

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

**Regular Session
September 6, 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 7:35 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 Kahm, Public Works
Fire Chief Pattarozzi
Traffic Engineer Vostry, Public Works
Operations Division Manger Tallent, Wastewater Treatment Plant
Recreation Services Manger Sack, Parks and Recreation
Park Technician Stephenson, Parks and Recreation
Neighborhood Services Commander Condrey, Police

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 AUGUST 15, 2011.**

Vote results:

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

Motion carried.

(b) **COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE THE MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF AUGUST 22, 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**

There were no unscheduled visitors.

8. **Communications, Proclamations and Appointments**

(a) A proclamation declaring September 17 through 23, 2011 as Constitution Week was considered.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO ACCEPT A PROCLAMATION DECLARING SEPTEMBER 17 THROUGH 23, 2011 AS CONSTITUTION WEEK.

Vote results:

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

Motion carried.

(b) The resignation of A. Gray Clark from the Englewood Water and Sewer Board was considered.

COUNCIL MEMBER McCASLIN MOVED, AND COUNCIL MEMBER PENN SECONDED, TO ACCEPT THE RESIGNATION OF A. GRAY CLARK FROM THE ENGLEWOOD WATER AND SEWER BOARD.

Vote results:

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

Motion carried. Mr. Clark's resignation is effective September 19, 2011.

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 9 (c) (i) and (ii).

(b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 45, SERIES OF 2011 (COUNCIL BILL NO. 47, INTRODUCED BY COUNCIL MEMBER GILLIT)

AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF AN EMTS PROVIDER GRANT 2012 AWARDED BY THE STATE OF COLORADO TO THE CITY OF ENGLEWOOD, COLORADO.

(c) Resolutions and Motions

(i) RESOLUTION NO. 77, SERIES OF 2011

A RESOLUTION AUTHORIZING THE REVERSION OF THE CITY OF ENGLEWOOD, COLORADO PRIVATE ACTIVITY BOND ALLOCATION TO THE COLORADO DEPARTMENT OF LOCAL AFFAIRS.

(ii) A CONSTRUCTION CONTRACT WITH W. L. CONTRACTORS, INC., TO REBUILD THE TRAFFIC SIGNAL AT BROADWAY AND QUINCY, IN THE AMOUNT OF \$57,885.00

Vote results:

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

Motion carried.

10. Public Hearing Items

(a) A Public Hearing to gather input on the proposed 2012 Budget for the City of Englewood.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO OPEN THE PUBLIC HEARING FOR THE PROPOSED 2012 BUDGET FOR THE CITY OF ENGLEWOOD.

Vote results:

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

Motion carried.

Director Gryglewicz, being duly sworn, presented statistical information regarding the 2012 budget. Director Gryglewicz provided the City Clerk with Proof of Publication that the Public Hearing Notice was published in the Englewood Herald on August 19, 2011, August 26, 2011 and September 2, 2011 and on the City of Englewood's website on August 26th through September 6, 2011. The proposed 2012 budget was delivered to Council on August 25, 2011 thus meeting the September 15th deadline in accordance with the Charter. The budget process is very long and difficult, he said. The City is a full service City and trying to maintain these high levels of service is difficult when revenues are declining or flat. It is difficult to balance resources with the needs. The General Fund budget is the most important fund for the citizens of the City. It pays for everything except the water and sewer. For 2012, the total sources of funds are budgeted, at this time, at \$40,061,740.00. That is about an \$118,000.00 increase over what was budgeted last year. We have been in a sales tax slump since 2008, which is where most of the revenue comes from, but they have started to pick up this year. For 2012, we are looking at budgeting just over \$22,000,000.00, which is \$900,000.00 over the amount budgeted this year. There will be a budget workshop next Monday in the Community Room. The City is trying to maintain the 2011 service levels without increasing the costs. To maintain the levels that the citizens of Englewood have become accustomed to, we are looking at a budget of \$40,763,297.00 for 2012. In 2011, we budgeted \$40,430,513.00. This means costs will be approximately \$333,000.00 over the 2011 budget to maintain these levels in 2012. Rumors have it that the art shuttle was not funded in the 2012 budget, but it has been funded in the 2012 budget, at this time. Council and staff continue to work to close the gap between our sources and uses of funds to improve the fund balance.

