

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

Regular Session

January 19, 2010

1. Call to Order

The regular meeting of the Englewood City Council was called to order by Mayor Woodward at 7:36 p.m.

2. Invocation

The invocation was given by Council Member McCaslin.

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Council Member McCaslin said I would also like to take a minute of silence to acknowledge our workers and the people in Haiti for their devastation. We are so fortunate to live in a country like this where we can also help them...a country in need. Bless the survivors and the workers and the people who have lost their loved ones. So, let's just take a minute of silence.

3. Pledge of Allegiance

The Pledge of Allegiance was led by Council Member McCaslin.

4. Roll Call

Present: Council Members Jefferson, Olson, Penn, Gillit, McCaslin, Wilson, Woodward

Absent: None

A quorum was present.

Also present: City Manager Sears
City Attorney Brotzman
Deputy City Manager Flaherty
City Clerk Ellis
Deputy City Clerk Bush
Director Gryglewicz, Finance and Administrative Services
Director Fonda, Utilities
Director Black, Parks and Recreation
Director White, Community Development
Engineering Technician I Dye, Public Works
Operations Superintendent McCormick, Utilities
Communications Coordinator Hoffhines, City Manager's Office
Manager of Open Space Lee, Parks and Recreation
Recreation Services Manager-Operations Hultberg, Parks and Recreation
Deputy Fire Chief Stovall
Fire Marshal Greene
Executive Assistant Norconk, Fire
Fire Chief Pattarozzi
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 JANUARY 4, 2010.

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

Vote results:

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

Motion carried.

6. Recognition of Scheduled Public Comment

(a) Mayor Woodward said the Aid to Other Agencies recipients present to accept the City's financial contributions for 2010. They received contributions that are directed by City Council and selected through the application process. This year, I believe, it was...we had requests for in excess of \$70,000 and we do have a budget and a limited amount so, we have done what we could. So, first off...maybe I will come down and read these and ask the people to come up...please.

Mayor Woodward presented the check to the recipients.

Betsy Schwarm, Peter Bulkely and Selwyn Hewitt accepted for Arapahoe Philharmonic. There was a round of applause. They said thank you. Mayor Woodward said thank you.

Mary Schulz and Shirley Nixon accepted for the Arapahoe Santa Claus Shop. There was a round of applause. Mayor Woodward said thank you. Ms. Schulz said I would just like to say thank you very much. It was very generous of you to give us this amount of money. We gave toys away to the Arapahoe area. Now we only take...we take Littleton, Sheridan and Englewood Public Schools and the agencies within those schools. Those are referrals. We had 2400 children that we gave toys to this year. There was a round of applause. Mayor Woodward said I would like to add that I do believe that the Santa Workshop was actually started in the City of Englewood. Someone spoke from the audience and said yes we did. It was a storefront in Englewood back in...we have two dates '58 and '59...we are not sure when the store went in. But at least we have hit the 50 year old mark. Mayor Woodward said congratulations on that. There was applause.

Cynthia Williams accepted for the Beacon Center. There was applause. Ms. Williams said thank you. Mayor Woodward said thank you.

Becky Todhunter accepted for Cornerstone Church. There was applause. Mayor Woodward said thank you. Ms. Todhunter said thank you so much. Mayor Woodward said you bet. Cornerstone does a food service for the needy on Tuesdays, over at the Englewood Bible Church...is it? [Clerk's note: Ms. Todhunter spoke from the audience. It was inaudible.] Mayor Woodward said Eastman and Broadway. Becky has been involved in that for 8 years. When they were down a little bit further south and moved around...I am very pleased that we can do something for people in our community when it comes to food and people in need. And certainly this past year and probably this year...there is going to be plenty.

Kathleen Kramberg accepted for Doctor's Care. There was applause. Ms. Kramberg said thank you. Mayor Woodward said thank you.

Eric Bertoluzzi accepted for Englewood Arts. There was applause. Mr. Bertoluzzi said thank you. Mayor Woodward said thank you.

Amber Walker, Student Body Co-President accepted for EHS After Prom. Ms. Walker said thank you. Mayor Woodward said thank you.

Mayor Woodward said...Food Bank of the Rockies. There was applause. There was no one was present to accept the check.

Erin Leeper accepted for Freedom Service Dogs. There was applause. Ms. Leeper said thank you. Mayor Woodward said Freedom Service Dogs is a local group now here in Englewood...that I believe is going on its fourth year. [Clerk's note: Ms. Leeper spoke from the audience. It was inaudible.] Mayor Woodward said...20th year. They have their graduations right here in Englewood...Hampden Hall. They provide service dogs for people in need. These dogs typically come from shelters and it has been my honor and pleasure to welcome them and I believe three or four of the graduations...I did miss this last one...just in December...but they do a great job.

Kylie Rogalla accepted for Gateway Women's Shelter. There was applause. Ms. Rogalla said thank you. Mayor Woodward said thank you.

Ed Bostic accepted for Denver Hospice. There was applause. Mr. Bostic said thank you. Mayor Woodward said thank you.

Sandra Blythe-Perry accepted for Inter-Faith Task Force. There was applause. Ms. Blythe-Perry said thank you. Mayor Woodward said thank you. I think everybody knows that...hopefully...that Inter-Faith is a real part of our community right over on Irving and they do such a great job for the community, the seniors and it is another place to volunteer and a real honor to participate in what they do and their mission.

Pastor Steve Scott and Delia Espinoza accepted for Living Branch Fellowship. There was applause. Pastor Steve Scott and Delia Espinoza said thank you. Mayor Woodward said thank you.

Phil Miller accepted for Meals on Wheels. There was applause. Mr. Miller said thank you. Mayor Woodward said thank you. This is one that is close to me and that I feel, again, really honored to be a participant.

Leigh Ann Hoffhines accepted for Metro Mayors and Commissioner's Youth Awards. There was applause. Ms. Hoffhines said I am accepting this on behalf of the Arapahoe County Metropolitan Mayors and Commissioners Youth Award's Steering Committee. Thank you. Mayor Woodward said thank you.

Mark DeHaven accepted for Special Olympics. There was applause. Mr. DeHaven said thank you. Mayor Woodward said thank you.

Eric Bertoluzzi accepted for Up Close & Musical. There was applause. Mr. Bertoluzzi said thank you. Mayor Woodward said thank you for your dedication to the program and how it supports our kids and our Englewood Schools with our music programs.

Mayor Woodward said...Food Bank of the Rockies...we will hand that over and have them come back to accept that.

Council Member Jefferson said thank you all...and thank all of your organizations. I heard a lot of people as they came up accepting the funds...thanking us and I think we are the ones who probably owe most of you a thank you. So, thank you for all the work that all of your organizations do in our community. It is appreciated.

(b) Mayor Woodward said Fire Marshal Ben Greene will present the awards to the winners of the 2009 Fire Prevention Week Poster Contest.

Fire Marshal Greene said tonight is a fairly special night for us...in the fact that Fire Prevention Week is a very important week for the Fire Department and for also getting out the message of fire safety. One of the things...before I do the presentation, I would like to talk about...is a little bit about the history of where it came from and why it is so important to the firefighters and, also, why it is so important to the educational process that we spend with the children. Fire Prevention Week is actually the anniversary of the great Chicago fire of 1871. In that fire we lost about 250 lives and about 17,000 structures in the City of Chicago. Because of that fire the building rules in Chicago still state that you cannot build out of wood in Chicago...only masonry is allowed. During this week also we remember a lot of the other great fires. For those of you that are old enough to remember such fires as the Triangle Shirtwaist Fire where we lost a considerable amount of young women, the

Coconut Grove where we lost quite a few service men and individuals during World War 2. And then the latest fire that everyone remembers is the station fire in Rhode Island where we lost about 100 young people in that fire. There is also a more recent fire that occurred in Russia that we lost about another 100 young people in a nightclub activity. Although the education that we do with the children in the elementary school may not have changed the outcome of a lot of these big fires, we are working on the kids in the home arena. We lose over 4000 people every year to house fires throughout the United States and that is a huge amount of loss of life that is unwarranted. The real history of this whole week began in 1921. Woodrow Wilson actually proclaimed Fire Prevention Week. This is the longest running public health and safety observance that is on record today in the United States. Those efforts that began back in the 1902's...continue on today. This year the team visited at least six schools...last year it was seven...this year it was six, because Maddox has now changed into strictly a primary school...a kindergarten only school...preschool. So that school is no longer one of the schools that we actively go after. So, this year also I would like to recognize those who really played a great effort in this project. First of all, Mike Pattarozzi, our Fire Chief, for his support for this program. Division Chief Kraig Stovall for his leadership and commitment. He truly was the one that spearheaded this effort of getting the message out to the kids. Executive Assistant Madeline Norconk for her commitment to this whole program. She did a lot of phone calls, a lot of the leg work. And for those of you that are teachers, you probably received a lot of phone calls from her, probably even one today saying...are you coming? And then we also had the characterization team...also known as our clowns. The members of that are Brian Baker, Mike Osgood and Greg Weaver. And they truly did an excellent job of getting the point across this year. The fire...the line fire crews did a lot of support, they also did a lot of the preschool and kindergarten programs and were very successful in that. And, finally, but not least, we have a big thanks to Bonnie Hirsch. She is an intern from Metropolitan State College. She really put this whole project together. She started last summer. Luckily she is staying with us through this May, to make sure we follow up on all of our promises to the kids, but she went, really, out of her way and really did a fabulous job for us. Mayor Woodward...if you would like to come down and shake hands with those that did so well. What I would like to do is call up the teachers, because, quite honestly, I don't have all the students names. I'm sorry. So, if the teacher could come up and recognize who it was that participated in these great murals that are sitting outside in our atrium, I would really appreciate it.

