 ACRES.

**Vote results:**

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

Motion carried.

(iii) EMRF Board Member Flaherty presented a recommendation from the Englewood McLellan Reservoir Foundation to approve a resolution supporting the EMRF to exchange a 12.3 acre parcel of EMRF property in PA81 for a 12.3 acre adjacent parcel owned by Shea Properties d.b.a. Central Park at Highlands Ranch, LLC.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER YATES SECONDED, TO APPROVE AGENDA ITEM 11 (c) (iii) - RESOLUTION NO. 50, SERIES OF 2016.**

RESOLUTION NO. 50, SERIES OF 2016

A RESOLUTION SUPPORTING THE ENGLEWOOD McLELLAN RESERVOIR FOUNDATION TO EXCHANGE 12.3 ACRES OF ENGLEWOOD McLELLAN RESERVOIR PROPERTY IN HIGHLANDS RANCH PLANNING AREA 81 (PA 81) WITH 12.3 ACRES OF SHEA PROPERTIES d.b.a. CENTRAL PARK AT HIGHLANDS RANCH, LLC.

**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

(i) Discussion ensued regarding a Notice of a Special City Council Meeting on Monday, March 21, 2016, at 5:30 p.m. regarding an Executive Session on Standard Response Protocol. Council decided on Monday, March 21, 2016 they will hold a Study Session at 5:30 p.m. and go into an Executive Session on Standard Response Protocol during the Regular City Council Meeting that evening.

(ii) A motion to go into Executive Session to discuss a personnel matter pursuant to C.R.S. Section 24-6-402 (4)(b). **THIS AGENDA ITEM 12 (a) (ii) WAS MOVED FORWARD. See page 2.**

(b) Council Members' Choice

(i) A motion approving Strategic Government Resources as the executive search firm for the City Attorney position was considered.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER YATES SECONDED, TO APPROVE STRATEGIC GOVERNMENT RESOURCES AS THE EXECUTIVE SEARCH FIRM FOR THE CITY ATTORNEY POSITION.**

**Vote results:**

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

Motion carried

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**COUNCIL MEMBER RUSSELL MOVED, AND COUNCIL MEMBER YATES SECONDED, TO BRING COLORADO FREEDOM OF INFORMATION COALITION IN TO SPEAK TO COUNCIL.**

**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 requested Council reach consensus for a resolution of support for renewal of Scientific and Cultural Facilities District on next agenda. City Council gave their consensus.

**14. City Attorney's Report**

(a) Acting City Attorney Comer offered up for discussion the status of the Cuttin' It Loose Hair Salon.

**COUNCIL MEMBER BARRENTINE MOVED, AND COUNCIL MEMBER RUSSELL SECONDED, TO APPROVE A SETTLEMENT WITH CUTTIN' IT LOOSE HAIR SALON FOR \$8,000.**

**COUNCIL MEMBER BARRENTINE WITHDREW HER MOTION.**

**15. Adjournment**

**MAYOR JEFFERSON MOVED TO ADJOURN.** The meeting adjourned at 10:54 p.m.

          /s/ Loucrishia A. Ellis            
City Clerk