Citizens were sworn in and spoke regarding budget issues including:

Charline Phillips, an Englewood resident, spoke regarding the importance of the art shuttle bus to the community. It allows citizens to shop and keep their tax dollars in Englewood.

Lois Whitehouse, an Englewood resident, spoke regarding the importance of the art shuttle bus and how she and others depend on it for transportation purposes to conduct their daily business. She addressed the courtesy and helpfulness of the shuttle drivers.

Verna Roarke, an Englewood resident, spoke regarding the importance of the art shuttle bus to the community and how all ages use it. Due to health handicaps, many people depend upon the shuttle to transport them around.

Anne Burris, an Englewood resident, spoke regarding the importance of the art shuttle bus, the suggestions they provided last year, and how they donated money toward keeping this good cause. We would like to work with you because we really appreciate the service this bus provides.

Jim Jordan, an Englewood resident, spoke regarding the importance of the art shuttle bus, especially to the senior citizens. Taking it out of the budget is an insult to the senior population, especially when there are other options available to reduce costs.

Ken Fox, an Englewood resident, spoke regarding advertising on the art shuttle bus to off-set costs. He would volunteer his time to help create sales and marketing options to keep the bus going.

Margie Nobles, an Englewood resident, spoke regarding the importance of the art shuttle bus and how blessed we are in the community to have it. Please don't take the most important thing to us away from us.

Ron Gold, an Englewood resident, spoke on the many ways that Englewood could be saving money. One of these things is how our Englewood police cars are not fuel efficient and there could be a cost savings if changed. He also feels the Community Development Department has been helpful in renovating and helping businesses. This is money that comes back to Englewood and it should stay in the budget.

COUNCIL MEMBER PENN MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO CLOSE THE PUBLIC HEARING FOR THE PROPOSED 2012 BUDGET FOR THE CITY OF ENGLEWOOD.

Vote results:

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

Motion carried.

11. Ordinances, Resolution and Motions

(a) Approval of Ordinances on First Reading

(i) Director of Community Development White presented a recommendation from the Community Development Department to adopt a bill for an ordinance approving amendments to Title 16: Unified Development Code regarding requirements for mailed public notices. Staff also requests that City Council schedule a Public Hearing on September 19, 2011 to gather public input on the proposed amendments.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 54 AND SETTING A PUBLIC HEARING DATE OF SEPTEMBER 19, 2011.

COUNCIL BILL NO. 54, INTRODUCED BY COUNCIL MEMBER JEFFERSON

A BILL FOR AN ORDINANCE AMENDING TITLE 16, CHAPTER 2, SECTIONS 2, 3, AND 7, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO PUBLIC NOTICE REQUIRED FOR PLANNED UNIT DEVELOPMENTS.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO AMEND COUNCIL BILL NO. 54 BY INCREASING THE NOTIFICATION RADIUS FROM 500 FEET TO 1000 FEET.

Vote results:

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

Motion carried.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO AMEND COUNCIL BILL NO. 54 TO SEND THE NOTICE TO THE OWNER OF RECORD AND ADDING SENDING THE NOTICE TO THE PROPERTY OCCUPANT.

Vote results:

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

Motion carried.

Vote results on approval of Council Bill No. 54 as amended and setting the Public Hearing for September 19, 2011.

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

Motion carried.

(ii) Neighborhood Services Commander Condrey presented a recommendation from the Police Department to adopt a bill for an ordinance approving amendments to the Englewood Municipal Code pertaining to sight triangles. Staff also requests that City Council schedule a Public Hearing on September 19, 2011 to gather public input on the proposed amendments.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (ii) - COUNCIL BILL NO. 48 AND SETTING A PUBLIC HEARING DATE OF SEPTEMBER 19, 2011.