Mayor Woodward said I am sure you are aware that all this poster art has been up on the third floor...in the lobby area there and it has been up there for awhile for all of us to admire. Some of us that spend a lot of time up there have taken a hard look at it...so, congratulations to all of you young artists. There was a round of applause.

Ms. Hirsch and Mayor Woodward passed out the certificates and offered their congratulations.

After each presentation, there was a big round of applause for all of the winners.

Saint Louis Catholic School, Mrs. Joanie Campbell's Kindergarten class.

Bishop Elementary School, Mrs. Coleman's 1st Grade class.

Fire Marshal Greene said the parochial schools always participate to the extreme in these poster contests and we really appreciate bringing them into the fold also, as well as the public schools. So, for the next three it will be All Souls that is going to take the awards.

All Souls Catholic School, Mrs. Perkins 2nd Grade class.

Mayor Woodward said I think that group, along with this group were the two that are very well versed on the Pledge of Allegiance. Thank you.

Fire Marshal Greene said after having done this for numerous years, certain names keep popping up. This Mrs. Perkins was one, also is...3rd grade...Mrs. Mary Ernst...is another one.

All Souls Catholic School, Mrs. Mary Ernst's 3rd Grade class.

All Souls Catholic School, Mrs. Prado's 4th Grade class and All Souls, Mrs. Burke's 4th Grade class. Mr. Greene said this was a team effort.

Bishop Elementary School, Ms. Mary Zachariah's 5th Grade class.

Council Member McCaslin said if could say something...my wife, who is the Principal of Bishop, she would like to apologize for not being here, but she has a great staff who supports this group...so, thank you. Ms. Zachariah said thank you.

Fire Marshal Greene said at this time I would like to invite City Council, the Mayor, and all of the audience and the students, to join us in the Community Room for a short reception...if you would please.

Mayor Woodward said we are breaking...even though it isn't on our Agenda...but we are taking a short break...between 10 and 15 minutes, to go next door to the Community Room to meet some of these young artists and hear what they know about fire prevention.

The meeting recessed at 8:00 p.m.

The meeting reconvened at 8:19 p.m. with all Council members present.

(c) Jackie Edwards, an Englewood resident, said good evening, thank you for this opportunity to speak. I'd like to talk for a moment about the legal medical cannabis patients and your caregiver ordinances. All of the hoopla lately has placed the focus almost entirely on dispensers, caregivers and retail locations. It's egregious that Englewood is still writing ordinances about caregivers. There's way too much wrong with writing any ordinances about caregivers to even attempt to cover it in ten minutes. So, I'll talk about patients and goals instead. As stands, Bill 53 pretty much made it so that patients cannot have private caregivers of their choice in Englewood, and caregivers have to give up their HIPPA and State protected confidentiality in order to fulfill Englewood's ordinances. Where does this leave the patients? You have effectively denied legal access from anyone other than the three commercial, Englewood, grandfathered dispensaries. No indication exists in the ordinance as to which caregivers your ordinance pertains, other than the three that are grandfathered. After all, Amendment 20 was written and approved for the welfare of patients who may benefit greatly with medical cannabis therapy. Englewood absolutely must stop writing ordinances that apply to medical cannabis caregivers. The patient caregiver relationship is confidential. Somehow, Englewood must admit that what they are intending to license and ordain are the commercial growth and sales of medical cannabis products in the City of Englewood and safety and transportation measures related to those. Patient-doctor and patient-caregiver relationships are not open to any city government for inspection, licensing and control. Not for anything. Ever. Patient-doctor and patient-caregivers are privileged relationships. Would you appreciate having the City plunk themselves in the middle of your own, personal health care? Or your family's? The City simply bears no rights to injecting itself into any citizen's legal, private, health care without a Court Order. Nor does the City bear any right to inject itself between patients and their caregivers without due cause. Show me, please, the Statute or legal document which shows that United States city governments may, without a Court Order, place themselves between patients and their private, confidential, health care providers, including caregivers. Show me, please, the section of Amendment 20 that gives permission to Colorado cities for open access to caregiver information for the purposes of licensing and ordaining. Please show me. My patient advocacy is primarily for those who suffer with chronic pain and for those who are legitimate, legal, medical cannabis patients in search of relief for their real and constant suffering. It is common for chronic pain and medical cannabis patients to have caregivers. As we've discussed, caregivers and dispensers are not necessarily the same. Your mission is to determine facilities placements, appropriate licensing and public policy concerning these physical structures, safety and transportation. Physical structures, safety and transportation. Not people. Patients are people. Caregivers are people. You can't legally single out one group of people to tax and regulate. Dispensaries and other outlets are physical structures along City streets. Isn't this where the City's control ought to be concentrated, rather than on individual citizens who are, otherwise, law-abiding and whose confidentiality is protected by HIPPA and by the State. I am a patient advocate, because I know about real suffering and often way too rigorous years and decades of being a part of the revolving door of medical care, yet remaining only partially functional, having to fight silly regulations unknowing people create all along the way. I know a lot about pharmaceuticals, the help some can bring and the severe damage far too many

cause, particularly those related to pain...over time. Too many are lethal...or even worse. No, I've not suffered addictions as many do, but I do wear a chronic, painful ulcer in my guts, developed over many years of trying this, that and every other new or old drug popular with doctors at any given time. Yuck. All of this without relief? That's insanity. Body finally says...no more. Then, to finally find something that works...medical cannabis...the Sativa species. But the public...the ordinance writers...concerned young mothers. They all have to decide where I may obtain my medicine now, over nine years after approving legality to do so in Colorado. Just how bothered...really...is anyone by my going to a medical cannabis establishment to obtain what my private doctor recommends and I find helps? Do they really care? Do they really know? Do they need to know? Why does the City need to know the identity of my caregiver or whether I even have one? Am I ruining the neighborhood by being a patient? Is my caregiver...if I even have one? Does the City really want to get involved in all of the legal and medical paperwork required to supersede the protections afforded patients and their caregivers under Colorado's Constitution? It is as if Englewood is deciding to create its own, separate Amendment 20 and Medical Marijuana Registry. Such an idea has not been brought through the ballot process and brought forth for voters to approve such municipal controls. What is wrong with a City that wants such controls? Council Bill 53 is so bad I have to question the credibility of the ordinance writers, as well as the credibility of their resource information. I know one of the initial resources last summer was a well written, but very biased New Yorker article about a large scale growing operation that is quite persuasively written for those who know nothing, or very little, about the medical cannabis industry. By no means is the New Yorker article a resource that represents science, medicine, compassion or legislation. It says nothing about patients. Let's be logical here. And creative. Let's rise about the muck. Let's call facilities, facilities. Caregivers are not facilities. Let's call growers, growers. Not all caregivers are growers. Let's protect the patient-caregiver relationship as afforded under HIPPA and also Amendment 20. Only when you employ excellence...not a heavy hand...in what you do about facilities placements, licensing, taxing, growing operations and preparing ordinances...do you empower us...the patients and caregivers...to employ excellence in what we do. Medical cannabis facilities are being treated with less respect than for animal clinics in Englewood. That's wrong. We need to work toward empowering human patients...all human patients...instead of further disempowering and stigmatizing them. There have been zero deaths caused by cannabis or medical cannabis. Not even close. The body passes any excess THC, the sleepy chemical. The worst that you can have happen to you if you "OD" is that you'll go to sleep. Pretty gentle. Yet, generally not recommended for children and must be kept out of their reach. The same stuff healthy people want to smoke to get high is what so many sick people can now, legally, smoke or eat to feel somewhat normal. To me, it makes sense to have medical cannabis facilities near medical complexes for the people who have the least mobility. Like near Craig Hospital. Maybe the former animal hospital...or the clinic...at Emerson and Old Hampden. It makes sense to have medical cannabis facilities that are, also, easily accessible to those who use public transportation and to those who are driving, biking or walking. Like on Broadway and some major east-west streets. It is not as though we are bringing in drug cartel...showing up with full supplies of automatic weapons to scare our neighborhoods and children. Let's get real here. There is little time and much to learn and decide...sensibly. Contract out the ordinance writing, if necessary, to people who will allow themselves to learn and understand the medical purpose of Amendment 20 and the compassionate, societal mission, accomplished via citizen input, public policy and commerce working together. Thank you.

