

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

Regular Session

April 4, 2011

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 7:34 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
Director Eaton, Human Resources
Fire Chief Pattarozzi
Planner 1 Kirk, Community Development
Parks Supervisor Barton, Parks and Recreation
Police Sergeant Contos

5. Consideration of Minutes of Previous Session

(a) **COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MARCH 21, 2011.**

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) Carolyn Fulton, an Englewood resident, provided a recommendation for a bill for an ordinance regarding the parking and storage of recreational vehicles.

(b) Jackie Edwards, an Englewood resident, spoke regarding Ordinance 19 regarding Medical Marijuana. She addressed her objection to the 2500 foot distancing recommendation as being too restrictive. She spoke regarding the usage of Medical Marijuana. She addressed the refusal of the Library to allow her to hold a meeting last fall regarding this topic. She discussed her reasons for not using any of the current Englewood dispensaries/centers to obtain the Medical Marijuana for her personal use.

8. Communications, Proclamations and Appointments

(a) A Proclamation declaring April 16, 2011, as Arbor Day was considered.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER PENN SECONDED, TO ACCEPT THE PROCLAMATION DECLARING APRIL 16, 2011 AS ARBOR DAY.

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. 16, SERIES OF 2011 (COUNCIL BILL NO. 17, INTRODUCED BY COUNCIL MEMBER McCASLIN).

AN ORDINANCE AUTHORIZING AN "AMENDMENT NUMBER ONE TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT SUBGRANTEE: CITY OF ENGLEWOOD PROJECT NAME: ENERGY EFFICIENT ENGLEWOOD (E3) PROJECT NUMBER: ENHS1012".

(ii) ORDINANCE NO. 17, SERIES OF 2011 (COUNCIL BILL NO. 18, INTRODUCED BY COUNCIL MEMBER GILLIT).

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A HAZARDOUS MATERIALS EMERGENCY PLANNING GRANT (HMEP) AWARDED TO THE CITY OF ENGLEWOOD, COLORADO BY THE STATE OF COLORADO DEPARTMENT OF LOCAL AFFAIRS.

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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) Director White and Director Gryglewicz presented a recommendation by the Community Development and Finance and Administrative Services Departments to adopt a bill for an ordinance modifying sections of the Englewood Municipal Code pertaining to medical marijuana. Staff also requests that Council schedule a Public Hearing for April 18, 2011 to gather public input on the proposed amendments.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER PENN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 19 AND TO SET A PUBLIC HEARING DATE OF APRIL 18, 2011.

COUNCIL BILL NO. 19, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE MODIFYING TITLES 2, 5 AND 16, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO MEDICAL MARIJUANA.

MAYOR WOODWARD MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO AMEND COUNCIL BILL 19: INSERTING "PRIMARY" IN THE LAST WHEREAS IN FRONT OF MEDICAL MARIJUANA (WHEREAS THIS ORDINANCE DOES NOT REGULATE MEDICAL MARIJUANA PATIENTS OR PRIMARY MEDICAL MARIJUANA CARE-GIVERS.) 5-3D-2 (D)(1) ADD "IN OR OUT OF CITY LIMITS" BEHIND PREMISES (DISTANCE RESTRICTIONS BETWEEN PREMISES *IN OR OUT OF THE CITY LIMITS* FOR WHICH LOCAL LICENSES ARE ISSUED:); 5-3D-3, SCHOOL, ADD COLLEGE OR CAMPUS OF A COLLEGE (SCHOOL: MEANS A PUBLIC OR PRIVATE PRESCHOOL OR A PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, JUNIOR HIGH, OR HIGH SCHOOL *OR COLLEGE OR CAMPUS OF A COLLEGE*); 5-3D-10 (A)(4)(A) SECOND LINE, CHANGE "IT" TO "IS" AND DELETE THE WORD "PRINCIPAL"; 5-3D-18(B) ADD THE WORD "INFUSED" (...WHERE MEDICAL MARIJUANA IS GROWN, STORED, CULTIVATED, SOLD, *INFUSED* OR DISPENSED); SECTION 8, CORRECT THE ZIP CODE FOR THE ADDRESS OF 11 W. HAMPDEN AVE. TO 80110. 4332 S. BROADWAY AND 3751 S. BROADWAY ARE CORRECT WITH THE 80113 ZIP CODE.

Vote results on the amendments:

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

Motion carried.

Vote results on motion to approve Council Bill No. 19 as amended:

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) Director Eaton presented a recommendation by the Human Resources Department to approve a resolution setting the list of persons eligible for appointment as Hearing Officers for Disciplinary and Merit appeals.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i), RESOLUTION No. 40, SERIES OF 2011.

RESOLUTION NO. 40, SERIES OF 2011

A RESOLUTION SETTING THE LIST OF PERSONS ELIGIBLE FOR APPOINTMENT AS HEARING OFFICERS FOR DISCIPLINARY AND MERIT APPEALS.

Vote results:

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

Motion carried.

- (ii) Director Eaton presented a recommendation by the Human Resources Department to appoint, by motion, a hearing officer for a disciplinary appeal filed by former Police Officer Eric Zasada.

COUNCIL MEMBER JEFFERSON MOVED, AND MAYOR WOODWARD SECONDED, TO APPROVE AGENDA ITEM 11 (c) (ii) - THE APPOINTMENT OF A HEARING OFFICER, DANIEL WINOGRAD, FOR A DISCIPLINARY APPEAL THAT WAS FILED BY FORMER POLICE OFFICER ERIC ZASADA.

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
 - (i) Council Member Gillit

COUNCIL MEMBER GILLIT MOVED TO APPROVE THE ORDINANCE THAT WAS BROUGHT FORTH BY MS. FULTON REGARDING RECREATIONAL VEHICLES.

Motion died for lack of a second.

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 8:57 p.m.

 /s/ Loucrishia A. Ellis
City Clerk