

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

Regular Session

January 4, 2010

1. Call to Order

The regular meeting of the Englewood City Council was called to order by Mayor Woodward at 7:33 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 Olson, Penn, Gillit, McCaslin, Wilson, Woodward

Absent: Council Member Jefferson

A quorum was present.

Also present: City Manager Sears
City Attorney Brotzman
Deputy City Manager Flaherty
Deputy City Clerk Bush
City Clerk Ellis
Operations Superintendent McCormick, Utilities
Traffic Engineer Vostry, Public Works
Municipal Court Judge Atencio
Court Administrator Wolfe
Director Fonda, Utilities
Director White, Community Development
Project Engineer Woo, Wastewater Treatment Plant
Police Commander Condrey

5. Consideration of Minutes of Previous Session

(a) **COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER PENN SECONDED, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF DECEMBER 21, 2009.**

Mayor Woodward asked if there were any corrections or modifications. There were none.

Vote results:

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

Nays: None

Absent: Council Member Jefferson

Motion carried.

6. Recognition of Scheduled Public Comment

(a) Englewood resident Jackie Edwards was not present at this point in the meeting to speak regarding Medical Cannabis. She spoke under Unscheduled Public Comment, Agenda Item 7 (d).

7. Recognition of Unscheduled Public Comment

(a) James Murkland said I did bring some handouts for you. Can I distribute those to you now? Mayor Woodward said you can hand those to the City Clerk. Mr. Murkland said thank you. Thank you, Mayor and Council. I am the Director of the North American Cannabis Co-op out of Denver. How are you tonight? Mayor Woodward said good, thank you. Mr. Murkland said thank you for having us at the last meeting. I have one more handout for you here. We just came from the Denver City Council meeting, spirited as you may imagine. What I have provided for you tonight is...I just made a copy for you...for your study materials for your Study Sessions. This is the current Senator Romer draft that he just redid. The copy of the Colorado Sheriff's Association proposed bill. There is a copy of the City of Denver's ordinance that they just voted tonight to go to Public Hearing next Monday. There is a response or an amendment suggestion by one of the Council members and also a brief response by Rob Corry, an attorney. You might have heard his name in the news, on the Denver ordinance. I provide these materials for your Study Session. Again, I want to applaud you guys, the entire Council, for taking your time. Denver did comment that it took them 34 days to rush their ordinance. And they realize that there are provisions in this ordinance that are controversial, that are probably going to be nullified or trumped by State law and there were also a couple of challenges in there. They see that will have legal challenges. So, taking your time and studying this really is very important. The six areas they tagged...and we will put together some more materials for your Study Sessions so you can tear into this a little more, and you will see that their summary is very simple. They talk about effective dates, a general provision about defining and not redefining, medical marijuana and using Amendment 20 as the guideline, which just makes sense. The City Attorney said that there is a relationship to State law and they recognize that, and they recognize that patients and caregivers possess medical marijuana, and they need to clarify that issue, as you all are approaching defining. There are certainly persons prohibited as licensees that they have identified. I am totally in agreement with that. And prohibited dispensary locations. So we would urge you to look carefully at those things. They have a 1000 foot number they have come up with in Denver but, again, they have struggled with that a little bit and there may be changes to that after their Public Hearing. They are having their first reading. Also, they have performance standards, which I think are pretty common sense. You'll see that. So, hopefully we're able to...the 7th...coming to Rick's meeting...and bring some more materials and then we'll develop some more study materials for you, for your Study Sessions. The one thing that we wanted to clarify is that there are certain issues they did not address in their ordinance, and that is because they recognize that State is obviously moving very quickly with three or four bills to try and resolve these...you know...gray areas...you might say. And one of those, of course, is the legitimacy of doctor/patient relationships and those kinds of things. So, again, thank you for understanding the patient on the end of this and helping to provide them safe access in the City and have it under the guidelines that protect all of the City's assets, to make it a very safe and legal place for the patients in Englewood to go. So, with that I will just kind of jump out. Thank you again. I hope to see you again in Study Session. Thank you, Mayor and Council.

Mayor Woodward and several Council members said thank you. Mayor Woodward said thank you for the material.