Mayor Woodward said thank you.

Ms. Edwards said I brought a short run of the little flyers and cards too. These are just a preliminary run. She passed them to the City Clerk to disburse among the Council members.

7. Recognition of Unscheduled Public Comment

(a) Shannon said I live in District 1, Precinct 104, in the City of Englewood. Jerrell Black sent me a letter inviting me to attend the Parks and Rec meeting on January 14th. I went and stated many of the same things that I have brought up at the City Council meetings on December 7th and January 4th. It was decided by the Parks and Rec committee to leave the issue regarding Baker Park as "status quo". It seems to me that City Council is going to do the same as well, since the port-o-potties will be coming out of most of the parks sometime around April. It was interesting to hear on the Today show this morning a comment made by one of the hosts regarding people running for office, asking for votes, but once in office, stop listening to their constituents. I certainly feel something akin to that. Jim has asked me, in the past, to put a sign in my yard to

support him...to which I did. I have been present at a meeting where Bob asked us to support his political aspirations, I have been to Jill's house when we were both involved in Englewood Unleashed and I called Joe when he was running for District 1...to hear his positions on issues and for him to know about some of the issues that had been going on in Precinct 104 and in Englewood. I feel frustrated with the City of Englewood and City Council for what seems to me as a lack of response, such as returning phone calls or e-mails and a fairness in dealing with issues that I have brought up. It is no wonder why so many citizens become apathetic and angry with government. Jim has stated a couple of things in the past two City Council meetings mentioned above, which I want to address. First, that District 1 has a port-o-potty at Cushing Park. I live in Precinct 104, which is west of Santa Fe, so that does not include Cushing Park, though it is in District 1. Cushing Park is at least a mile and a half from my house, not really convenient for a walk from my house to enjoy a City park. The parks in my Precinct 104 are Baker and Greenbelt Parks. Neither have port-o-potties...though both have kids' play areas. And there is a baseball setup at Greenbelt Park, though it is not really conducive for playing baseball. The other issue Jim brought up was that his District 4, I believe, though he ran for an At-Large position, that there are no parks there that have port-o-potties, those parks being Hosanna and Duncan Parks. Hosanna, as Jim has stated, was not set up in such a way to accommodate port-o-potties. Duncan Park, which I learned at the Parks and Rec meeting on the 14th, has a person in a household next to Duncan Park preventing a port-o-potty from being there. Interesting that one person can stop a port-o-potty from being in a park, when one person, such as myself, cannot get the port-o-potty returned to the park. Finally, it was stated at the Parks and Rec meeting on the 14th that the cost would be around \$700 to put the port-o-potty back in Baker. Well, it would cost maybe half of that since the season is half over. That I cannot get a concise park usage from Parks and Recreation, such as the scheduled events for the fall/winter in the parks which pertain to the logic regarding current port-o-potty distribution. I find it ironic, when it has been stated there is a separation of Englewood Schools and the City of Englewood, that the schools pay for, contribute for, the salaries of two police officers, who are City employees...that the Parks and Rec committee discussed the use of some of the school tennis courts for possible income revenue in the future and that there is a maintenance agreement with the Englewood Schools and Parks and Rec to help maintain some school property. That, to me, is not a separation. After the Parks and Rec meeting, one of the members asked me if my community, meaning Precinct 104...I guess...would be willing to raise funds for the port-o-potty to return. I pay my taxes, as I imagine the other residents of Precinct 104 do as well. I cannot get my head around raising money, when I have already had money taken from me, in the form of taxes to contribute to pay for all of the Englewood services and that 10% of the Open Space Funds which goes specifically towards park maintenance is all going to pay salaries, which is \$63,943.30. I know City Council cannot make comments at this time and if the meeting does not go late, I will be around to listen to what you might say...if anything.

Mayor Woodward said thank you.

(b) Elaine Hults, an Englewood resident, said thank you for your time and I also want to thank you Mayor for going to bat on our post office on Broadway. I have accumulated some information that I made one copy today and it can be duplicated for all of you. But I did want to say here...concerning the post office on Broadway...I did contact the local Preservation Society of Denver...I mean, of Colorado...and they said that there was nothing that they could do because this was a federal situation. However, she was kind enough to give me the name of the gentleman in Washington D.C. And I spoke to him...Mr. Dallan Wardekemper and he is...evidently...one of the heads of the Federal Preservation Division. He gave me even a website and his phone number. I put that all in this article to tell you where you can contact him. What they do...and this website is very informative. It tells what, specifically, their responsibilities are and how to go about accomplishing it. And he said he was familiar with this area because, I think, he came from Boulder...as he said. So he is familiar...even with Englewood and the various post offices here. He said...before I even said it...he said that that post office...according to him...had one of the remaining murals. I know you mentioned today that you think it is on canvas. It didn't appear that way to me...but I am going to check it again. Because if it is on cement...I can't remember the term...the European term for that type of art work...then it cannot be removed and if the building is demolished its gone. So, he said...number one...that that is a very important factor. Number 2...the time that building was built...because it was built during the depression. And then also he said that the time factor of notifying us, to be able to save it and defend and present our point of it was too short a time...he had never heard of that before. To sum up...among the women that were going out and getting all of these signatures...which we will continue to do, as we have discussed. A couple of people mentioned...that one in particular...said that she came from...what is it? I am trying to think...Westminster.

And they had the same thing happen there and they fought it and they won. So, that gives me hope also. There was one other thing I was going to mention. I just had one of those senior moments...what can I tell you. Aging is not what I am happy with. But anyway...I really feel we have a good chance...and as he said, I think this is going to take longer...I know they told people...they called Mr. Turner...it was a done deal. He, himself, in Washington, said that he didn't understand why that man would say that and he was going to do some research and get back with me. So, I just want to present this to you for your use and thank you.

Mayor Woodward and several Council members said thank you.

Mayor Woodward said thank you for going out and petitioning and the information.

(c) Matthew Crabtree, an Englewood resident, said thank you. I will just start off by saying...Mr. Woodward...Councilman...Mayor Woodward...I too want to thank you for going to bat for the Englewood Post Office...that is a unique building and we need to do everything we can to fight to keep that in the City here. Now on to the other thing. I would like to get an explanation here regarding public access to public meetings. I would to...I would like to understand why I was denied access, initially, to a public meeting...January 11, 2010, Study Session...a public noticed meeting. Just as other meetings are public noticed on the internet and other places. I arrived shortly before the meeting was to begin to...well...noticing all members of Council in a room. The door was shut; I was specifically instructed not to enter. At which time when the meeting should have started...6:15...I entered the room and was then instructed that I was not welcome in there yet. It's a public meeting. This concerns me. I would like to get an explanation as to why, I, myself...and ultimately the public...would be denied access to a public meeting...as that. Thank you.

Mayor Woodward said thank you.

8. Communications, Proclamations and Appointments

There were no communications, proclamations or appointments.

9. Consent Agenda

- (a) Approval of Ordinances on First Reading

There were no items submitted for approval on first reading.

- (b) Approval of Ordinances on Second Reading

There were no items submitted for approval on second reading.

- (c) Resolutions and Motions

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

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

There were no items submitted for approval on second reading.

(c) Resolutions and Motions

(i) Recreation Services Manager-Operations Hultberg presented a recommendation by the Parks and Recreation Department to approve a resolution supporting an Arapahoe County Open Space, Parks and Trails Grant application for Duncan Park development funding. He said as you know, Council has previously approved an ordinance in support of the GOCO Grant application, also for Duncan Park development. The two grants will run concurrently. If we are successful, we would be awarded the GOCO Grant in March, which is a special opportunity grant, \$700,000.00 and in June, we would be notified of the Arapahoe County Grant in the amount of \$250,000.00. So we would end up, if successful in these competitive grants, with \$950,000.00 for what we estimate to be a \$1.2 million development of Duncan Park. I'd like to answer any questions if you have them.

