

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

Regular Session

May 2, 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 7:44 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, Gillit, McCaslin, Wilson, Woodward
Absent: Council Member Penn

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 Fonda, Utilities
Director Hargrove, Library
Director Konishi, Information Technology
Police Chief Vandermee
Fire Chief Pattarozzi
Deputy Chief of Police Collins
Engineering/Capital Projects Administrator Henderson, Public Works
Streets Maintenance Manger Hagan, Public Works
Traffic Engineer Vostry, Public Works
Operations Manager Kavinsky, Public Works
Fleet Servicenter Manager White, Public Works
Batallion Chief Ertle, Fire
Police Commander Condreay
Court Administrator Wolfe
Planner 1 Kirk
Detective Garrett, Police
Victim Witness Advocate Maynard, Court/Police
Victim Witness Coordinator Wenig, Police

Police Commander Watson
Police Sergeant Contos
Police Sergeant Englert
Executive Assistant Kennedy, Police
Police Officer McCann
Executive Assistant Norconk, Fire
Specialist Lloyd, Police

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 APRIL 18, 2011.**

Vote results:

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

Motion carried.

6. Recognition of Scheduled Public Comment

(a) Todd Lynass, Robin Braa, Dustin Beisel, Justin Willson, Randall Kloewer, Claudia Ricklefs, and Connor Makis from the Englewood High School addressed Council regarding Destination Imagination. They spoke about the competitions they have participated in and in going to the globals in Knoxville, Tennessee. They were requesting a donation from the City to help offset travel expenses.

7. Recognition of Unscheduled Public Comment

There were no unscheduled visitors.

8. Communications, Proclamations and Appointments

(a) A letter from Cyndi Krieger announcing her resignation from the Planning and Zoning Commission was considered.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO ACCEPT THE RESIGNATION OF CYNDI KRIEGER FROM THE PLANNING AND ZONING COMMISSION.

Vote results:

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

Motion carried.

(b) A Proclamation congratulating the Englewood Lions Club on its 85th Anniversary on May 14, 2011 was considered.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO ACCEPT THE PROCLAMATION CONGRATULATING THE ENGLEWOOD LIONS CLUB ON ITS 85TH ANNIVERSARY ON MAY 14, 2011.

Vote results:

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

Motion carried.

(c) A Proclamation honoring Well-Fed, Inc. for its service to the children of our community and declaring May 21, 2011 as a day of celebration to recognize Well-Fed's services was considered.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO ACCEPT THE PROCLAMATION HONORING WELL-FED, INC. FOR ITS SERVICES TO THE CHILDREN OF OUR COMMUNITY AND DECLARING MAY 21, 2011 AS A DAY OF CELEBRATION TO RECOGNIZE WELL-FED'S SERVICES.

Vote results:

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

Motion carried.

(d) A Proclamation recognizing May 15-21, 2011 as National Public Works Week was considered.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO ACCEPT THE PROCLAMATION RECOGNIZING MAY 15-21, 2011 AS NATIONAL PUBLIC WORKS WEEK.

Vote results:

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

Motion carried.

(e) The Honorable John W. Smith III swore in John Collins as Chief of Police for the City of Englewood. A brief reception followed in the Community Room.

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The meeting recessed at 8:25 p.m.

The meeting reconvened at 8:50 p.m. with six Council members present; the one absent was Council Member Penn.

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 GILLIT SECONDED, TO APPROVE CONSENT AGENDA ITEMS 9 (b) (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), AND 9 (c) (i) and (ii).

(b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 18, SERIES OF 2011 (COUNCIL BILL NO. 20, INTRODUCED BY COUNCIL MEMBER McCASLIN)

AN ORDINANCE AUTHORIZING THE AGREEMENT BETWEEN THE CITY OF ENGLEWOOD AND THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND FOR THE DUNCAN PARK PLANNING GRANT.

(ii) ORDINANCE NO. 19, SERIES OF 2011 (COUNCIL BILL NO. 21, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE AUTHORIZING A SERIES OF INTERGOVERNMENTAL AGREEMENTS WITH THE COLORADO DEPARTMENT OF TRANSPORTATION FOR TRAFFIC EDUCATION AND ENFORCEMENT PROJECTS.