(b) Shannon said hello again. My name is Shannon and I live in Englewood, District 1. I am here tonight to discuss Baker Park again. Today I made over 140 flyers which I handed out in the immediate neighborhood of Baker Park. And I have made copies for the person who takes the minutes, the City Manager, City Attorney and City Council members that you are getting now. You can peruse it at your leisure. The information in the flyers was provided by Bob Toll of Arapahoe County, Dave Lee and Jerrell Black of Englewood Parks & Recreation and the Englewood Citizen. The information provided by Dave Lee and Jerrell Black has already been sent to City Council members, City Manager and City Attorney. The point is that Baker Park is the only park in the City of Englewood that had a winter port-o-potty in the past, but currently does not. After sitting in the December 7, 2009 City Council meeting and watching the majority of the City Council members vote for ½ million dollars to go to Pirates Cove and Centennial Park complex, I find it laughable that the City can't fund the \$95.00 monthly fee rental for a regular toilet, the \$30.00 for its delivery and the \$14.25 for the 15% monthly fuel surcharge on the toilet from October to April. Yet Belleview Park has two port-o-potties,

as does the Centennial complex. And what appears to be a handicapped port-a-potty at Canine Corral, which costs, supposedly, \$125.00 a month for rental and is there year around, to which Englewood Unleashed contributes nothing to...even though their motto has been "dedicated to public education for off-leash dog recreation site selection, park maintenance and fundraising". Where are their funds going to that they raise from their annual chili cook-off that is held at the Malley Center, etc., if not to help the City maintain Canine Corral, especially in these tough economic times? Mayor Woodward has stated a separation of City of Englewood and Englewood School Board and Schools. Yet there are two police officers at the regular High School and Middle School. Who is paying those officers salaries, since the police officers are City employees? And why is there not a police officer going to the Alternative High School, at least sporadically, when known juvenile delinquents attend there? I know City Council members cannot make comments till the end of the meeting. If it does not run too long, as it did last time, I will be here to listen to your comments. If I do have to leave, I suggest you make the comments anyway, so I can get the minutes at a later date to see what was said by City Council members. Thank you.

Mayor Woodward said thank you.

(c) Brian Bleile, an Englewood resident, said good evening ladies and gentlemen. I have been in this room many times before, but never to address City Council. So, bear with me. I am here as both a citizen and for those of you that know me, as the Chair of the Planning and Zoning Commission. But over the last couple of weeks, I have been following along with the medical marijuana issue pretty closely. Both, again, as a citizen and through Planning and Zoning, obviously. But I have a few items of feedback I would like to bring forth regarding the December 7th meeting that you all had. There was an in-depth discussion regarding the medical marijuana ordinance that was sent to the Council via Planning and Zoning. But, again, my feedback. To begin with, I think that the prism through which any City Council member, or any elected official, should view legislation is the prism of what do you want Englewood to look like? You know. What do you want it to represent? What character do you want it to have? What perception do you want to create? And in listening to the on-line meeting minutes, I sense we really don't have a lot of those questions answered. I am very frustrated both as a citizen, but probably more so as Chair. In listening to the on-line meeting recordings...specifically, I am referring to questions and discussion points that came up from the December 7th Council meeting, in which it is apparent that not all of you actually read or listen to the meeting minutes of the Planning and Zoning Commission. So, I am very frustrated by that. If you would have taken time to read and listen to the very numerous amount of hours that the P & Z committee actually discussed this ordinance and the many, many meetings we had on this topic, I think you would have realized that some of the questions that were asked, were already answered. For example, Member Penn, you asked about the 500 foot buffer. There was a very good discussion on why we had that. Member Gillit, you asked if Planning & Zoning reviewed food items. Again, that was very well covered in the meeting minutes. So, it's, it's apparent to me, that either...I don't know...I'm making the assumption. If you are asking questions about topics that were already discussed...you are either shirking your responsibilities and not reading the minutes and the notes from your volunteer citizen committees. Those are a plethora of information by which to ascertain what the committee is feeling. And there were many questions and comments that were made that were very well answered in our numerous meeting minutes. But, on another front, I am equally frustrated that...it is ironic that we are voting on another moratorium tonight. Although, I think the moratorium is probably a good idea, I feel that the reason that the Council decided on a moratorium was because you needed more time to do your homework and study the facts. And I remember McCaslin, you specifically said we need to do additional homework. And I am frustrated by the fact that this ordinance came to Planning & Zoning four months ago. The moratorium is now five months old. So, this Council, now that it is January, has had almost six months to do your homework and it is clear to me that you didn't read the minutes and you didn't review what was discussed and now you are still doing your homework. That frustrates me. But, you know, regarding additional comments tonight. We are not Denver and they are discussing 500, 1000 foot, 2500 foot buffers. But, we are not Denver; we are Englewood. We don't need to wait for another community to make a decision. And, yes, the State doesn't have it all figured out, I give you that. We are Englewood. Step up to the plate, City Council. Stand by your convictions and ask yourself: what do you want Englewood to represent? Do you want to be known as the pot capital of the world? Do you want to have the same business improvement district issues coming before us because a legitimate business, that has been legalized, is not really welcome in my backyard? I don't know. Those are tough questions. I don't have all the answers, but I know Planning & Zoning discussed it heavily and I would recommend you

definitely go back and read those meeting minutes. But...I digress. It is well...it is well known that...especially a lot of topics that have come before Council in the last couple of months is sort of the...the squeaky wheel gets the fix. And I am not here to be a squeaky wheel and I don't really think anything needs to be fixed. What I am here to ask, is that as you spend another four months, on top of the six months that you have already had, that you think about...on how to make this right...do so, not because I provided feedback but because I have asked you to view this ordinance with the question of what would you want Englewood to be? What perception do you want to create? And what community do you want to live in? Thank you for your time.