Council Member Gillit said I have a question. What does 1.2 million dollars get you? Manager Hultberg replied 1.2 million dollars will totally redevelop Duncan Park. That means razing the current, old school building that is on site and totally redoing the whole park, reconfiguring it, redoing irrigation and providing the amenities that were proposed when we did our 2006 Park Master Plan. Those would be traditional amenities that you would find in a neighborhood park. There would be...we are proposing a picnic pavilion that would seat approximately 40, age appropriate playgrounds that would be kind of the focal point of the park. We would also build a game quality athletic field that could be used for soccer and the other youth sport associations, a restroom facility and then a lot of internal park pathways that connect all of these amenities. Council Member Gillit said is that after multiple bids, that's the lower bidder? Manager Hultberg said we would follow the traditional design bid and build a format. If we are successful in these grant applications, we would come back to Council with intergovernmental agreements with GOCO and with Arapahoe County, pending their approval. We would start the design process, which would be a pretty extensive public process that would involve the user groups in the neighborhood and come up with a design that all of the user groups and the neighbors agree to. Council Member Gillit said one final question and then I'll let someone else ask. I'm sorry. I drove by there and I know that we have had an issue with dog parks. And I thought with Duncan Park not being developed yet, we would have a great opportunity to possibly put in a Canine Corralish thing up there. Is that something that they would be considering? Manager Hultberg said well, I know...maybe Jerrell might address this better than I, but I know when we looked for sites for traditional fenced dog parks, that Duncan was eliminated from the list because of several reasons, one of which being there wasn't off-street parking that was thought necessary, the size of the park and those types of things. But certainly during the planning process, I suppose anything is possible. Council Member Gillit said okay. Thank you.

Council Member Jefferson asked would GOCO funds be appropriate for that type of use. Yes? Manager Hultberg said yes, I believe so.

Council Member Gillit said I think it should be a great idea to have for a dog park.

Mayor Woodward asked if there were any other questions for Gary. There were none.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) - RESOLUTION NO. 2, SERIES OF 2010 - A RESOLUTION SUPPORTING AN ARAPAHOE COUNTY OPEN SPACE, PARKS AND TRAILS GRANT APPLICATION FOR DUNCAN PARK DEVELOPMENT FUNDING.

RESOLUTION NO. 2, SERIES OF 2010

A RESOLUTION SUPPORTING THE ARAPAHOE COUNTY OPEN SPACE, PARKS AND TRAILS GRANT APPLICATION FOR DUNCAN PARK DEVELOPMENT FUNDING.

Mayor Woodward said we will now open it for discussion.

Mayor Woodward said I guess, I just want to mention, being a member of the Parks and Rec Commission and going back as part of the negotiating team for Duncan Park with the schools, and certainly being aware

of...being on the Parks and Rec Commission, the Master Park Plan and being on the dog task force, the off-leash dog task force. Duncan wasn't eliminated for the parking reasons there and is...unlike, again, Belleview or Jason, it is not a destination park; it is truly a neighborhood park, with street parking. Something that could possibly be developed into that would be parking. I think that that particular size would ...by adding parking and just the physical size of the park...would start, really, eliminating parts of the open space to a number of people and the public that weren't utilizing the dog park. It's currently one of the designated off-leash park areas and is one of them that have the least amount or minimal complaints. So, I don't know if that helps you understand that at all. Council Member Gillit said I didn't know about the Master Park Plan. Mayor Woodward said yes, well, there is a Master Park Plan. Council Member Gillit said it just...on that side of town we don't have anything. I thought what a great place to put one. You could have...I mean, I thought it was a fairly large facility. I'd at least like us to... Mayor Woodward said one of the other things, as I recall, and maybe Jill you can help me, going back and thinking about that, when we discussed and at this time Bates-Logan had been closed down because of the influx of Denver people and so many people, and we did look at that. Cherry Hills and Greenwood Village are within blocks right there and really I think the one thing that we have learned about off-leash dog parks is that, you know, unless you have a whole lot of room, you need to really strategically place them to provide for your citizens, as opposed to the whole region.

Council Member Jefferson said I think that is a conversation that maybe we can have as we move forward with Duncan. You know, I think, hopefully, we are all on board at least with the bond for these GOCO Grants and what's actually...I see Jerrell raising his hand here.

Director Black said I would add that our planning process will be very inclusive with the users and, in particular, the neighborhood, the people that live in the community. Our role is to develop a park that meets their needs on that. So, we will be having those discussions and if the community wants to see a dog park there, we are certainly open to those discussions.

Council Member Gillit said sure. The only reason that I bring that up is how many times did we hear...during the dog park issue...that people moved to Jason Park because of the dog park. It just adds to the community.

Council Member Jefferson said agreed.

Council Member McCaslin said my concern would be, like Jerrell, I think he mentioned the existing and the current neighborhood make-up...would they want a dog park? If I had kids and stuff, we've had the same issues at Jason Park. Some were looking to cut off some of that stuff for the kids and stuff. I think it is open for discussion, but I would like more input from that neighborhood. Mr. Gillit said sure. Mr. Jefferson said I agree.

Council Member Wilson said I think it would be a good thing to bring to the table and look at and then see what people want.

Director Black said we certainly think that's appropriate to have that discussion. There may be some discussion about limitations or whatever, but it's certainly appropriate to have those discussions with the neighborhood.

Council Member Gillit said I'd definitely like to be involved in those.

Mayor Woodward asked if there was any other discussion. There was none.

Vote results:

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

Motion carried.

(ii) Director White presented a recommendation by the Community Development Department to approve a resolution extending the current moratorium on enforcement of selected provisions of the Englewood Municipal Code pertaining to banners and portable signs. He said back on October 5, 2009, you adopted a resolution that enacted a moratorium on the enforcement of certain sections of the Sign Code dealing

with banners and portable signs. We have been working with Planning and Zoning Commission on changes to the Sign Code for a number of months now and we have had several Study Sessions with them. On January 5th of this year, they talked about the moratorium and their schedule for completing their work on the Sign Code and it was their feeling that they needed at least an additional six months to get through their analysis and process the development of their recommendations for amendments to the Sign Code. And at that meeting, they adopted a motion to recommend to Council to consider extending the moratorium for six months. What we have included in your packet tonight is a resolution that does just that; extends the moratorium or the suspension of enforcement on banners and portable signs for an additional six months...to August 1st of this year. That concludes my comments. I can answer any questions that you may have.

Council Member McCaslin said my question is how many moratoriums can we give? Director White said how many moratoriums... Mr. McCaslin said how many moratoriums can we give? City Attorney Brotzman said the answer is...you do an initial term of six months...six months is allowed by all cases. Mr. McCaslin said okay. Mr. Brotzman said over six months is not allowed. Normally, moratoriums longer than six months are struck down. Continuations are based upon...and you can keep continuing...based upon your projection of when you are going to finish something. Thus the motion from Planning and Zoning saying we have a schedule that we are going to meet, thus you extend for that time period.

Council Member McCaslin said okay. So they are saying with this extended moratorium there will be a decision...a conclusion that we can come to? City Attorney Brotzman said yes.

Council Member Wilson said it will be coming to us...from P & Z...correct? Director White said yes.

Council Member Penn said...Alan, have you noticed an increase in the banners and the sandwich boards and stuff along any part of Englewood? Director White said I have observed some increase, but not a lot.

Council Member Penn said do you think that is because of knowledge or lack of knowledge or people not knowing that we have this moratorium going on or... Mr. White said I think that's...I'm sorry. Mr. Penn said...or they are just not willing to spend the money on a banner or whatever...in case we rescind it? Director White said I think it might be a combination of those factors. Not knowing about the moratorium. It also might be...it's not really the time of year that you would normally see portable signs out. And, you know, it could be the expense of those signs. Businesses just aren't willing to expend those monies right now.

Council Member McCaslin said have we had...have you had any complaints to your office...as far as signage...if we pass this? Director White said none that I am aware of. Mr. McCaslin said...not documented or anything? Okay.

Mayor Woodward asked if there was a motion for the approval of 11 (c) (ii).

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER PENN SECONDED, TO APPROVE AGENDA ITEM 11 (c) (ii) - RESOLUTION NO. 3, SERIES OF 2010 - A RESOLUTION EXTENDING THE CURRENT MORATORIUM ON ENFORCEMENT OF SELECTED PROVISIONS OF THE ENGLEWOOD MUNICIPAL CODE PERTAINING TO BANNERS AND PORTABLE SIGNS.

RESOLUTION NO. 3, SERIES OF 2010

A RESOLUTION RECOMMENDING TO THE CITY MANAGER OF THE CITY OF ENGLEWOOD, COLORADO AN EXTENSION OF THE EXISTING TEMPORARY SUSPENSION OR MORATORIUM ON THE ENFORCEMENT OF SELECT PROVISIONS OF THE ENGLEWOOD MUNICIPAL CODE 2000, THE SIGN CODE, PERTAINING TO BANNERS AND PORTABLE SIGNS FOR A PERIOD OF SIX MONTHS, UNTIL AUGUST 1, 2010.

Mayor Woodward asked if there was any discussion.

Council Member Jefferson said I will just comment. I have seen some increase just in my neighborhood of signs, banners, A-frames...things of that nature. I did inquire of a couple of them...hey, did you know about the

moratorium? Most of the people who had new stuff, said yes...I knew about the moratorium, that is why I spent a few bucks to try and advertise my business a little bit more. I will say I think as neighbors start noticing...hey, that A frame looks great...I noticed that...I think you will start to see more and more of them as...you know...neighbors begin inquiring with their neighbors...hey, how did you do that? Boy that looks great...kind of thing. So, I would expect to see some more...going forward.

