

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

Regular Session

October 17, 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 7:42 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
Senior Planner Stitt, Community Development
Housing Finance Specialist Grimmert, Community Development
Police Chief Collins
Fire Chief Pattarozzi
Police Officer Rowley

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 OCTOBER 3, 2011.**

Vote results:

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

Motion carried.

6. Recognition of Scheduled Public Comment

(a) Josh Staller, President of the Englewood Rotary Club, presented to the City of Englewood, a donation to help fund the Police Department's Kid's Proof Colorado safety classes and the Fire Department's

Child Passenger Safety Program. Police Chief Collins and Fire Chief Pattarozzi accepted the donations of \$500.00 each for their safety programs.

7. Recognition of Unscheduled Public Comment

(a) Ryan Laird, an Englewood resident, discussed utility costs/rates and his concerns regarding how there is still outdated, misleading information on the Englewood website regarding utility facts and figures.

(b) Dave Black, an Englewood business owner, discussed the budget of the South Broadway Business Improvement District and how he is against this added tax. He submitted a remonstrative petition last year, with over 52% opposed, and that he hopes to submit another petition this year as this district is a tax burden on the businesses. He asked Council to table this discussion on the budget that they will have to vote on, as he believes that they have until December to approve or deny this budget.

Council Response to Public Comment.

Mayor Woodward and Council members discussed the anticipated Utility Department rate study.

Council discussed Mr. Black's issues with the South Broadway Business Improvement District. It was determined that if Council were to approve the BID Operating Plan and proposed 2012 Budget tonight, it would not affect the outcome of Mr. Black's petition.

8. Communications, Proclamations and Appointments

(a) A proclamation declaring the week of October 16 through 22, 2011 as National Save for Retirement Week was considered.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE A PROCLAMATION DECLARING THE WEEK OF OCTOBER 16 THROUGH 22, 2011 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 JEFFERSON SECONDED, TO APPROVE CONSENT AGENDA ITEMS 9 (b) (i), (ii), (iii), (iv) and (v).

(b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 54, SERIES OF 2011 (COUNCIL BILL NO. 57, INTRODUCED BY COUNCIL MEMBER McCASLIN)

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

(ii) ORDINANCE NO. 55, SERIES OF 2011 (COUNCIL BILL NO. 64, INTRODUCED BY COUNCIL MEMBER McCASLIN)

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.

(iii) ORDINANCE NO. 56, SERIES OF 2011 (COUNCIL BILL NO. 65, INTRODUCED BY COUNCIL MEMBER OLSON)

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

(iv) ORDINANCE NO. 57, SERIES OF 2011 (COUNCIL BILL NO. 69, INTRODUCED BY COUNCIL MEMBER GILLIT)

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.

(v) ORDINANCE NO. 58, SERIES OF 2011 (COUNCIL BILL NO. 70, INTRODUCED BY COUNCIL MEMBER WILSON)

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.

(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) Senior Planner Stitt and Housing Finance Specialist Grimmert presented a recommendation from the Community Development Department to adopt a bill for an ordinance authorizing the sale of six Project Rebuild properties funded through the Neighborhood Stabilization Program Grant.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 72.

COUNCIL BILL NO. 72, INTRODUCED BY COUNCIL MEMBER WILSON

A BILL FOR AN ORDINANCE APPROVING THE SALE ON THE OPEN MARKET OF SIX PROPERTIES WHICH WERE PURCHASED AND REHABILITATED WITH FUNDS FROM THE NEIGHBORHOOD STABILIZATION PROGRAM GRANT AND FUND 46.

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. 60, adopting the City of Englewood Budget for Fiscal Year 2012 was considered.

COUNCIL MEMBER PENN MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (b) (i) – ORDINANCE NO. 59, SERIES OF 2011.

ORDINANCE NO. 59, SERIES OF 2011 (COUNCIL BILL NO. 60, INTRODUCED BY COUNCIL MEMBER WILSON)

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.

(ii) Council Bill No. 61, appropriating funds for the City of Englewood for Fiscal Year 2012 was considered.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (b) (ii) – ORDINANCE NO. 60, SERIES OF 2011.

ORDINANCE NO. 60, SERIES OF 2011 (COUNCIL BILL NO. 61, INTRODUCED BY COUNCIL MEMBER JEFFERSON)

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.

(iii) Council Bill No. 62, adopting the Budget for the Littleton/Englewood Wastewater Treatment Plant for Fiscal Year 2012 was considered.

