

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

Regular Session

October 4, 2010

A permanent set of these minutes and the audio are maintained in the City Clerk's Office.
Minutes and streaming audios are also available on the web at:
<http://www.englewoodgov.org/Index.aspx?page=999>

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 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 White, Community Development
Fire Chief Pattarozzi
Fire Marshall Greene
Police Commander Condreay
Manager Stitt, Community Development
Manager of Open Space Lee, Parks and Recreation
Recreation Services Manager/Golf Spada, Parks and Recreation

5. Consideration of Minutes of Previous Session

(a) **COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF SEPTEMBER 20, 2010.**

Vote results:

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

Nays: None

Motion carried.

6. **Recognition of Scheduled Public Comment**

There were no scheduled visitors.

7. **Recognition of Unscheduled Public Comment**

(a) Dana Foulks, an Englewood resident, asked for a one day waiver of the requirement to have dogs on a leash at Jason Park, on either October 17th or 24th (depending on when they can reserve the pavilion), from 2:00 o'clock on, for the Englewood Unleashed member appreciation luncheon.

8. **Communications, Proclamations and Appointments**

(a) A proclamation declaring October 3 through 9, 2010, as Fire Prevention Week was considered.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER PENN SECONDED, TO ACCEPT THE PROCLAMATION DECLARING OCTOBER 3 THROUGH 9, 2010 AS FIRE PREVENTION WEEK.

Vote results:

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

Motion carried.

(b) A proclamation declaring October 17 through 23, 2010 as National Save for Retirement Week was considered.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO ACCEPT THE PROCLAMATION DECLARING OCTOBER 17 THROUGH 23, 2010 AS NATIONAL SAVE FOR RETIREMENT WEEK.

Vote results:

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

Motion carried.

9. **Consent Agenda**

(a) Approval of Ordinances on First Reading

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

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

(b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 36 SERIES OF 2010 (COUNCIL BILL NO. 31, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE APPROVING AN "INTERGOVERNMENTAL AGREEMENT REGARDING WATER DELIVERY OBLIGATIONS" BETWEEN THE CITY OF AURORA AND THE CITY OF ENGLEWOOD, COLORADO.

(ii) ORDINANCE NO. 37, SERIES OF 2010 (COUNCIL BILL NO. 32, INTRODUCED BY MAYOR WOODWARD)

AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT ENTITLED "COMMON INTEREST AND CONFIDENTIAL AGREEMENT" BETWEEN CITY OF AURORA, ACTING BY AND THROUGH ITS UTILITY ENTERPRISE ("AURORA WATER"), THE CITY OF ENGLEWOOD, ("ENGLEWOOD"), THE CENTRAL COLORADO WATER CONSERVANCY DISTRICT ("CENTRAL"), PUBLIC SERVICE COMPANY OF COLORADO ("PUBLIC SERVICE"), THE CITY OF GREELEY, THE NORTHERN COLORADO WATER CONSERVANCY DISTRICT ("NORTHERN"), THE CITY AND COUNTY OF DENVER ("DENVER WATER"), THE CITY AND COUNTY OF BROOMFIELD ("BROOMFIELD"), THE COLORADO DIVISION OF WILDLIFE AND THE COLORADO WILDLIFE COMMISSION ("DIVISION OF WILDLIFE"), THE STATE BOARD OF LAND COMMISSIONERS ("STATE LAND BOARD"), THE BIJOU IRRIGATION COMPANY ("BIJOU COMPANY") AND THE BIJOU IRRIGATION DISTRICT ("BIJOU DISTRICT") AND THEIR RESPECTIVE COUNSEL, (COLLECTIVELY THE "PARTIES") IN CONNECTION WITH WATER COURT DIVISION 1 CASE NOS. 02CW404 AND 03CW442, WHICH CONSIST OF VARIOUS CLAIMS ORIGINALLY PLEADED IN CASE NOS. 02CW105, 03CW442, 04CW356, 04CW362 AND 04CW365 (THE "WATER MATTERS").