Mayor Woodward said I would just like to mention too...in the original moratorium...there was some language regarding anybody that was doing banners or signage or A frames...in accordance with that moratorium...which now would be this moratorium...they are doing it at their own risk. In that there is the chance that nothing will change and this moratorium will expire. So, just...just to say that and make people aware of it, that that's a possibility.

Mayor Woodward asked if there was any other discussion. There was none.

Vote results:

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

Motion carried.

* * * * *

Mayor Woodward said before we go on...I want to go back to recognition of scheduled public comment...the unscheduled public comment. Typically and traditionally we give the opportunity to anybody from the public that may have not had the opportunity to or didn't sign up...to do so at this time...or at that time. And I went right over that...so, if there was anybody else that would like to address City Council...I want to give them that opportunity to do so now. Please come forward if so.

Mayor Woodward said seeing no one...we will move forward to 11 (c) (iii).

(iii) Economic Development Coordinator Hollingsworth presented a recommendation by the Community Development Department to approve a resolution authorizing application to the State of Colorado Economic Development Commission for an Enterprise Zone Marketing Grant in the amount of \$12,500. He said this is a matching grant and it will support Enterprise Zone Marketing and administration activities. This funding has already been budgeted in our Community Development Department Budget. Enterprise Zone activities in Englewood support our economic development priorities by providing State tax credits to businesses within the City. On average...about 100/110 businesses in Englewood apply for Englewood tax credits through the Enterprise Zone. That concludes my formal comments. I would be happy to respond to any questions about the Enterprise Zone or this grant. Thank you.

Mayor Woodward asked if there were any questions. There were none.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (iii) - RESOLUTION NO. 4, SERIES OF 2010 - A RESOLUTION AUTHORIZING APPLICATION TO THE STATE OF COLORADO ECONOMIC DEVELOPMENT COMMISSION FOR AN ENTERPRISE ZONE MARKETING GRANT IN THE AMOUNT OF \$12,500.

RESOLUTION NO. 4, SERIES OF 2010

A RESOLUTION AUTHORIZING AN APPLICATION FOR THE STATE OF COLORADO - 2010 ENTERPRISE ZONE MARKETING GRANT FOR USE TO FUND MARKETING AND ADMINISTRATIVE ACTIVITIES ASSOCIATED WITH THE ARAPAHOE COUNTY ENTERPRISE ZONE.

Mayor Woodward asked if there was any discussion.

Council Member Jefferson said I just wanted to comment that I think these dollars go a long ways in promoting some of our own economic development needs. I will just leave it at that.

Council Member Wilson said I also want to...I would like to just say how much I appreciate all the hard work that Darren puts into this. Council Member McCaslin said I second that.

Vote results:

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

Motion carried.

(iv) Director Fonda presented a recommendation by the Water and Sewer Board and the Utilities Department to approve, by motion, a Granular Activated Carbon Lease Agreement for five filters over a 30-month period. Staff recommends awarding the bid to the lowest responsible bidder, Calgon, in the amount of \$548,373. He said we have five filters at the Allen Plant and we use activated carbon instead of sand. The activated carbon takes out organic materials that cause taste and odor...and have been successful at the Plant since their installation in 2000. We are...we have rebid the contract, since the contract with the old supplier is now up and we will need to replace two of the filters this year and three of the filters next year. We went out for bids and the low bidder was Calgon Corporation and, I believe, it was in...yes, they were the low bidder and they were also the only bidder to allow us to do it just on a monthly payment basis, so we are proposing to do the first two filters at \$3655.82 per filter for 30 months, then we have the ability to do that also in 2011, with the other three filters. That would bring a total of \$548,373.00 for all five filters.

Mayor Woodward said any questions for Stu. He said I have one. I believe it was last year...or I just want to get some clarification...we did do the leasing and sent the carbon filters back or had them reactivated or something and I remember, as I recall, Bill worked very hard on trying to get those worked out and fixed. Director Fonda said they were reactivated and manganese had accumulated on the filters. And this was the...we had tried since getting them...we had successfully once regenerated the filters, which results in a lower cost, but the second time we tried to regenerate them, there was too much manganese...it produced a yellow water in the system and we had all kinds of problems trying to get it working. We found that designer colors are not really popular in drinking water. There was laughter. He said the way we are resolving this is we will only go with virgin carbon from now on. So, when the 30 months is up...we test them...what, Bill? Operations Superintendent McCormick replied from the audience every 6 months. To see how...if any of the absorption sites have been used up. When it gets close, we will replace it with new carbon and we won't try the regeneration. The savings was very small.

Mayor Woodward said okay. I just wanted to verify then, as in your staff report, that the amount to be spent in 2010 has been budgeted for. Director Fonda said yes.

Mayor Woodward asked if there were any other questions. There were none.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (c) (iv) - A GRANULAR ACTIVATED CARBON LEASE AGREEMENT WITH CALGON FOR FIVE FILTERS OVER A 30-MONTH PERIOD IN THE AMOUNT OF \$548,373.

Mayor Woodward asked if there was any discussion. There was none.

Vote results:

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

Motion carried.

12. General Discussion

(a) Mayor's Choice

(i) Mayor Woodward said I would like to start with the post office letter that we did discuss in the Study Session tonight...regarding sending another letter back to the post office in response to their letter that we received this morning. We discussed it and decided on a page two, which would...the difference was addressing some historical work by the post office, with regards to the building and the mural. So, I am looking for a motion to move forward on the signature of all of Council members to Mr. Alex Turner on this letter.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER PENN SECONDED, TO APPROVE THE SENDING OF A SECOND LETTER TO MR. ALEX TURNER, SIGNED BY ALL COUNCIL MEMBERS.

Mayor Woodward asked if there was any discussion. There was none.

Council Member Olson said Randy Penn and I are planning to pull a citizen group together in order to coordinate more of the citizen involvement in this process of trying to retain our post office. And there are a number of things that have to happen within the City and City Council, but there are ways that the citizens can get involved too and we want to make that a little bit more open, so that people know what is happening along the way, as best we can. So, will give notice soon...hopefully, by the end of the week, we will have a meeting day planned and try and invite folks to that. Check the website for that, we will have something on that as soon as we can find a date and a place to have something. I'm very thankful to those of you that spent time today to write this letter.

City Manager Sears said we will pass that on to Leigh Ann, she really pulled it together. Thank you.

Council Member Jefferson said thank you both for spearheading that effort. Council Member Penn said hopefully we can do some good. And Linda...you and I need to get together...probably after this. Council Member Olson said yes.

Mayor Woodward asked if there were any other comments. There were none.

Vote results:

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

Motion carried.

Mayor Woodward said...Elaine, I would like to thank you for your efforts on the petitioning and the work that you have done. I appreciate that. It shows a real commitment to the post office and I think your passion for keeping that. I would encourage you to keep it up and letters are very helpful. The more letters we can get...the better. So, thank you.

(ii) Mayor Woodward said I mentioned at our last session, last week, that there was an oil painting by our late Mayor Olga Wolosyn that was available through her husband, at a cost of \$420.00. I believe that having seen it...and seen the photos...it kind of describes Olga and who she was and her energy. It is an abstract drawing. I don't know if everybody has seen that. City Manager Sears said it is attached; it is attached right underneath.

Mayor Woodward said it is something that...it is \$420.00. Jim Doty, her husband, is...felt that he could not stay in the house anymore and is moving out of State to be with his family and grandkids in California. In lieu of...of all the things Olga has done for this community over the years and I think Council...the previous Council...two Council's ago...the passing of Olga...who suffered an aneurysm during a budget retreat...which I guess, to me, just points out her dedication to this City and things that she had done. She was all about Englewood and the region. And she was totally committed to, not only the City, but the School District, the schools...Clayton Elementary School and the work she had done there. The dollars...the money she had really championed, as far as grants, for the schools and for some of the art programs there...I think they ended up getting in excess of \$2 million for some of their programs. And the TIP funding through DRCOG. She was a board member of

DRCOG, she honored by DRCOG. She was also our Citizen of the Year...I believe it was...I don't know what year it was right now...it was 2008, I believe. Anyway, I would like to make a motion that we purchase this piece for CityCenter, placing it in CityCenter. The cost is \$420.00. It is a framed piece, to be put in...either Hampden Hall or the City Manager's offices upstairs.

[Clerk's note: This was listed on the Agenda as item 12 (a) (i)]

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE THE PURCHASE OF OIL PAINTING BY THE LATE MAYOR OLGA WOLOSYN, IN THE AMOUNT OF \$420.00.

Mayor Woodward said I would like to open it up for discussion.