COUNCIL BILL NO. 48, INTRODUCED BY COUNCIL MEMBER JEFFERSON

A BILL FOR AN ORDINANCE AMENDING TITLE 15, CHAPTER 9, SECTION 2, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO SIGHT TRIANGLE.

MAYOR WOODWARD MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO AMEND COUNCIL BILL NO. 48 BY AMENDING EMC 15-9-2 (A) (1-4d) REPLACING THE WORDS "VEHICLE" AND "VEHICLES" WITH "ORV", "ORVs", AND "ORV OR ANY TYPE OF TRAILER".

Vote results:

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

Motion carried.

Vote results on approval of Council Bill No. 48 as amended and setting the Public Hearing for September 19, 2011:

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

Motion carried.

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The meeting recessed at 9:08 p.m.

The meeting reconvened at 9:18 p.m. with all City Council members present.

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(iii) Neighborhood Services Commander Condrey presented a recommendation from the Police Department to adopt a bill for an ordinance approving amendments to the Englewood Municipal Code pertaining to allowance for storage of Off Road Vehicles and Trailers in the front yard for properties that have no

access to rear and side yards. Staff also requests that City Council schedule a Public Hearing on September 19, 2011 to gather public input on the proposed amendments.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (iii) - COUNCIL BILL NO. 49 AND SETTING A PUBLIC HEARING DATE OF SEPTEMBER 19, 2011.

COUNCIL BILL NO. 49, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE AMENDING TITLE 15, CHAPTER 9, SECTION 2 AND TITLE 16, CHAPTER 2, SECTION 1, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO PROPERTIES WITHOUT ACCESS TO REAR AND SIDE YARDS.

Vote results:

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

Motion carried.

(iv) Neighborhood Services Commander Condrey presented a recommendation from the Police Department to adopt a bill for an ordinance approving amendments to the Englewood Municipal Code pertaining to vehicle weights. Staff also requests that City Council schedule a Public Hearing on September 19, 2011 to gather public input on the proposed amendments.

COUNCIL MEMBER McCASLIN MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (iv) - COUNCIL BILL NO. 50 AND SETTING A PUBLIC HEARING DATE OF SEPTEMBER 19, 2011.

COUNCIL BILL NO. 50, INTRODUCED BY COUNCIL MEMBER McCASLIN

A BILL FOR AN ORDINANCE AMENDING TITLE 11, CHAPTER 6, SECTIONS 1 AND 2, AND TITLE 16, CHAPTER 5, SECTION 4, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO VEHICLE WEIGHT LIMITATIONS.

Vote results:

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

Motion carried.

(v) Neighborhood Services Commander Condrey presented a recommendation from the Police Department to adopt a bill for an ordinance approving amendments to the Englewood Municipal Code pertaining to recreational vehicle parking. Staff also requests that City Council schedule a Public Hearing on September 19, 2011 to gather public input on the proposed amendments.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (v) - COUNCIL BILL NO. 51 AND SETTING A PUBLIC HEARING DATE OF SEPTEMBER 19, 2011.

COUNCIL BILL NO. 51, INTRODUCED BY COUNCIL MEMBER JEFFERSON

A BILL FOR AN ORDINANCE AMENDING TITLE 11, CHAPTER 6, SECTIONS 1 AND 2,; TITLE 15, CHAPTER 1, SECTION 2; AND TITLE 16, CHAPTER 11, SECTION 2, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO PARKING FOR RECREATIONAL VEHICLES.

Vote results:

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

Motion carried.

(vi) Neighborhood Services Commander Condrey presented a recommendation from the Police Department to adopt a bill for an ordinance approving amendments to the Englewood Municipal Code pertaining to 72-Hour Parking. Staff also requests that City Council schedule a Public Hearing on September 19, 2011 to gather public input on the proposed amendments.