Mayor Woodward said thank you Brian.

Council Member Wilson said thanks Brian.

(d) Jackie Edwards, an Englewood resident, said I am sorry I was late. I have been ill and I get detained by that once in awhile. I have with me some handouts. I have prepared some brief handouts for you here to review. And what these are, are flyers that I plan to distribute throughout the community, all over Englewood...communities all over Englewood...to get people involved in the medical cannabis issue and try to get some people from various walks of life and parts of town and varied types of knowledge to come in and give their viewpoints on just what their ideas are and what their concerns are and so forth, for the medical cannabis facilities in the City. And at the end of the flyer, I would like to be able to include the dates of your respective community meetings and the times and locations, if I could please. And then I drop in a district map at the end of those or up somewhere where it looks good, so that people know where these locations are for the meetings and then maybe that way we can get some other people out to share their view and so forth and their knowledge on this issue. And then there is a little 3 ½ by 5 ½ card. It's an abbreviated version of the flyer. And I would like to put the dates and times of your community meetings on that as well. So, if you could provide me with feedback, I would like to get these out in the next several days, if that is possible. I did not put Rick's community meeting for the 7th on here, because I knew this wouldn't be ready to go out by then. So, thank you, that is what I have for this evening. Oh, and by the way, I applaud you for extending the moratorium. I think that was extremely intelligent, because there are so many different aspects and viewpoints and issues to consider, in order to make this fair for everyone and in order for the way that it is set up to be able to grow with the progression of this whole program. So, I thoroughly, thoroughly, am happy with your decisions. Thank you.

Mayor Woodward said thank you.

8. Communications, Proclamations and Appointments

(a) Mayor Woodward said Vincent Atencio will be sworn in as Municipal Judge for the City of Englewood by the Honorable Randall J. Davis. The Honorable Judge Atencio won the election as the Municipal Judge, the only one I believe in the State, by a landslide in November. There was laughter.

Judge Davis said good evening. Thank you for having me here tonight. Up until recently, I was the full-time County Court Judge in Broomfield County. I am now on semi-retired on senior status...that not only refers to my advanced age, but also describes the work that I do. I am the substitute judge for lack of a better description, traveling jurisdiction to jurisdiction, wandering aimlessly looking for judicial work. Unfortunately, I haven't had the opportunity to sit here in Englewood, because as you are all aware you have a residency requirement. But in my senior status, I do, occasionally, get to travel to other jurisdictions, such as Englewood for momentous occasions, such as swearing-in ceremonies. This is actually the third time that I have appeared before you with the honor of swearing-in the Honorable Vincent Atencio. So, I am pleased to be here, yet again, to do this for my friend. Judge Atencio and I go back a long time. And I am not necessarily referring to our chronological age, but our careers have tracked similarly over the years. We both were admitted to practice in the 1970's and had cases together and that is how we got to know each other and become friends. We both became municipal judges almost simultaneously in 1987. First, as part-time judges, working ourselves up to full-time judgeships, eventually. So, I am delighted to be here, yet again, to swear him in tonight. Judge Atencio is notorious...I mean famous...among our municipal judge callings, because he is, in fact, the only elected judge in the State of Colorado. Not only at the municipal court level, but he is the only elected judge in all of the State of Colorado, either at the municipal court level, the State court level or the Federal court level. So, it is unique to your

Charter and he has fulfilled his obligations and done an obviously outstanding job that, in fact, he was recently retained by such an overwhelming margin in your recent election. State Court Judges, we stand for a retention vote every four years. And I was delighted at my last retention vote to get 80% yes...there is always the 20% no group...but to get 80%. But I understand Judge Atencio got well over 90% at the last election. All right...100%. I know he wants me to say that on the record that he got 100% of the vote. I will kind of softly say that is because he didn't have any opposition. I am confident that, even had he had opposition, that he would have gotten 100% of the vote, because I know how well respected he is, not only amongst his many municipal judge colleagues, but by your citizens, your community, your City Council. And I am certain that he doesn't have any opposition for these elections, because even the other attorneys in the City respect the job he does and you should be very proud to have him continue to represent you so well in his long and distinguished tenure. I hope to be back here many times to swear him in, in the future. I could go on and on about Judge Atencio and he has encouraged me to do so. There was laughter. He said without further ado, I would like to swear him in, at this time.

Englewood Municipal Court Judge Vincent Atencio was sworn in by Judge Randall Davis.

There was a round of applause and a standing ovation.

Mayor Woodward and Council offered their congratulations. Judge Atencio said thank you very much.