Council Member Gillit said well...it's open to the room...let's talk about it. I pondered this a long time and we kind of talked about it briefly last week. We are asking our citizen's to spend money on a painting we have not appraised. We have an arbitrary value on there. It is for a favor for the husband of our previous mayor. I respect what Olga has done. I appreciate her legacy. I am thankful for all the work that she did. I do not believe...and this is my own stand on this...is I do not believe citizens should pay for this. If it is something that we want to do to help them...then we should raise private funds. I think we are setting precedence. If something should happen to Joe, you know...we have to help his family out and do something...are we setting a precedence? Here's what we do...not for the regular citizens, but people who have been on Council or Mayor. It just sets a tone that we are going to take care of ourselves and help our own...when we have plenty of citizens in our community who have done great things and this Council has never agreed to help them out. I just think it is a precedence, I think if we want to do that for her, we should raise that or do that ourselves privately or we should ask citizens to help. And therefore, I will be voting no for citizen funds on that.

Mayor Woodward asked if there were other comments on that.

Council Member McCaslin said you know...I kind of...I appreciate what you said Rick, as far as...the timing is probably not good, because, you know, Mr. Doty is moving out of town and it looks like...well, he needs some money. But I look at it more...of like what Olga gave to the City. Not everybody can give what Olga gave. And serving with Olga...to me...she just...you know, 100% to the City. So, I don't think there are a lot of citizens out there that we can hang that on. I understand where you are coming from and I respect it. But I also know what Olga did and I respect that, probably, more.

Council Member Gillit said and I don't want to diminish anything she has done. Mr. McCaslin said right...and that is what I am saying. I knew her...there are not a lot of private citizens that have done what Olga did in 8 years. Was it 8 years or 6 or...? I don't want to diminish... Mayor Woodward said it was almost 8 years...she was on...she was serving prior to that. Mr. McCaslin said right. I don't want to diminish the years, but I think she gave a lot of her own time and effort and even money to...I mean what we get paid for City Council you might as well...it's just...we are not doing it for the money and if you are, you are doing it for the wrong reasons. She gave a lot of her time and effort...and you can't put a price on that. I mean she could...this could be \$1,000...you are right...there is no appraisal. That is something that concerns me, but I also think that you have to respect... Mr. Gillit said I'll tell you...I'll give the first \$50.00 privately, if we go that direction.

Council Member Jefferson said I guess...and I have given it some thought as well...and it is a difficult situation because of the respect I have for Olga and for what she had done for the community. And you know, I actually think that it is somewhat appropriate...because I likened it to a memorial being built for Olga's honor. I think that would be appropriate. I think, you know, where the issue starts to come into play for some citizens...is the money is going into a private pocket of an individual who is related to a person who served on Council. So, it is a difficult decision for me, but I would prefer to see it privately and I will fund 50 as well.

Council Member Wilson said I think it is a memorial to Olga. And if you were going to build one, one that would be more than \$420.00...too, it would still be going in the pockets of a private person. She was also opening this up...or...Jim was selling all of her things to people. I mean it just wasn't...just to us. So, I don't have a problem

paying for this for her memorial. I understand where you are coming from and can respect that, but I don't feel it is inappropriate.

Council Member Jefferson said I don't necessarily feel it is inappropriate either. The money...the dollar figure...is not necessarily the hang up there for me. I think...actually I do think it would be appropriate, but I just...you know, I've got this concern that some of our constituents may see it as funding...you know, funding the relative of a Council person. And so, that is where my concerns come from. Not from any other place. So that is why I would just prefer to see it be handled privately, but...open to other comments.

Mayor Woodward said yes...we are certainly open to other comments. I respect what you said, Rick...about the spending taxpayer money on this. I just want to make the point also that...you know when the Council...at that time...was two Council's ago...purposely waited, because we didn't want to act in haste and coming from an emotional place and...in honoring her. And I appreciate your offering...offering up \$50.00 each. And I would make a friendly amendment to that of \$60.00 each...which makes \$420.00...60 times 7.

Council Member Gillit said I'm game...if we all do that. And I would ask that we insert that this was dedicated by Council to her...not using citizen money.

Mayor Woodward said I think that's... Council Member Penn said I could go either way and I think if it would help your conscience and everybody...if we do go with the City paying \$420.00...and everybody just puts in their \$60.00...it could be that way. I have no problem putting \$60.00 in for Olga. That is okay with me.

Council Member McCaslin can I clarify just one thing? When we gave like this Aid to Other Agencies...does all this money go back to our citizens? Someone said yes. Someone said we sure hope. Mr. McCaslin said...every penny? Several Council members spoke at once. Mr. McCaslin said that's what I'm asking...is it? I would say probably not. Council Member Jefferson said we know every penny is not. I would agree. Mr. McCaslin said right. So, to me, here is someone who served the City in a capacity of which I wish I could do half of what she did. I hope I can do half of what she did. And so what I am saying is...to make it a mockery and saying you know we'll just...you know this is...we are spending taxpayer's money, but it is an honor. It is something we're not taking away...we are not, we are not using it for our benefit, we are not using it for a profit...we are using it to honor someone who served the City. And that...that really bothers me that we...I mean I can...I'll pay for it...I mean I'll help pay for it...I just don't...

Council Member Jefferson said I would suggest, you know, that perhaps the City...once we find a placement for this...that the City does spend some funds to memorialize around the picture or around the painting...excuse me...and provide for a nice little memorial for all the great services she has done. So, again, I'm just going to highlight...it's not so much that...that the City shouldn't spend funds to recognize a leader like that, but just from the perception...the possibility that there are constituents that would perceive that as inappropriate.

Council Member Wilson said what about the citizens who look at it as...why wouldn't we do it? Why...because some of these citizens worked with her and... Council Member Jefferson said I think I would say to those citizens that they are still going to get this painting and it's going to be beautiful.

Council Member Olson said you go with the weaker...you just go with the weaker in terms of thinking about and the ethics of it. Council Member Jefferson said I'm sorry? Ms. Olson said well you go with a different perspective. You go with those who would have more trouble with it, than you don't. I'm sitting here thinking what would Olga...right now...if she knew we were having this conversation want? And I think she would be incredibly embarrassed by this conversation and it is almost embarrassing to engage in it, thinking of her now. She isn't here; that's why we are having this conversation, but if Jim would hear the tapes even on this, and last week, the conversation that we had...Unfortunately, it went in a direction...because the question was asked...why wouldn't he just donate it? And that's when it came to light that he is struggling and then it became another issue. I don't think...I didn't know that, before then. I wouldn't have known that he would have thought it was the right thing to do. We just purchase this wonderful work of art that commemorates somebody who we all know and loved so well. So, I am fine with paying \$60.00. I really want to do it. I would have done the whole \$400.00 if I had to, personally, to make it work, because I think we should, as a City. But I am disturbed...I am

disturbed, in part, by the conversation that this has gone towards Jim, and not a real honoring of just Olga. So...but I am fine, absolutely, I will write the check out right now for \$60.00...no problem.

Council Member Jefferson said I appreciate what you are saying, Linda.

MAYOR WOODWARD SAID WITH THAT I WOULD LIKE TO WITHDRAW MY MOTION.

Council Member McCaslin said I would like to make a motion that we purchase this painting. Is that correct? Or should I wait?

Council Member McCaslin said I would like to make a motion that each Council person, if we are in agreement, would pay \$60.00 toward the purchase of the painting. But that only comes up to \$420.00. Mayor Woodward said that is what the price is. Mr. McCaslin said I thought it was \$480.00...I'm sorry.

Several Council members spoke at once.

Mayor Woodward said I just want to add one other item. Last week it caught me so off-guard...what you had said. And it was more of informational piece...because we were bringing it forward...or I was going to...I wanted to bring it forward...that I don't know to what degree Mr. Doty's financial situation is right now...the sale of his house or anything like that...but I do know that as far as donating or gifting or anything like that...between Jim and Olga...what they have gifted to this City is way beyond this. And having been with Olga as Mayor Pro Tem and working with her the weeks...very closely...coming up to that budget workshop and stuff...it was...she gave more than she could have ever...in this...

Council Member Jefferson said I agree. And I hope that is the message that is memorialized in bringing this painting to the City. And I hope that these other issues aren't... Council Member Gillit said...we allow some funds to go to make this painting in a nice area. Or put a plaque up...let's buy a plaque saying what this is. Or do we need to raise \$5.00 more each for that as well? I don't care.

Council Member Wilson said going to the different schools when they were having certain art programs and seeing one where Olga was making costumes out of her own funds for the children...and not having any children in the schools...but go ahead and make and pay for the costumes for these kids so that they would have them in certain plays. You know the grant money that she brought and, you know, along for art and math and somehow that was brought together in this grant. I think that it is kind of sad that, you know, we as a City can't do that...but now that it has taken this turn...I'll go with the majority.