(iii) ORDINANCE NO. 20, SERIES OF 2011 (COUNCIL BILL NO. 22, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE AMENDING TITLE 7, CHAPTER 7, SECTION 7, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO EMERGENCY MEDICAL TRANSPORT FEES.

(iv) ORDINANCE NO. 21, SERIES OF 2011 (COUNCIL BILL NO. 23, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE AUTHORIZING THE APPROVAL OF AN INTERGOVERNMENTAL AGREEMENT REGARDING 2009 GRANT OF ARAPAHOE COUNTY OPEN SPACE PROGRAM FUNDS PROJECT NAME: ORPHAN PROPERTY ACQUISITION/IMPROVEMENTS.

(v) ORDINANCE NO. 22, SERIES OF 2011 (COUNCIL BILL NO. 24, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE AUTHORIZING THE PURCHASE BY QUIT CLAIM DEEDS FROM SOUTH METRO FIRE RESCUE AUTHORITY, LITTLETON FIRE RESCUE, CITY OF LITTLETON, WEST METRO FIRE PROTECTION DISTRICT AND THE CITY OF ENGLEWOOD AS THE OWNERS OF "THE ORPHAN PROPERTY" LOCATED IN THE 4600 BLOCK OF SOUTH WYANDOT.

(vi) ORDINANCE NO. 23, SERIES OF 2011 (COUNCIL BILL NO. 25, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE DEDICATING A TRANSPORTATION EASEMENT OVER THE ORPHAN PROPERTY LOCATED ADJACENT TO SOUTH WYANDOT STREET.

(vii) ORDINANCE NO. 24, SERIES OF 2011 (COUNCIL BILL NO. 26, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF ENGLEWOOD, AND SOUTH SUBURBAN PARK AND RECREATION DISTRICT APPROVING AN EASEMENT ACROSS CITY PROPERTY FOR A SEGMENT OF THE BIKE PATHWAY.

(viii) ORDINANCE NO. 25, SERIES OF 2011 (COUNCIL BILL NO. 27, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE AUTHORIZING THE GRANTING OF A CONSERVATION EASEMENT ACROSS THE ORPHAN PROPERTY FROM THE CITY OF ENGLEWOOD, COLORADO TO ARAPAHOE COUNTY, COLORADO.

(c) Resolutions and Motions

(i) RESOLUTION NO. 42, SERIES OF 2011

A RESOLUTION AUTHORIZING THE ENGLEWOOD PUBLIC LIBRARY TO IMPLEMENT THE "SUMMER FOOD FOR FINES" PROGRAM FROM MONDAY, MAY 23RD THROUGH SUNDAY, JUNE 5TH, 2011.

(ii) The purchase of water meters and electronic remote transmitters from National Meter and Automation, Inc. in the amount of \$69,145.00, in conjunction with Denver Water's purchase to ensure the best quality price.

Vote results:

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

Motion carried.

10. Public Hearing Items

No public hearing was scheduled before Council.

11. Ordinances, Resolution and Motions

(a) Approval of Ordinances on First Reading

(i) Director of Utilities Fonda presented a recommendation from the Utilities Department to adopt a bill for an ordinance authorizing an amendment to the 1990 Big Dry Creek Interceptor Agreement regarding fees.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 28.

COUNCIL BILL NO. 28, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE 1990 BIG DRY CREEK INTERCEPTOR AGREEMENT REGARDING FEES.

Vote results:

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

Motion carried.

(b) Approval of Ordinances on Second Reading

(i) Council Bill No. 19, modifying sections of the Englewood Municipal Code pertaining to medical marijuana was considered.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE AGENDA ITEM 11 (b) (i) - COUNCIL BILL NO. 19.