9. Consent Agenda

- (a) Approval of Ordinances on First Reading

There were no items submitted for approval on first reading.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE CONSENT AGENDA ITEMS 9 (b) (i), (ii), (iii), (iv), and 9 (c) (i).

- (b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 1, SERIES OF 2009/2010 (COUNCIL BILL NO. 55, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE AUTHORIZING A WASTEWATER CONNECTOR'S AGREEMENT BETWEEN COUNTRY HOMES METROPOLITAN DISTRICT AND THE CITY OF ENGLEWOOD, COLORADO.

(ii) ORDINANCE NO. 2, SERIES OF 2009/2010 (COUNCIL BILL NO. 56, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT (IGA) ENTITLED "CONTRACTS BY AND BETWEEN THE DENVER REGIONAL COUNCIL OF GOVERNMENTS (DRCOG)" FOR REIMBURSEMENT TO THE CITY OF ENGLEWOOD, COLORADO FOR THE COSTS OF 2009 TRAFFIC SIGNAL SYSTEM EQUIPMENT PURCHASE.

(iii) ORDINANCE NO. 3, SERIES OF 2009/2010 (COUNCIL BILL NO. 57, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT (IGA) REGARDING STATE SENATE BILL 8, TRAFFIC CONTROL DEVICES MAINTENANCE CONTRACT, ALLOWING THE COLORADO DEPARTMENT OF TRANSPORTATION TO REIMBURSE THE CITY FOR COSTS OF TRAFFIC CONTROL DEVICES, OPERATIONS AND MAINTENANCE.

(iv) ORDINANCE NO. 4, SERIES OF 2009/2010 (COUNCIL BILL NO. 58, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE AUTHORIZING THE INTERGOVERNMENTAL AGREEMENT ENTITLED "AGREEMENT RTD & CITY OF ENGLEWOOD COST SHARING FOR THE ART" BETWEEN THE REGIONAL TRANSPORTATION DISTRICT (RTD) AND THE CITY OF ENGLEWOOD, COLORADO.

(c) Resolutions and Motions

(i) RESOLUTION NO. 1, SERIES OF 2010

A RESOLUTION DESIGNATING THE BULLETIN BOARD ON THE NORTH SIDE OF THE SECOND FLOOR OF THE ENGLEWOOD CIVIC CENTER AS THE OFFICIAL POSTING PLACE FOR ALL LEGAL NOTICES OF THE CITY OF ENGLEWOOD FOR 2010.

Vote results:

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

Motion carried.

10. Public Hearing Items

No public hearing was scheduled before Council.

11. Ordinances, Resolution and Motions

(a) Approval of Ordinances on First Reading

There were no items submitted for approval on first reading.

(b) Approval of Ordinances on Second Reading

(i) Council Bill No. 59, approving an extension of the temporary moratorium on the establishment of new medical marijuana dispensing and growing use, for a period of four months, until June 17, 2010, was considered.

COUNCIL MEMBER PENN MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (b) (i) - ORDINANCE NO. 5, SERIES OF 2009/2010.

ORDINANCE NO. 5, SERIES OF 2009/2010 (COUNCIL BILL NO. 59, INTRODUCED BY COUNCIL MEMBER PENN)

AN ORDINANCE EXTENDING A TEMPORARY SUSPENSION OR MORATORIUM ON THE ESTABLISHMENT OF NEW MEDICAL MARIJUANA DISPENSING AND GROWING USES FOR A PERIOD OF FOUR MONTHS, UNTIL JUNE 17, 2010.

Mayor Woodward asked if there was any discussion.

Mayor Woodward said I would like to just address a couple of comments, specifically Mr. Bleile's, with regard to some of the things that have come up before us. I know this Council has...I am going to speak for myself...and maybe some of the others, I believe...some of the main things we have looked at or thought about was the State regulations that, at the time that P & Z came through with their work, there wasn't...it wasn't clear whether there would be any State legislation on that. At this point, it is very clear that it is going to be brought forward and brought forward very, very quickly. And I know, speaking again for myself, that is one of the items that I

looked at and thought, I don't want to be trying to legislate something and do the ordinance and then have State law come in, change all that, and then go through it all again. As far as the P & Z meetings and minutes and stuff, again, speaking for myself...I faithfully read those. I do know some of the issues that were brought up and do understand them and some things I do fully agree with; some things I am not in full agreement with which, I think, you are in a similar situation. At this time, we felt that this, extending the moratorium, was the best thing for our community. Limit three...the three existing businesses in town and, with the State legislation...if it comes through early, we can move quickly and we don't have to, necessarily, have this moratorium in place for four months. So, that was some of the thinking behind that. But, I'm not even sure it was spoken at the dais here.