Council Member Olson said...Mayor...I'm wondering if we can close this conversation. I think it is unbecoming. Mayor Woodward said I think we can close the conversation and I think we have agreed.

Council Member Olson said if there are funds needed later...the City can bring them up.

It was determined that a motion was not needed. Council reached consensus that each Council member will contribute \$60.00 toward the purchase of the oil painting by Olga Wolosyn.

(iii) Mayor Woodward said the very last item I have...two of them are a set. Why I have part of a set...I don't know. These are National League of Cities...the memorandum I had mentioned last time for the estimated cost for myself and I guess Bob. Council Member McCaslin said can I hand mine out also or should I wait? Mayor Woodward said well...yours are probably half mine...so I don't know how they were put together, but I got half of yours and half of mine. Mr. McCaslin said I did get half of yours.

Mayor Woodward said the total funds...the total estimate is \$2980.00...it's registration and classes, which...there are two and a half day classes...\$685.00. Lodging...\$1,350.00...I was looking at the Omni Shoreham, which is not the conference hotel. Meals...\$355.00. Airfare/shuttle...\$590.00. For a total of \$2,980.00...is the estimate.

Council Member Jefferson said do we have two folks that want to attend? Is that correct? Mayor Woodward said we may have more than two...to be determined. But two right now is...

Council Member Olson said I would be interested in going, if I thought it would help with the post office. And if we are meeting with the Post Master General representing the district that it is in...I would be willing to go. So, I would like to remain just open to the possibility.

Council Member McCaslin said I would also like to recommend that if any citizens or anyone else would like to have us take something when we talk to our representatives...I would be more than willing to help pass information off. Because...you are right Linda...it is quite a...you get to meet a lot of people and it is quite the education. So, I am opening...if anyone would like any issue brought up...I would be more than willing to take them also.

Council Member Wilson said what do you need for this, Jim? Mayor Woodward said I would suggest we take the two together. Bob's and mine.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER PENN SECONDED, TO APPROVE THE COSTS, ESTIMATED AT \$2980.00, FOR JIM WOODWARD AND BOB McCASLIN TO ATTEND THE NLC CONFERENCE IN WASHINGTON D.C.

Mayor Woodward asked if there was any discussion.

Council Member Gillit said one quick question. What would it cost for all of us to go to CML? Mayor Woodward said CML or NLC? Mr. Gillit said the Colorado one. The one that we...because they pretty much harvest a lot of the same information...don't they? From what I understand. To use the money...it would have been nice to have all of us go do something. And here...I understand we've budgeted...I understand that was before my time...I know that it is what it is. But it would have been nice to say...you know what...instead of splitting the Council and only a few get to enjoy something...it would have been nice to at least have the opportunity for us to go...something much less expensive...where we could have spent the weekend and done some things as well.

Mayor Woodward said one of the things we did...in the budget for Council...was look at the NLC Conference in November...which just happens to be in Denver. And what that means is that we don't have travel, we don't have lodging and we figured that into the budget. And I just can't recommend highly enough that we participate, that everybody participate. NLC and CML are very different. In that NLC is a bigger picture. You are doing lobbying with your legislative people and other people...you are hearing in general sessions and stuff, people at a national level...so, it is a different, it is a different opportunity and a different place. CML is more of...it really is more State oriented...although there are some general type workshops. Over the past couple of years...maybe even three years...last year for CML...Joe, Bob and I went and I think we paid the majority of our own fees. The prior year I went...I paid my fees. And the year prior to that...I think it was Bob and I and we paid a portion of our fees. So, that's...for NLC, the way...this part of NLC the way that we had figured it into the budget, was that there would be three members going and that if there were any more than three, we would just take whatever that gross number was, the aggregate of that, and divide it and pull the budgeted part out and pay personally for the difference.

Council Member Olson said is it correct that it is in Denver this next year? Colorado...it's in Denver this next year...right? Mayor Woodward said the National League of Cities...they have two conferences a year. Ms. Olson said right. Mayor Woodward said the one in November is here...we have also been on the First Tier Cities...First Tier Suburbs, First Tier Sub-Committee, being a Vice Chair on that, and having a conference call last week...we are looking at Englewood and working with staff from NLC and probably DRCOG and partnering on doing some things with regard to First Tier Cities...within...Denver is a real well known place for what has gone on here. Starting with the first TOD...which was Englewood CityCenter right here and this building. Belmar, Stapleton, Lowry...people are coming from all over...people from all over know about it. So, they are very interested in that and want to know about that. And Englewood...being now ten years old and it was one of the very first...was the first here. And having last year, when Gary and I participated in having the Land Institute do their Place Making meeting here and looking at this site...understanding that this was the first and how

should it change...how could it change...what would make it better...for Place Making. Those are the types of things that we are looking at. And you know that is an opportunity for us, again, brings Englewood into the forefront.

Council Member Gillit said so I guess my final question on this is why would we not wait until November and not spend the money? It just seems very expensive. Couldn't we wait until November and do it then? Mayor Woodward said do...Council Member Gillit said what you are talking about. Mayor Woodward said the same training, the lobbying of legislatures on behalf of cities and on behalf of Englewood? No. Those legislatures won't be here, they are in Washington. Those Cabinet Members or Senators, national people that do the General Session... Council Member Gillit said we can send Diana DeGette to do it; she is our person. Mayor Woodward said Diana DeGette will be coming. She typically comes every year. We have lunch with her. Council Member Gillit said okay. I'm done. Council Member Wilson said there's a wealth of knowledge that comes with this trip and I think it is really beneficial to the City and to the two people who can bring everything back to us. I think it is important that we are represented. Council Member McCaslin said I think what we have done, Rick, just in the past couple of years, is we come back with reports on what we've done so that people know exactly the classes we went to, what information we bring back to help the City. It's not that we go, we show up and we come home. We do share the information and hopefully... Council Member Gillit said I just wanted assurances again. We just talked about how we got our employees...not getting paid vacation, and all of these other things. It's just, we're taking a field trip and at the same time we are asking our employees to... Council Member McCaslin said don't the employees still go through training? Do they still continue their education? Council Member Gillit said they don't pay airfare. They don't pay for meals and lodging. Mayor Woodward said they do. They do all that. Council Member Gillit said not if we have training here, they don't. Mayor Woodward said if we what? Council Member Gillit said not if we have training here, they don't. Mayor Woodward said they go on software training; different types of training certainly, City employees...there are 400 to 500 City employees here that are...Council Member Wilson said I call for the vote. Council Member Gillit said I apologize. Council Member Jefferson asked can I make a comment before we push for a vote. I have been very supportive of NLC trips generally in the past. I see tons of value for our constituents in going. I really applauded the fact that we were able to cut down on the budget for NLC as well last year. So having said all of that however, I would just personally encourage folks that want to attend, to try to bring the total number down. You know, the total we have for each individual is \$2980.00 and like I said, I am whole heartedly supportive about representatives from us going, but I would just love to see that average number come down for the average participant. Get a little more bang for our buck for our constituents. And so, again, I'm not going to vote no for anybody to go based on these figures. However, I would just encourage other Council people to look for ways to save our constituents dollars. Lodging, for example, was one area I was able to save some dollars last year. Apparently it was questionable about how much I was able to save, but I saved something by staying somewhere else and walking a block. For me, that wasn't the end of the world and I was still able to get the training and courses that I thought were invaluable, but I was able to bring that dollar figure down. For example, the year that I went, I got a stipend. I didn't spend all of the stipend. So again I just encourage Council people to entertain ideas on how to save cash, whether it be by staying at a different hotel than the conference is it, not accepting the whole stipend or returning unused stipend funds and transportation allowances. Council Member Wilson said okay, they are not staying at the hotel where the lodging is. Shall we call for a vote? Council Member Jefferson said I notice a Days Inn was an option, so I'll just say that. Council Member Penn said I call for the vote.

Vote results:

Ayes: Council Members Penn, McCaslin, Wilson, Woodward, Jefferson,
Olson
Nays: Council Member Gillit

Motion carried.

- (b) Council Members' Choice
- (i) Council Member Gillit:

1. He said thank you Mr. Mayor. A couple of things. Jackie, thanks again for more information. My pile of information keeps piling up.

2. He said Shannon, I know and appreciate your dedication to port-o-potties. I know that you are working on that.

3. He said Matthew, I guess I'm unclear why you were not invited in. I thought that when we have all Council Members available and we have a public meeting. Maybe I missed something. I know that a couple of us asked in the meeting are we going. Are we ready? Maybe I missed something. I believe that any meeting that's...where we are in attendance and we're not in an Executive Session, the public should be allowed. That's all I have Mr. Mayor. Thank you.

(ii) Council Member Olson:

1. She said again Jackie thank you for your helpful input. We are in process still with this, I think as you know. Every piece helps.

