

**ENGLEWOOD CITY COUNCIL  
ENGLEWOOD, ARAPAHOE COUNTY, COLORADO  
Regular Session  
October 3, 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 7:30 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  
Municipal Court Judge Atencio  
Director Grylewicz, Finance and Administrative Services  
Director White, Community Development  
Director Fonda, Utilities  
Court Administrator Wolfe  
Housing Finance Specialist Grimmett, Community Development  
Deputy Chief of Police Sanchez

**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 SEPTEMBER 19, 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) Doug Cohn, an Englewood resident, informed those present about the candidate debate at Moe's Bar-B-Que on Tuesday October 4, 2011. He also mentioned that next week is the RV Forum, but he was uncertain as to the specific details regarding the event.

Council Response to Public Comment.

Mayor Woodward clarified that the forum will be on Wednesday, October 12, 2011. Doors will open at 6:30 p.m. and the forum is to begin at 7:00 p.m. It will be held in the Community Room. Information is on the City's website.

Mayor Woodward commented on the ECOG candidate debate set for tomorrow night.

## **8. Communications, Proclamations and Appointments**

(a) An email from Trent Lind announcing his resignation from the Alliance for Commerce in Englewood was considered.

**COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO ACCEPT THE RESIGNATION FROM TRENT LIND FROM THE ALLIANCE FOR COMMERCE IN ENGLEWOOD.**

### **Vote results:**

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

Motion carried.

(b) A resolution appointing Wayne Oakley to the Englewood Water and Sewer Board was considered.

**COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN\_ SECONDED, TO APPROVE THE APPOINTMENT OF WAYNE OAKLEY TO THE ENGLEWOOD WATER AND SEWER BOARD – RESOLUTION NO. 80 SERIES OF 2011.**

RESOLUTION NO. 80, SERIES OF 2011

A RESOLUTION APPOINTING WAYNE OAKLEY TO THE WATER AND SEWER BOARD FOR THE CITY OF ENGLEWOOD, COLORADO.

### **Vote results:**

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

Motion carried.

(c) A resolution appointing Kells Waggoner to the Englewood Water and Sewer Board was considered.

**COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER PENN SECONDED, TO APPROVE THE APPOINTMENT OF KELLS WAGGONER TO THE ENGLEWOOD WATER AND SEWER BOARD – RESOLUTION NO. 81 SERIES OF 2011.**

RESOLUTION NO. 81 SERIES OF 2011

A RESOLUTION APPOINTING KELLS WAGGONER TO TH WATER AND SEWER BOARD FOR THE CITY OF ENGLEWOOD, COLORADO.

### **Vote results:**

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

Nays: None

Motion carried.

(d) A resolution creating a voting alternate position on the Englewood Water and Sewer Board and appointing Jo Lay to fill the position was considered.

**COUNCIL MEMBER McCASLIN MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE CREATING A VOTING ALTERNATE POSITION ON THE ENGLEWOOD WATER AND SEWER BOARD AND THE APPOINTMENT OF JO LAY TO THIS POSITION – RESOLUTION NO. 82 SERIES OF 2011.**

RESOLUTION NO. 82, SERIES OF 2011

A RESOLUTION APPOINTING JO LAY AS AN ALTERNATE VOTING MEMBER TO THE WATER AND SEWER BOARD FOR THE CITY OF ENGLEWOOD, COLORADO.

**Vote results:**

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

Motion carried.

(e) A resolution reappointing Marcia G. O'Brien as Associate Municipal Judge for the City of Englewood, Colorado was considered.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE THE REAPPOINTMENT OF MARCIA G. O'BRIEN AS AN ASSOCIATE MUNICIPAL JUDGE FOR THE CITY OF ENGLEWOOD, COLORADO – RESOLUTION NO. 83 SERIES OF 2011.**

RESOLUTION NO. 83, SERIES OF 2011

A RESOLUTION FOR THE REAPPOINTMENT OF MARCIA G. O'BRIEN, AS ASSOCIATE MUNICIPAL JUDGE FOR THE CITY OF ENGLEWOOD, COLORADO.