COUNCIL MEMBER McCASLIN MOVED, AND COUNCIL MEMBER PENN SECONDED, TO APPROVE AGENDA ITEM 11 (b) (iii) – ORDINANCE NO. 61, SERIES OF 2011.

ORDINANCE NO. 61, SERIES OF 2011 (COUNCIL BILL NO. 62, INTRODUCED BY COUNCIL MEMBER OLSON)

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.

(iv) Council Bill No. 63, appropriating funds for the Littleton/Englewood Wastewater Treatment Plant for 2012 was considered.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (b) (iv) – ORDINANCE NO. 62, SERIES OF 2011.

ORDINANCE NO. 62 SERIES OF 2011 (COUNCIL BILL NO. 63, INTRODUCED BY COUNCIL MEMBER PENN)

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.

(v) Council Bill No. 59, establishing the 2011 Mill Levy to be collected in 2012 was considered.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO APPROVE AGENDA ITEM 11 (b) (v) – ORDINANCE NO. 63, SERIES OF 2011.

ORDINANCE NO. 63, SERIES OF 2011 (COUNCIL BILL NO. 59, INTRODUCED BY COUNCIL MEMBER McCASLIN)

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.

(vi) Council Bill No. 71, amending the City Council Policy Manual regarding the election of Mayor and Mayor Pro Tem was considered.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (b) (vi) – ORDINANCE NO. 64, SERIES OF 2011.

ORDINANCE NO. 64, SERIES OF 2011 (COUNCIL BILL NO. 71, INTRODUCED BY MAYOR WOODWARD)

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.

(c) Resolutions and Motions

(i) Deputy City Manager Flaherty presented a recommendation from the Englewood McLellan Reservoir Foundation to adopt a resolution of support for a lease of approximately seven acres of McLellan Reservoir property to Miller Family Real Estate, LLC.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) – RESOLUTION NO. 86, SERIES OF 2011.

RESOLUTION NO. 86, SERIES OF 2011

A RESOLUTION SUPPORTING THE ENGLEWOOD MCLELLAN RESERVOIR FOUNDATION (EMRF) LEASE OF A PORTION OF THE MCLELLAN PROPERTY TO MILLER FAMILY REAL ESTATE, LLC.

Vote results:

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

Motion carried.

(ii) Director Gryglewicz presented a recommendation from the Department of Finance and Administrative Services to adopt a resolution approving a supplemental appropriation in the amount of \$127,000.00 for replacement of street lights on South Santa Fe Drive.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (ii) – RESOLUTION NO. 87 SERIES OF 2011.

RESOLUTION NO. 87, SERIES OF 2011

A RESOLUTION APPROVING AN APPROPRIATION TO THE 2011 BUDGET FOR THE REPLACEMENT OF THE SOUTH SANTA FE DRIVE STREET LIGHTS.

Vote results:

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

Motion carried.

(iii) Director Gryglewicz presented a recommendation from the Department of Finance and Administrative Services to adopt a resolution approving a supplemental appropriation and transfer of funds in the amount of \$6,506.71 for Landscape and Fine Arts Funds projects (Paseo Project and Broadway Holiday Lighting).

COUNCIL MEMBER McCASLIN MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (iii) – RESOLUTION NO. 88, SERIES OF 2011.

RESOLUTION NO. 88, SERIES OF 2011

A RESOLUTION APPROVING A TRANSFER AND SUPPLEMENTAL APPROPRIATION TO THE 2011 BUDGET FOR IMPROVEMENTS TO THE LANDSCAPE AND FINE ARTS FUNDS PROJECTS – PASEO/BROADWAY HOLIDAY LIGHTING.

Vote results:

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

Motion carried.

(iv) Director White presented a recommendation from the Community Development Department to approve, by motion, the South Broadway Englewood Business Improvement District Operating Plan and proposed 2012 Budget.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (iv) – THE SOUTH BROADWAY ENGLEWOOD BUSINESS IMPROVEMENT DISTRICT OPERATING PLAN AND PROPOSED 2012 BUDGET.

Brian Hart, Ted Vasilas and Josef Kubik, members of the SBEBID Board of Directors, were present and spoke regarding the accomplishments of the BID from the past year.

Vote results:

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| 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

13. City Manager's Report

City Manager Sears did not have any matters to bring before Council.

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 9:06 p.m.

_____/s/ Loucrishia A. Ellis_____
City Clerk