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.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO AMEND COUNCIL BILL NO. 19 TO REDUCE THE DISTANCE REQUIREMENT TO READ FROM “IF THE BUILDING IS WHICH MEDICAL MARIJUANA IS TO BE CULTIVATED, MANUFACTURED OR SOLD IS LOCATED WITHIN TWO THOUSAND (2,000) FEET OF A SCHOOL, AN ALCOHOL OR DRUG TREATMENT FACILITY OR THE CAMPUS OF A COLLEGE, UNIVERSITY, SEMINARY, OR A RESIDENTIAL CHILD CARE FACILITY OR WITHIN TWO THOUSAND FIVE HUNDRED (2,500) FEET OF AN EXISTING LICENSED MEDICAL MARIJUANA CENTER, MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER OR MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION OPERATION” TO “IF THE BUILDING IS WHICH MEDICAL MARIJUANA IS TO BE CULTIVATED, MANUFACTURED OR SOLD IS LOCATED WITHIN ONE THOUSAND FIVE HUNDRED (1,500) FEET OF A SCHOOL, AN ALCOHOL OR DRUG TREATMENT FACILITY OR THE CAMPUS OF A COLLEGE, UNIVERSITY, SEMINARY, OR A RESIDENTIAL CHILD CARE FACILITY OR WITHIN TWO THOUSAND (2,000) FEET OF AN EXISTING LICENSED MEDICAL MARIJUANA CENTER, MEDICAL MARIJUANA-INFUSED PRODUCTS MANUFACTURER OR MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION OPERATION”.

Vote results on the amendment:

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

Motion defeated.

MAYOR WOODWARD MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO AMEND COUNCIL BILL NO. 19 IN SEVERAL AREAS: 16-5-2 (C) (13), ADD A (c) TO READ “MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION OPERATIONS SHALL NOT EXCEED FIVE THOUSAND (5,000) SQUARE FEET AND IN MULTI-TENANT BUILDINGS SHALL HAVE SEPARATE HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS”; 5-3D-2 (D) (3) ADD “ANY MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION OPERATION OR MEDICAL MARIJUANA CENTER THAT HAS AN ACCESSORY USE LOCATED WITHIN A MULTI-TENANT BUILDING SHALL HAVE A HEATING, VENTILATION AND AIR CONDITIONING SYSTEM SEPARATE FROM THE REST OF THE BUILDING”; 5-3D-2 (D) (2) ADD “ALL MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION OPERATIONS SHALL NOT EXCEED FIVE THOUSAND (5,000) SQUARE FEET”; 5-3D-2 (D) (1) (b) ADD “CULTIVATED OR INFUSED” SO THAT IT WOULD READ “THE DISTANCES REFERRED TO IN THIS TITLE ARE TO BE COMPUTED BY DIRECT MEASUREMENT FROM THE NEAREST PROPERTY LINE OF THE LAND USED FOR A SCHOOL OR CAMPUS TO THE NEAREST PORTION OF THE BUILDING IN WHICH MEDICAL MARIJUANA IS TO BE SOLD, CULTIVATED OR INFUSED, USING A ROUTE OF DIRECT PEDESTRIAN ACCESS”; TABLE 16-5-1.1 TABLE OF ALLOWED USES SHOULD BE UPDATED WITH THESE AMENDMENTS; 5-3D-3 DEFINITIONS, AFTER MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION OPERATION, ADD “MULTI-TENANT BUILDING: A BUILDING THAT IS OR CAN BE OCCUPIED BY MORE THAN ONE TENANT”; 5-3D-13 (B) (3) IN THE LAST LINE, DELETE “IF

NECESSARY”, ADD “IN ITS DISCRETION” SO THAT IT SHOULD READ “NOTWITHSTANDING THE AMOUNT SPECIFIED FOR THE LATE APPLICATION FEE, THE STATE AND LOCAL LICENSING AUTHORITY BY RULE OR AS OTHERWISE PROVIDED BY LAW MAY, IN ITS DISCRETION, REDUCE THE AMOUNT OF THE FEE”.

Vote results on the amendments:

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

Motion carried.

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

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

Motion carried.

(c) Resolutions and Motions

There were no additional resolutions or motions submitted for approval. (See Consent Agenda Item 9.)

12. General Discussion

- (a) Mayor's Choice
- (b) Council Members' Choice

MAYOR WOODWARD MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE THE EXPENSES FOR COUNCIL MEMBER JEFFERSON TO ATTEND THE CML CONFERENCE IN VAIL, COLORADO FROM JUNE 21-24, 2011.

Vote results:

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

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 9:58 p.m.

_____/s/ Loucrishia A. Ellis
City Clerk