Council Member McCaslin said I tend to agree. We have three now. I mean, it's not like...if we didn't have any, I would understand. But I also think that if you read the papers, every week there is something different about different cities having different issues. We've got to get it right. Just to have an ordinance out there to say we've got an ordinance. It took us 2 ½ years to do a dangerous dog ordinance, which is one of the best in the country. We don't have to take 2 ½ years to do this. Like Jim, I want to repeat what Jim said, we are waiting for the State to come down with some, you know, some of their guidelines...so we don't have to recreate wheel each time. As an educator, I am trying to read everything too and I don't take it offensive, because you don't know who reads it or not...so you are just making an assumption, like you said, that we are not reading the notes and, we do. I will speak for myself. I do. I just wanted to let you know. Thank you.

Council Member Gillit said for myself, my goal is to do this right. I went and talked to someone in my District yesterday who uses medical marijuana. And I won't say his name, because he didn't give me permission to but, I asked him...I said...is our moratorium hurting you? He said not at all. He is able to get the product he needs, he is able to do what he does and he is doing it legally. We are not stopping people from getting helped. And as for the minutes, as a new Councilman, I read everything. I would love to say I remember everything, but there is a lot of reading and so, if I have forgotten something, please forgive me. And I don't mind being reminded, but being accused of not doing my job, that is another thing. So...but we take this serious. I want...like I said before...I want Englewood to be the model of how we do this. I really think we have an opportunity to do this right and I don't think you do things right rushing it. And I applaud those who have come and said it is a good idea to wait. It's not that I don't want...I want this to happen, but I want it right. I want it when we look back, years from now to say...yes, they really took their time, they did a great job. I think we have seen the Denver Post article. Linda and I were just talking about how there are more marijuana distributors in Denver than Starbucks. Wow. That's a lot. Not that they shouldn't be there but, as for me, I will vote in favor of the moratorium, because I want to do it right and I want to think this out with Council.

Council Member Wilson said I just want to address you for a short second and how much I appreciate you and all the other members of P & Z and I know how hard you work. And it is amazing. Your dedication is what the City needs and is looking for. So I appreciate that. I do. I am in favor of the moratorium because of the State...so we don't have to go around and change it again. I thought the paper...it was interesting that just on the other side of Yale, there are 22 medical marijuana dispensaries. I think we aren't keeping anyone from it and we're not overindulging the City and I do want to do what is right for our City, for what the citizens' want and how they want us to look. So, I appreciate that and I concur. Thank you.

Mayor Woodward asked if there were any other comments.

Mayor Woodward said I just want to reiterate...the one thing that Jill said and you as Chair of Planning & Zoning is...and I have said this before...that you are one of the hardest working groups...certainly...volunteer groups...within the City and you have had a lot on your plate for the last couple years and having things coming forward that are all of a sudden...fire drills...so to speak...as far as time goes. And I know your packets, although they aren't as often as ours, are certainly as comprehensive, if not more. And your work and your dedication of Planning & Zoning is really appreciated by myself and I think the rest of Council.

Council Member McCaslin said if I could piggyback on...Brian served on Code Enforcement and Brian's always been one of those citizens that talks the talk and walks the walk. I may not always agree with Brian, but you know what? He is there out in front and he doesn't hide from anybody and he does a hard...you are doing a good job. Maybe we have never told you that...but I do appreciate it too. Thank you so much.

Mayor Woodward said is there anything else? Okay. Please vote then.

Vote results:

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

Motion carried.

(c) Resolutions and Motions

(i) Project Engineer Woo presented a recommendation by the Littleton/Englewood Wastewater Treatment Plant (L/E WWTP) Supervisory Committee to approve, by motion, a construction contract for the Solids Contact Tanks Air Pipe and Storm Water Projects at the L/E WWTP. Staff recommends awarding the bid to the lowest responsive bidder, Stanek Constructors, Inc. in the amount of \$964,000.00. He said thank you for having me here. I am here to present the recommended action for the approval of the construction contract to Stanek Constructors for the major Air Pipe...major infrastructure repair project that was identified during a previous project. The project, which is called the Solids Contact Tank Air Pipe and Storm Water Project, encompasses a variety...a small variety of projects of which the major items include a replacement of a varied section of an air pipe that has been structurally damaged and needs to be replaced. Additionally, there is a digester tank that has an interior PVC liner that has been damaged and is leaking, that also needs to be repaired. We have been working with the Public Works Department. They've identified a drainage area within the plant site that needs to be mediated. There is a detention pond currently on this plant site and we've worked with the Public Works Department to identify...to install a water quality detention pond and install a storm water inlet that will go to the South Platte River. So that is the project, in a nutshell. We had a bid opening in the summer. We had seven contractors bid on this project. We had a good range of prices or bids come in, which reflects a good competitive market that we are currently in right now. Stanek Constructors were identified as the lowest responsive bidder. We have reviewed their bid package, verified their references and found them to be the best qualified contractor. So we are, with the supervisory committee, which has already approved Stanek Constructors, we are recommending that they be awarded this contract to perform this project. I will say that this amount, \$964,000.00, is in the 2010 budget and it is actually under budget...under what we estimated for this project.