**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 (a).)

**COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER PENN SECONDED, TO APPROVE CONSENT AGENDA ITEMS 9 (b) (i), (ii), (iii), (iv), (v) and 9 (c) (i).**

(b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 47, SERIES OF 2011 (COUNCIL BILL NO. 55, INTRODUCED BY COUNCIL MEMBER GILLIT)

AN ORDINANCE AUTHORIZING AN "AGREEMENT REGARDING DESIGN AND CONSTRUCTION OF UNION AVENUE BOAT CHUTES SAFETY IMPROVEMENTS" BETWEEN THE COLORADO WATER CONSERVATION BOARD, A DIVISION OF THE DEPARTMENT OF NATURAL RESOURCES OF THE STATE OF COLORADO AND THE CITY OF ENGLEWOOD, COLORADO.

(ii) ORDINANCE NO. 48, SERIES OF 2011 (COUNCIL BILL NO. 56, INTRODUCED BY COUNCIL MEMBER PENN)

AN ORDINANCE AUTHORIZING A GRANT OF ACCESS EASEMENT TO URBAN DRAINAGE AND FLOOD CONTROL DISTRICT BY THE CITY OF ENGLEWOOD, COLORADO PERTAINING TO IMPROVEMENTS OF STRUCTURES ON THE SOUTH PLATTE RIVER KNOWN AS THE UNION AVENUE BOAT CHUTES.

(iii) ORDINANCE NO. 49, SERIES OF 2011 (COUNCIL BILL NO. 58, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE AMENDING TITLE 3, CHAPTER 4, OF THE ENGLEWOOD MUNICIPAL CODE 2000, ENTITLED "CITY OF ENGLEWOOD NONEMERGENCY EMPLOYEES RETIREMENT PLAN AND TRUST AS AMENDED AND RESTATED EFFECTIVE JANUARY 1, 2008".

(iv) ORDINANCE NO. 50, SERIES OF 2011 (COUNCIL BILL NO. 66, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE ADOPTING AMENDMENTS TO THE CITY OF ENGLEWOOD POLICE OFFICERS PENSION PLAN DOCUMENT (THE PLAN).

(v) ORDINANCE NO. 51, SERIES OF 2011 (COUNCIL BILL NO. 67, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE ADOPTING AMENDMENTS TO THE CITY OF ENGLEWOOD FIREFIGHTERS PENSION PLAN DOCUMENT (THE PLAN).

(c) Resolutions and Motions

(i) RESOLUTION NO. 84, SERIES OF 2011

A RESOLUTION ACCEPTING CHANGES AND UPDATES TO THE CITY OF ENGLEWOOD'S INVESTMENT POLICY PER ORDINANCE 45, SERIES OF 1995.

**Vote results:**

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

Motion carried.

10. **Public Hearing Items**

No public hearing was scheduled.

11. **Ordinances, Resolution and Motions**

(a) Approval of Ordinances on First Reading

(i) Director of Finance and Administrative Services Gryglewicz presented a recommendation from the Finance and Administrative Services Department to adopt a bill for an ordinance amending the Englewood Municipal Code pertaining to vendor fees.

**COUNCIL MEMBER McCASLIN MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 64.**

COUNCIL BILL NO. 64, INTRODUCED BY COUNCIL MEMBER McCASLIN

A BILL FOR AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 4, SUBSECTION 7 PARAGRAPH (C), OF THE ENGLEWOOD MUNICIPAL CODE 2000, WHICH PERTAINS TO THE ELIMINATION OF THE VENDOR FEE.

**Vote results:**

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

Motion carried.

(ii) Director of Finance and Administrative Services Gryglewicz presented a recommendation from the Finance and Administrative Services Department to adopt a bill for an ordinance amending the Englewood Municipal Code pertaining to the Waste Transfer Fee.

**COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (ii) - COUNCIL BILL NO. 65.**

COUNCIL BILL NO. 65, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE AMENDING TITLE 4, CHAPTER 7, SECTION 3, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO INCREASING WASTE TRANSFER FEES.

**Vote results:**

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 City of Englewood Budget for Fiscal Year 2012.

**COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (iii) - COUNCIL BILL NO. 60.**

COUNCIL BILL NO. 60, INTRODUCED BY COUNCIL MEMBER WILSON

A BILL FOR AN ORDINANCE ADOPTING THE BUDGET OF THE CITY OF ENGLEWOOD, COLORADO, FOR THE FISCAL YEAR 2012.

**Vote results:**

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

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 City of Englewood for Fiscal Year 2012.

**COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER PENN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (iv) - COUNCIL BILL NO. 61.**

COUNCIL BILL NO. 61, INTRODUCED BY COUNCIL MEMBER JEFFERSON

A BILL FOR AN ORDINANCE APPROPRIATING MONIES FOR ALL MUNICIPAL PURPOSES IN THE CITY OF ENGLEWOOD, COLORADO, FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2012, AND ENDING DECEMBER 31, 2012, CONSTITUTING WHAT IS TERMED THE ANNUAL APPROPRIATION BILL FOR THE FISCAL YEAR 2012.

**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 Budget for the Littleton/Englewood Wastewater Treatment Plant for Fiscal Year 2012.

**COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (v) - COUNCIL BILL NO.62.**

COUNCIL BILL NO. 62, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE ADOPTING THE BUDGET FOR THE LITTLETON/ENGLEWOOD WASTEWATER TREATMENT PLANT FOR THE FISCAL YEAR 2012.

**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 approve a bill for an ordinance appropriating funds for the Littleton/Englewood Wastewater Treatment Plant for 2012.

**COUNCIL MEMBER PENN MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (vi) - COUNCIL BILL NO. 63.**

COUNCIL BILL NO. 63, INTRODUCED BY COUNCIL MEMBER PENN

A BILL FOR AN ORDINANCE APPROPRIATING MONIES FOR THE LITTLETON/ENGLEWOOD WASTEWATER TREATMENT PLANT PURPOSES IN THE FISCAL YEAR BEGINNING JANUARY 1, 2012, AND ENDING DECEMBER 31, 2012, CONSTITUTING WHAT IS TERMED THE ANNUAL APPROPRIATION BILL FOR THE FISCAL YEAR 2012.

**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 approve a bill for an ordinance establishing the 2011 Mill Levy to be collected in 2012.

**COUNCIL MEMBER McCASLIN MOVED, AND COUNCIL MEMBER PENN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (vii) - COUNCIL BILL NO. 59.**

COUNCIL BILL NO. 59, INTRODUCED BY COUNCIL MEMBER McCASLIN

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.

(viii) Deputy Chief of Police Sanchez presented a recommendation from the Police Department to adopt a bill for an ordinance authorizing application for and acceptance of Colorado Department of Transportation Grants for 2011/2012.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (viii) - COUNCIL BILL NO. 69.**

COUNCIL BILL NO. 69, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT REGARDING THE APPLICATION FOR AND THE ACCEPTANCE OF A COLORADO DEPARTMENT OF TRANSPORTATION GRANT AWARDED TO THE CITY OF ENGLEWOOD FOR THE CHILD PASSENGER SAFETY SEAT PROGRAM AND FOR VARIOUS PROJECTS RELATED TO TRAFFIC SAFETY EDUCATION AND ENFORCEMENT DURING CALENDAR YEARS 2011 AND 2012.

**Vote results:**

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

Motion carried.

(ix) Housing Finance Specialist Grimmert presented a recommendation from the Community Development Department to adopt a bill for an ordinance authorizing two Intergovernmental Subgrantee Agreements for the 2011 Arapahoe County Community Development Block Grant Program.

**COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (ix) - COUNCIL BILL NO. 70.**

COUNCIL BILL NO. 70, INTRODUCED BY COUNCIL MEMBER WILSON

A BILL FOR AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF TWO INTERGOVERNMENTAL SUBGRANTEE AGREEMENTS FOR 2011 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BETWEEN THE ARAPAHOE BOARD OF COUNTY COMMISSIONERS AND THE CITY OF ENGLEWOOD, COLORADO.

**Vote results:**

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

Motion carried.

(x) Director of Utilities Fonda presented a recommendation from the Utilities Department to adopt an amended ordinance relating to fee schedules for sewer connection and collection system fees.

**COUNCIL MEMBER McCASLIN MOVED, AND COUNCIL MEMBER PENN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (x) - COUNCIL BILL NO. 57.**

COUNCIL BILL NO. 57, INTRODUCED BY COUNCIL MEMBER McCASLIN

A BILL FOR AN ORDINANCE AMENDING TITLE 12, CHAPTER 2, RELATING TO SEWER CONNECTION AND COLLECTION SYSTEM FEES.

**Vote results:**

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. 54, amending sections of the Englewood Municipal Code pertaining to public notice required for Planned Unit Developments was considered.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (b) (i) – ORDINANCE NO. 52, SERIES OF 2011.**

ORDINANCE NO. 52, SERIES OF 2011 (COUNCIL BILL NO. 54, INTRODUCED BY COUNCIL MEMBER JEFFERSON)

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

**Vote results:**

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

Motion carried.

(ii) Council Bill No. 68, relating to fee schedules for water connection service for the water customers of the City of Englewood, Colorado was considered.

**COUNCIL MEMBER McCASLIN MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (b) (ii) – ORDINANCE NO. 53, SERIES OF 2011**

ORDINANCE NO. 53, SERIES OF 2011 (COUNCIL BILL NO. 68, INTRODUCED BY COUNCIL MEMBER McCASLIN)

AN ORDINANCE ESTABLISHING FEE SCHEDULES FOR WATER CONNECTION SERVICE FOR THE WATER CUSTOMERS OF THE CITY OF ENGLEWOOD, COLORADO.

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

Motion carried.

(c) Resolutions and Motions

(i) City Attorney Brotzman presented a recommendation for Finance and Administrative Services Director Gryglewicz from the Department of Finance and Administrative Services to adopt a resolution setting various fees for Medical Marijuana Licenses.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER PENN SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) - RESOLUTION NO. 85, SERIES OF 2011**

RESOLUTION NO. 85, SERIES OF 2011

A RESOLUTION SETTING VARIOUS FEES FOR MEDICAL MARIJUANA LICENSES.

**Vote results:**

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

Motion carried.

12. **General Discussion**

(a) Mayor's Choice

(i) Council Bill No. 71, a bill for an ordinance amending the City Council Policy Manual to eliminate the election of the Mayor and Mayor Pro Tem by secret ballot was considered.

**MAYOR WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AMENDING THE CITY COUNCIL POLICY MANUAL TO ELIMINATE THE ELECTION OF MAYOR AND MAYOR PRO TEM BY SECRET BALLOT.**

COUNCIL BILL NO. 71, INTRODUCED BY MAYOR WOODWARD

A BILL FOR AN ORDINANCE AMENDING THE CITY COUNCIL POLICY MANUAL REGARDING THE ELECTION OF THE MAYOR AND MAYOR PRO TEM.

**Vote results:**

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

Motion carried.

(b) Council Members' Choice

13. **City Manager's Report**

14. **City Attorney's Report**

15. **Adjournment**

**MAYOR WOODWARD MOVED TO ADJOURN.** The meeting adjourned at 9:27 p.m.

\_\_\_\_\_/s/ Loucrishia A. Ellis  
City Clerk