2. She said Shannon, this is twice now that I have heard you up here and I'm struck by how important this is to you. And I'm not sure what there is in place for any sort of mediation but it seems like we are at a point where someone needs to sit down, and perhaps that has happened, to try and work out what has transpired by Parks and Rec, why the ruling was the way it was and perhaps maybe a third party that is not biased in any way might be helpful. I'm thinking and talking this through. I don't know if that has been done in the past where it is not a legal thing but more of a friendship oriented, citizen thing of trying to work this out, because it is obviously very deep and hurtful to you for some reason and I would love to see us get to the bottom of that. And for others that might have the same issue. I don't know who else.

3. She said Elaine, kudos to you for all the...I think Mark helped maybe too, with all of those signatures? Ms. Hults answered from the audience and it was not audible. I know that he had told me that he had gotten...Ms. Hults again spoke from the audience and it was not audible. Council Member Olson continued let's get some letters going to, if everybody's chipping in a stamp. It looked to me like...there are several indications throughout the U.S., it seemed to be a big deal but I think, one of the things that we have going for us as a City is that we have a wonderful City Manager, Gary Sears, who has gone through this twice in the past, in other jobs that he has had, so we are going to lean on him for his perspective and our attorney here. We can't stop there, right? Again Ms. Hults spoke from the audience. Council Member Olson said let's get together on that and try to find some ways to do some of the things that we know need to happen next.

4. She said Matthew, I'm a little bit puzzled. I hope that maybe after tonight we can have a conversation, all of us together with you, because I do think there is some sort of a negative relationship that you have developed with the Council in general and perhaps the City. I'm not sure. There seems to be a lot of tension around the ways in which things are approached when you are involved. I look forward to having a conversation further, about this. I don't think anybody told you, you couldn't come in because it wasn't time yet. According to the clock, it wasn't 6:15 and I said no, I didn't have any trouble with you being in here at all and then everybody said oh yeah, yeah, yeah. So I think, just in the split second there, you picked up on it, and the negativity perhaps and I think we have to work that through because it is just going to be a long year, if this continues. I think for some here, it has been a long several years. So I'm not sure if that is something that you're invested in, in making it more positive or not. If you are, I would love to be a part of the conversation. If you are not and the intent is to keep a contentious kind of relationship, then we might as well not have the conversation. But I hope that you would step up to the plate and say let's make this more positive. Let's get behind the negative energy drain going on here for all of us. So I invite you to that kind of thing. I'm not sure again how we would set that up because I'm new here but it seems to me like its important thing to do, so we can get on to the business that is important. I think that's it.

Mayor Woodward said thank you Linda.

(iii) Council Member Jefferson:

1. He said first I just wanted to thank all of the folks, representatives from the other agencies that came to receive the financial contributions from the City. I just wanted to thank them for their community service and

thank them on behalf of the organizations they represent. Their actions in our community are appreciated and they fill some of the gaps that...and services that the City can't provide

2. He said I also wanted to congratulate all of the fire prevention week poster winners. That was really great to see them all in here. Again, I'll highlight that I think it is really important as a City to provide opportunities for recognition and recognize accomplishments in our youth when they do have them.

3. He said I too wanted to thank Elaine for her efforts on helping with the postal service lobbying.

4. He said to Jackie, thanks again for coming to address the Council. I recognize too that there are caregiver problems in Council Bill No. 53. I hope you understand some of those...some of those problems come from the inherent problems in Amendment 20 and our attempts to mirror the language of Amendment 20 and to address our most concerning issue of commercial activities. And so I certainly understand where you are coming from, that caregiver language is very ambiguous and covers a lot of ground and probably inappropriately so, but ,like I said, I hope you understand how we ended up at least in the situation we ended up in. Now with the moratorium, you know, I hope, you know...I think we are sort of hoping that we see some additional regulations coming down from the State and so I would encourage you to stay turned to what is going on at the State level because my personal opinion is that it will probably carry the day, so to speak. At least we are hopeful of that.

5. He said to Shannon, thank you again for coming to speak about your Baker Park issue. I'm hearing you. I know it is an important issue for you. I actually heard from another constituent in the area who had similar concerns. Just to give you an idea on where I am at on the issue, I think...I guess I'm supportive currently of staff's actions on not having a port-o-potty at Baker based on the utility and the cost. However, what I would say is, I know you have some efforts to get out there to the community and like I said, I've already heard from one. If I hear from a handful more, I will reconsider my position and bring it back to Council at that time. So, you know, if it is something you are interested in pursuing further, I'm listening. Bring a few more people forward and I will reconsider and bring it in front of Council again. That's all I have. Thank you.

Mayor Woodward said thank you.

(iv) Council Member Penn:

1. He said thanks Mayor. Everybody think good thoughts with DRCOG tomorrow and make sure I get home safely.

2. He said I'll mirror Joe with the thank you's to the other agencies. I don't know why they are thanking us. We should all be thanking them because they do such a great job.

3. He said fire prevention week. I can remember that, many years ago when I was in elementary school, probably '50, how important it was for us to do the posters. We used to have a huge parade down Broadway. It was a pretty big deal with the bike thing. Of course, I always won first prize and Bob was last. So it was always a good thing for me. So we had a good time.

4. He said if you didn't make our Study Session, I'm really excited about the community gardens and the good talk that we had. I hope it continues to go on and that we do that.

5. He said geez. Oh my. Jackie, as soon as you start talking I thought I had everything taken care of. I had a two hour meeting today with the owners of Mile High Dispensary and the lawyer and thought I had a lot of stuff taken care of. I would say make sure...maybe when you are talking that you go to the line and paragraph so that we can mimic where you are talking about so that we don't have to fumble through our own ordinance, so that we can do that. By the way, they have extended to anybody who would like to talk to them. They were very knowledgeable. They gave me a lot of good, concrete stuff until I started listening to Jackie again and then I go all nuts but that's okay. So if anybody would like to get in contact with them, they want to make themselves available.

6. He said Elaine, just make sure that we have your address and how to get ahold of you. I really say that instead of just signing petitions, we need to sign letters and send them through the post office and make sure we send them through the downtown post office, so they know where those letters are coming from. So that will be something that Linda and I can put together and hopefully we can get that going and do that. I think that's all I have to say today. Thank you.

Mayor Woodward said thank you.

(v) Council Member McCaslin:

1. He said first of all I would like to thank all of the award winners and the Fire Department, who does a great job every year with the fire prevention week. They are a big cog in our City. They come out and give presentations to the schools so send my thanks to the Fire Department, if anyone could do that.

2. He said Jackie, thank you. You are always, always changing somebody's mind. We are working on it so thank you.

3. He said Elaine, thank you for your research and help with the preservation of the post office. I appreciate that. It is good to have citizens that are concerned and step up and do the right thing. Thank you. I guess that's it.

Mayor Woodward said okay. Thanks Bob.

(vi) Council Member Wilson:

1. She said I just want to echo what everyone else has said. Thank you for all being here and coming and participating in our City Council meeting.

2. She said perhaps we can get a Park Plan for Linda and Rick, if they don't have one. So then they will be a little bit clearer on what we are discussing.

3. She said with Matthew, I think it was just a timing thing. We eat before meetings and then the meeting wasn't supposed to start until a certain time and then people started talking. I agree with Linda; hopefully to keep this positive.

4. She said and I am looking forward to the community gardens. I can't wait. And thank you so much, all of the community that has helped with that. That's all.

Mayor Woodward said thank you.

13. **City Manager's Report**

(a) City Manager Sears said just a reminder of the workshop this next Monday afternoon. That's all that I have. Someone asked what time. City Manager Sears responded Monday at 3:00.

14. **City Attorney's Report**

(a) City Attorney Brotzman said I do have a request to settle Englewood v. Wilmer Segura a/k/a Wilmer Huan Arapahoe County District Court Case # 2009 CV 1902 for \$820.00. This is not the most favorable case. Geico, who is the insurance company for Mr. Segura, I believe...our insurance folks, our risk people, the CIRSA people will all tell you Geico made really poor decisions in this. We are \$5000.00 into this. The settlement is for \$820.00. We could spend \$15,000.00 and get a judgment against Mr. Segura for \$11,000.00 that he doesn't have. This is a bad case. Not favorable under any circumstance. Financially, it doesn't make sense what Geico did; don't believe what Geico did was in any way appropriate, but financially it makes sense for the City to settle this for \$820.00.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE THE SETTLEMENT OF CITY OF ENGLEWOOD V. WILMER SEGURA A/K/A WILMER HUAMAN ARAPAHOE COUNTY DISTRICT COURT CASE # 2009 CV 1902 FOR \$820.

Mayor Woodward asked if there was any discussion. There was none.

Vote results:

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

Motion carried.

15. **Adjournment**

MAYOR WOODWARD MOVED TO ADJOURN. The meeting adjourned at 9:52 p.m.

City Clerk