COUNCIL MEMBER McCASLIN MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (vi) - COUNCIL BILL NO. 52 AND SETTING A PUBLIC HEARING DATE OF SEPTEMBER 19, 2011.

COUNCIL BILL NO. 52, INTRODUCED BY COUNCIL MEMBER McCASLIN

A BILL FOR AN ORDINANCE AMENDING TITLE 11, CHAPTER 6, SECTIONS 1 AND 2, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO 72 HOUR PARKING.

Vote results:

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

Motion carried.

(vii) Neighborhood Services Commander Condrey presented a recommendation from the Police Department to adopt a bill for an ordinance approving amendments to the Englewood Municipal Code pertaining to the definition of hard surfaces. Staff also requests that City Council schedule a Public Hearing on September 19, 2011 to gather public input on the proposed amendments.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (vii) - COUNCIL BILL NO. 53 AND SETTING A PUBLIC HEARING DATE OF SEPTEMBER 19, 2011.

COUNCIL BILL NO. 53, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE AMENDING TITLE 11, CHAPTER 6, SECTION 2 (C); TITLE 15, CHAPTER 1, SECTION 2; TITLE 16, CHAPTER 6, SECTIONS 4 AND 10, AND TITLE 16, CHAPTER 11, SECTION 2 OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO HARD SURFACES.

COUNCIL MEMBER JEFFERSON MOVED, AND MAYOR WOODWARD SECONDED, TO AMEND COUNCIL BILL NO. 53 TO USE THE CITY OF LITTLETON VERSION (THE FIRST VERSION, THE ONE NOT HIGHLIGHTED IN OUR PACKET DOCUMENTS) FOR DEFINITIONS FOR TITLE 11, CHAPTER 6, SECTION 2 (C); TITLE 15, CHAPTER 1, SECTION 2; TITLE 16, CHAPTER 6, SECTION 4; TITLE 16, CHAPTER 6, SECTION 10; AND TITLE 16, CHAPTER 11, SECTION 2.

Vote results:

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

Motion carried.

Vote results on approval of Council Bill No. 53 as amended and setting the Public Hearing for September 19, 2011.

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

Motion carried.

(b) Approval of Ordinances on Second Reading

(i) Council Bill No. 36, amended, approving a power line easement on the Byers

Biosolids Farm for BP Wind Energy North America, Inc. was considered.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (b) (i), ORDINANCE NO. 46, SERIES OF 2011.

ORDINANCE NO. 46, SERIES OF 2011 (COUNCIL BILL NO. 36, INTRODUCED BY COUNCIL MEMBER OLSON)

AN ORDINANCE APPROVING THE GRANT OF AN EASEMENT TO B P WIND ENERGY NORTH AMERICA INC. FOR TRANSMISSION FACILITIES ON THE BYERS BIOSOLIDS FARM.

Vote results:

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

Motion carried.

(c) Resolutions and Motions

There were no additional items submitted for approval. (See Consent Agenda Item 9 (c).)

12. General Discussion

(a) Mayor's Choice

(b) Council Members' Choice

(i) A resolution of support for the Denver Region's application to the U.S. Department of Housing and Urban Development's Sustainable Communities Regional Planning Grant Program was considered.

COUNCIL MEMBER PENN MOVED, AND MAYOR WOODWARD SECONDED, TO APPROVE RESOLUTION NO. 78, SERIES OF 2011.

RESOLUTION NO. 78, SERIES OF 2011

A RESOLUTION OF THE CITY OF ENGLEWOOD, COLORADO SUPPORTING THE DENVER REGION'S APPLICATION TO THE US DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT'S SUSTAINABLE COMMUNITIES REGIONAL PLANNING GRANT PROGRAM.

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

15. Adjournment

MAYOR WOODWARD MOVED TO ADJOURN. The meeting adjourned at 10:37 p.m.

/s/ Loucrishia A. Ellis, MMC
City Clerk