Vote results:

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

Motion carried.

(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

(i) Fire Chief Pattarozzi presented a recommendation from the Englewood Fire Department to adopt a bill for an ordinance to approve a 2011 EMS Provider Grant in the amount of \$77,674 awarded to the City of Englewood by the State of Colorado.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 33.

COUNCIL BILL NO. 33, INTRODUCED BY COUNCIL MEMBER WILSON

A BILL FOR AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF AN EMS PROVIDER GRANT 2011 AWARDED BY THE STATE OF COLORADO TO THE CITY OF ENGLEWOOD, COLORADO.

Vote results:

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

Motion carried.

(ii) Director of Community Development White presented a recommendation from the Community Development Department to adopt a bill for an ordinance authorizing amendments to Title 16: Unified Development Code relating to Floodplain Regulations. Staff also requests that City Council schedule a public hearing on October 18, 2010 to gather public input on the proposed amendments.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER PENN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (ii) - COUNCIL BILL NO. 34 AND TO SET A PUBLIC HEARING ON OCTOBER 18, 2010.

COUNCIL BILL NO. 34, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE REPEALING TITLE 16, CHAPTER 4, "FLOODPLAIN OVERLAY DISTRICT" AND RE-ENACTING A NEW TITLE 16, CHAPTER 4, "FLOODPLAIN REGULATIONS"; AND AMENDING TITLE 16, CHAPTER 11, SECTION 2, "DEFINITION OF WORDS AND PHRASES", OF THE ENGLEWOOD MUNICIPAL CODE 2000.

MAYOR WOODWARD MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO AMEND COUNCIL BILL NO. 34 TO INCLUDE THE DEFINITION OF "GARDEN LEVEL".

Vote results:

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

Motion carried.

Vote results on motion to approve Council Bill No. 34, as amended, and set a Public Hearing on October 18, 2010:

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

Motion carried.

(iii) Director of Finance and Administrative Services Gryglewicz presented a recommendation from the Department of Finance and Administrative Services to approve a bill for an ordinance adopting the 2011 Budget for the City of Englewood.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (iii) - COUNCIL BILL NO. 35.

COUNCIL BILL NO. 35, INTRODUCED BY COUNCIL MEMBER WILSON

A BILL FOR AN ORDINANCE ADOPTING THE BUDGET OF THE CITY OF ENGLEWOOD, COLORADO, FOR THE FISCAL YEAR 2011.

Vote results:

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

Motion carried.

(iv) Director of Finance and Administrative Services Gryglewicz presented a recommendation from the Department of Finance and Administrative Services to approve a bill for an ordinance appropriating funds for the 2011 Budget for the City of Englewood.

COUNCIL MEMBER PENN MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (iv) - COUNCIL BILL NO. 36.

COUNCIL BILL NO. 36, INTRODUCED BY COUNCIL MEMBER PENN

A BILL FOR AN ORDINANCE APPROPRIATING MONIES FOR ALL MUNICIPAL PURPOSES IN THE CITY OF ENGLEWOOD, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2011, AND ENDING

DECEMBER 31, 2011, CONSTITUTING WHAT IS TERMED THE ANNUAL APPROPRIATION BILL FOR THE FISCAL YEAR 2011.

Vote results:

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

Motion carried.

(v) Director of Finance and Administrative Services Gryglewicz presented a recommendation from the Department of Finance and Administrative Services to approve a bill for an ordinance adopting the 2011 Budget for the Littleton/Englewood Wastewater Treatment Plant.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (a) (v) - COUNCIL BILL NO. 37.

COUNCIL BILL NO. 37, INTRODUCED BY COUNCIL MEMBER WILSON

A BILL FOR AN ORDINANCE ADOPTING THE BUDGET FOR THE LITTLETON/ENGLEWOOD WASTEWATER TREATMENT PLANT FOR THE FISCAL YEAR 2011.

Vote results:

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

Motion carried.