Mayor Woodward asked if there were any questions.

Council Member McCaslin said the lowest bid. Were you asked to go with the lowest bid or are you comfortable with this contractor, that they can do this job? Or the other that bid \$1,200,000.00? Could you clarify that? Mr. Woo replied yes. We don't necessarily always go with the lowest responsive bidder but we do have to do our due diligence and I believe that we have done our due diligence here. Stanek Constructors is a local Colorado company. They are actually based in Golden, Colorado. They are widely known in Colorado as a water/wastewater contractor. They actually have an office in California as well but they are mainly based in Colorado. They do projects all throughout the region; the Front Range areas, the mountains, the western slope. They range in projects from as low as \$20,000.00, all the way up to \$25,000,000.00. In verifying all of the other references we did, because they were quite a bit lower than the average, we did question why they were so low. In talking with the other references, as far as change work contingencies, they were all well below the 5%, which is the industry standard, so we feel very confident that Stanek is well qualified and can do this job. Council Member McCaslin said thank you.

Council Member Gillit said a question I have is what are the storm water projects? Mr. Woo answered a storm water project is the water quality pond and pipe inlet and a storm water pipe that will take the drainage from our plant site and adjacent neighboring sites to the South Platte River. Currently, right now, there is no drainage. We have a drainage issue right in the northeast area of our plant site and it is just collecting water, which is not a good thing to have right now. Council Member Gillit said the new UV thing that they are talking about; will that be part of that project? Mr. Woo said no that will be a separate project. Council Member Gillit said I just wanted to make sure.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i), A CONSTRUCTION CONTRACT WITH STANEK CONSTRUCTORS, INC. FOR THE SOLIDS CONTACT TANKS AIR PIPE AND STORM WATER PROJECTS AT THE LE/WWTP, IN THE AMOUNT OF \$964,000.00.

Mayor Woodward asked if there was any discussion. He said the bid is for \$964,000.00 and half is the responsibility of Englewood and half is the responsibility of Littleton.

Vote results:

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

Motion carried.

Mayor Woodward said thank you Chong.

12. General Discussion

(a) Mayor's Choice

(i) Mayor Woodward said I wanted to mention that the...on the 26th of December, I received a letter from the United States Postal Service regarding the Broadway Post Office and the possible closure and sale of that facility within the next couple of years. They had, within this letter, which came from their community relations, asked for feedback by January 15th to that proposed closure. I met with staff members of Representative Diana DeGette's office regarding this, who...they are going to be working with us on it and I would like to ask Randy, as representing the Chamber, to bring it forward to the Chamber since this particular facility serves a large portion of our business community, our retail business community, and certainly the Chamber has those people and could possibly write a letter in regard to that. And also, Jill, as a liaison to the BID? I will be in contact with the Englewood Housing Authority. This is a post office that services directly behind the Simon Center, which is the center for seniors; and Orchard Place, which is a block and a half, two blocks away, which is seniors and disabled people; and Penn Terrace, which is a senior facility over on Pennsylvania and 285. So in addition to our business community, this services a large portion of our people. Not to mention that what would happen with...what happens at the Broadway facility would all be moved over to the main post office on Lehigh, which for Council Members that have been around awhile, know that they are short on parking; not only customer parking but also employee parking. Employee parking has been in the streets. We have had, over the years, a number of residential complaints and petitions that have come forward regarding that parking. This would certainly take a toll on that and so I would like to contact some people, community people, and let them know about that and get this information in by January 15th to them...to the postal department regarding our feelings. Not to mention that the building on Broadway is...it is not a real old building, I think in terms of time as far as buildings go; however, it is a building that is...something that has one of our historic...it has a historic mural on the inside that goes back to the post-depression. It is something that I feel that a lot of community members, when they know of this, they treasure that building and I would hate to see something happen to it. I would hate to see somebody come in, purchase that property and redevelop it and lose that building. We've lost too many buildings in Englewood. So that's my first item there.

(ii) Mayor Woodward said Randy I would like to compliment you and the Greater Englewood Chamber of Commerce on the map that was in our packets. It's very impressive, what you've done. Council Member Penn said thank you. Mayor Woodward continued I think you've said a number of these are going out in the paper.

(iii) Mayor Woodward said Shannon, with regard to...not being able to read this whole thing real quick, I just want to mention the one thing with regard to the police officers. The Englewood School District did participate in the funds for paying for the police officers for calendar year 2009. In fact, I think it was in the 4th quarter that we received a check for \$30,000.00. To the best of my knowledge, they do go over to the

alternative...Colorado's Finest Alternative High School. I see you shaking your head. So maybe...well, that is something that I think we can look into. I can ask you Gary (Sears) and Gary (Condreay) to follow that up. I am assuming that both high schools and the middle school are policed by our police officers. That is all I can really address without really sitting down and looking at this.