(vi) Director of Finance and Administrative Services Gryglewicz presented a recommendation from the Department of Finance and Administrative Services to adopt a bill for an ordinance appropriating funds for the 2011 Budget for the Littleton/Englewood Wastewater Treatment Plant.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (vi) - COUNCIL BILL NO. 38.

COUNCIL BILL NO. 38, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE APPROPRIATING MONIES FOR THE LITTLETON/ENGLEWOOD WASTEWATER TREATMENT PLANT PURPOSES IN THE FISCAL YEAR BEGINNING JANUARY 1, 2011, AND ENDING DECEMBER 31, 2011, CONSTITUTING WHAT IS TERMED THE ANNUAL APPROPRIATION BILL FOR THE FISCAL YEAR 2011.

Vote results:

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

Motion carried.

(vii) Director of Finance and Administrative Services Gryglewicz presented a recommendation from the Department of Finance and Administrative Services to adopt a bill for an ordinance approving the 2010 Mill Levy for collection in 2011.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER PENN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (vii) - COUNCIL BILL NO. 39.

COUNCIL BILL NO. 39, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE FIXING THE TAX LEVY IN MILLS UPON EACH DOLLAR OF THE ASSESSED VALUATION OF ALL TAXABLE PROPERTY WITHIN THE CITY OF ENGLEWOOD, COLORADO.

Vote results:

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

Motion carried.

(b) Approval of Ordinances on Second Reading

There were no additional items submitted for approval on second reading. (See Agenda Item 9 - Consent Agenda.)

(c) Resolutions and Motions

(i) Community Development Manager Stitt presented a recommendation from the Community Development Department to approve a resolution authorizing the application to Arapahoe County for the City of Englewood's portion of Federal 2011 Community Development Block Grant Funding.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) - RESOLUTION NO. 79, SERIES OF 2010.

RESOLUTION NO. 79, SERIES OF 2010

A RESOLUTION AUTHORIZING THE CITY OF ENGLEWOOD, COLORADO, TO FILE AN APPLICATION WITH ARAPAHOE COUNTY FOR A 2011 COMMUNITY DEVELOPMENT BLOCK GRANT.

Vote results:

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

Motion carried.

(ii) Director of Community Development White presented a recommendation from the Community Development Department to approve a resolution for the Transportation Improvement Program (TIP) 2012-2017.

COUNCIL MEMBER PENN MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (c) (ii) - RESOLUTION NO. 80, SERIES OF 2010.

RESOLUTION NO. 80, SERIES OF 2010

A RESOLUTION AUTHORIZING APPLICATION FOR THE 2012-2017 TRANSPORTATION IMPROVEMENT PROGRAM.

Vote results:

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

Motion carried.

(iii) Manager of Open Space Lee presented a recommendation from the Parks and Recreation Department to award, by motion, a bid for the purchase of 18 electric golf carts as part of a multi-year golf cart purchase agreement. Staff recommends awarding this contract to the lowest acceptable bidder, Golf Tournaments Inc. in the amount of \$44,500.00.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (c) (iii) - A MOTION TO PURCHASE 18 ELECTRIC GOLF CARTS, AWARDING THE CONTRACT TO GOLF TOURNAMENTS INC. IN THE AMOUNT OF \$44,500.00.

Vote results:

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

Nays: None

Motion carried.

12. **General Discussion**

(a) Mayor's Choice

(b) Council Members' Choice

COUNCIL MEMBER WILSON MOVED, AND MAYOR WOODWARD SECONDED, TO APPROVE THE WAIVER FOR EITHER OCTOBER 17, 2010 OR OCTOBER 24, 2010, WHICHEVER DAY IS AVAILABLE, FOR ENGLEWOOD UNLEASHED FOR THEIR APPRECIATION LUNCHEON AT JASON PARK.

Vote results:

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

Nays: None

Motion carried.

13. **City Manager's Report**

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 8:55 p.m.

City Clerk