(iv) Mayor Woodward said Brian, I was going to speak to you here but I think I've already spoken enough regarding that.

(v) Mayor Woodward said I do want to mention that my condolences to Bob and his family on the unexpected loss of his mother right after Christmas. I know that it is very trying and my sympathies are with you and your family. Council Member McCaslin said thank you.

(b) Council Members' Choice

(i) Council Member Penn:

1. He said thank you Mayor. Just a couple of things and then we'll get going. The post office...I will take that to the Chamber and I'll have Colleen Mello work on that and hopefully she will forward that on to...the message on to all of the members of the Chamber. The post office does bother me because the other one in is down in my district and we have already had, many times over, problems with parking and traffic and trying to get everything organized down there so hopefully if they have another plan, they will share that and we can all go forward on that. I will definitely talk to some of the residents that have problems down there by the Lehigh station so that they know that all of this is going on. I have already had one person come to my house today, talking about this. So it's been a really good conversation.

2. He said thank you about the map. Hopefully other things will come and the chair will continue to do the work.

3. He said one thing I have been doing...if you haven't been down to the Malley Center, and some of you are not old enough but...It is a tremendous place to go to. The people that work down there have just been fantastic. Gosh knows I need to get down there and work out a little more but it has been nothing but a pleasure being there for the last two weeks. So Gary if you would pass that on. City Manager Sears said yes I will. Council Member Penn continued just make sure that nobody knows that I'm on the City Council there so I can go down and work out and get everything taken care of. Hopefully we can continue with that.

4. He said hope everybody had a great holiday and a really good New Year.

5. He said Bob, you know how we feel about you so carry on, big dog. Council Member McCaslin said thank you.

6. He said to all of the people that came in with medical marijuana information, it changes daily. As we know just from the paper on Sunday, we definitely do not want that headline running in our Englewood Herald. It would be a tough one to swallow. Hopefully we can continue and make this place the place that we would like with quality of life. And that's all. Thank you sir.

Mayor Woodward said thank you.

(ii) Council Member McCaslin said I just want to extend my appreciation to the City Council members and to the City Manager's office and Dan Brotzman for the flowers at the funeral and for your condolences. My mother lived here for 60 years and was very active in the school district. Raising five young boys was a tough thing but she was the backbone of her family. She left a legacy that I hope that I can help keep up. Thank you so much for your support. Everyone really appreciates it. That's all.

(iii) Council Member Wilson:

1. She said just appreciate all of the information about the medical marijuana.

2. She said looking into the port-o-potties.
3. She said congratulations to the judge. He's gone.
4. She said I will talk to Ted from the BID about getting a letter. You need that by January 15th? Mayor Woodward said they want it in their hands by January 15th. Council Member Wilson said okay.

Council Member Penn said excuse me Jill for breaking in. They are going to have a public hearing, aren't they? Mayor Woodward said they will move on into other public type community meetings supposedly and stuff like that. Personally, I would like to give them enough information by January 15th so that they don't want to do that. I think I have a pretty good commitment for Representative DeGette's office that they will be there to work with us and help.

Council Member Wilson said that's it. Mayor Woodward said okay.

(iv) Council Member Gillit:

1. He said James, thank you again for coming. Jackie, great information here. More reading.
2. He said Shannon; is she still here? Hopefully we can get the answers that you need and resolved that you need there.
3. He said Brian, I think I have already addressed you. I look forward to working with P & Z as well. If I ever miss something, feel free to give me a call. I definitely appreciate your work and everything you guys do there as well.
4. He said I want to thank Gary Sears and Stu Fonda for the wonderful tour...I'll let Linda talk for herself...that Linda and I went on. It was one of the most impressive things. I think we were there for four hours and could have been there four more easily. There is so much to see and what a great...I appreciate the professionalism and helping us to get to know that a little bit better. That's it.

Mayor Woodward said thank you.

(v) Council Member Olson:

1. She said I'll pick up on that and agree with Rick that the Water Department and Wastewater Management, the staff, the facility, was just outstanding and such a wonderful show of what Englewood has in it. It took a long time to go through it and we could have spent more time...My husband kept asking me how did it take that long? Because these people really love what they do and they could tell us so much and they loved telling us. Nobody seemed bored with their job or disinterested but wanted to serve the City. I was very impressed with that, the professional nature but the passion that they have for their work was just very strong. So I appreciated that. I wanted to say thank you for the way that you have developed your staff teams and the kind of professional people that you have hired and maintained. It does worry me that we have quite a few people that could end up in retirement soon and I'm glad to see some succession planning going on but it is a little scary to think about the brain trust that many of you have there so make sure you keep imparting to others but don't leave. So that was my first thing.
2. She said medical marijuana folks that presented, thanks for all of the material that you have given us. Jackie, I really like this idea of doing meetings. I would love to maybe talk in our Study Session or find a way that we can accommodate all four districts, having very public meetings for this with very diverse voices there. This weekend alone I had four different people just come up to me out of the blue. I was in restaurants in Englewood. Told me they knew who I was and they voted for me and they wanted to make sure I think this way about medical marijuana. And they were on this end and that end and very little in-between. One who very clearly said I voted for it because it is a foot in the door to legalize marijuana for the State and I think we all know

that there is this underlying piece of that. Others on the other end said I can't even believe that you are talking about it. It offends me to even read it in the newspaper that we have to come up with some kind of plan. So we really need to hear our citizens speak this through and help them with the fact of life that this is now a State law and we do have to find ways to accommodate people with their needs as well as the State law. Brian, I think your perspective on the visions of the City, and that is going to take a little bit more time. Some of us are new and unfortunately, that prolongs the decision making a bit more than probably you would like with P & Z. I do appreciate all of the work that you have spent on it. It is obvious from your minutes that you have some different voices even on that committee, which I am really glad to see because I think you'll get a much better decision in the long run, recommendations for us. So I appreciate it.

3. She said the post office is a concern for me so that I called Jim up. My husband was in line and heard about it before it went public. I guess it was a little pre-mature discussion in what happened. I am wondering, in the process is there going to be any survey of the numbers served there in terms of the elderly and people that you mentioned in the different residences in part of the January 15th letter? Is there some data that we can feed them about the kinds...because I think there are unrepresented voices that that post office serves as well as the business district and I would certainly want them to have a place to be served that's much more accessible. Mayor Woodward said I think we can certainly get with the Housing Authority and we'd have Simon, Orchard and Penn Terrace...there's the Meridian. There's a number of senior type things where the art bus supplies and provides transportation and that sort of thing. We are not going to be able to produce all of the numbers or all of the things that...but I think we can produce something that, in the short amount of time that they gave us...Council Member Olson said it was a very short time. I couldn't believe January 15th, and the holidays. Mayor Woodward said January 15th and I received this on Saturday, December 26, the day after Christmas and it was like, huh? I think we can provide a very strong case, very quickly. Council Member Olson said great. I guess that's it then.

13. City Manager's Report

(a) City Manager Sears said thank you Mr. Mayor. I just wanted to follow suit on the...thank you for comments about the water plant and the tours, which are always very good. We do have a very quality staff, an excellent staff with the City.

(b) City Manager Sears said I have provided information about an incident that occurred on Christmas Eve, the morning of Christmas Eve, with our water plant. I just wanted to note that we had a major concern with some chemicals that had been put into the river that were averted by our...the very great work of the water plant staff along with Bill McCormick and Bill being available that morning to resolve the problem. We didn't make any contact to you because there was no problem. They solved the issue before it actually had gotten to the plant. I just wanted to note the work that Bill and staff had done to make that happen, while we were all enjoying Christmas Eve events of that day. I won't go any further because some of the elements that are still under investigation. I do want to note that in that the EPA was immediately contacted and testing was done and nothing actually entered the system. Everything was checked out multiple times and given the go ahead, at 5:30 in the morning on Christmas Eve. So again I wanted to say thanks. I really won't go any further on that except to say thanks to Stu, thanks to the employees that we have for their heads up and working around the clock here to make things happen well for the City. I appreciate, really appreciate...I know how employees really do appreciate the acknowledgement by the City Council Members for the work that they do. Thank you for your comments.

(c) City Manager Sears said I wanted to remind Council that again we are planning on having the retreat on the 25th. If you get a chance, there was a late email from Kathy Novak, who's the facilitator, and she's trying to set the discussions up with you, potentially on the 12th. She would like to do it all in a day, January 12th. If you can respond back to her on what will work and/or Sue in the City Manager's office. Or the 13th because I know that one day doesn't work for everybody would be the other alternative, that would be Wednesday, so that she can get together and compile all of the information for the 25th. So just let me know and I'll let Kathy know directly or let Sue know so that we can put that together.

(d) City Manager Sears said last I would like to note that we received a note from Tom Vandermee and Mike Pattarozzi that on the 26th we will be having an awards ceremony at 3:00 in the afternoon at the City Center, I believe. I'll get that information this Thursday to get set up. Again...it's a great opportunity to recognize our police and fire professionals, all who have been doing an outstanding job for the City. If you can attend the awards ceremony, that would be great. I certainly understand and will send that information out to you.

(e) City Manager Sears said I want to wish you all a happy New Year. That's all that I have. Thank you.

Mayor Woodward said thank you.

14. City Attorney's Report

City Attorney Brotzman did not have any matters to bring before Council.

15. Adjournment

MAYOR WOODWARD MOVED TO ADJOURN. The meeting adjourned at 8:36 p.m.

Deputy City Clerk