

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

Regular Session

November 7, 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
Deputy City Clerk Bush
City Clerk Ellis
Municipal Court Judge Atencio
Director Eaton, Human Resources
Director Fonda, Utilities
Director Gryglewicz, Finance and Administrative Services
Director Hargrove, Library
Director Kahm, Public Works
Director Konishi, Information Technology
Director White, Community Development
Executive Assistant Carlton-Smith, City Manager
Communications Coordinator Hoffhines, City Manager
Department Assistant Von Colditz, City Manager
Police Chief Collins
Fire Chief Pattarozzi
Recreation Services Manager - Operations Sack, Parks and Recreation
Manager of Open Space Lee, Parks and Recreation
Police Commander Englert
Police Sergeant Contos

5. Consideration of Minutes of Previous Session

(a) **COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF OCTOBER 17, 2011.**

Vote results:

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

Motion carried.

(b) City Council Recognition and Swearing In.

(i) The Mayor asked the Deputy City Clerk to announce the status of the election.

Deputy City Clerk Bush said, based on the unofficial election results provided by Arapahoe County, the newly reelected Council Members are: Council Member District 1 – Joe Jefferson, Council Member District 3 – Randy Penn, Council Members At-Large - Bob McCaslin and Jill Wilson.

(ii) City Council made a determination of the election and qualifications of its membership.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO ACCEPT THE ELECTION RESULTS AS PRESENTED BY DEPUTY CITY CLERK BUSH.

Vote results:

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

Motion carried.

(iii) The newly-reelected City Council Members were sworn in by the Honorable Judge Vincent Atencio. After they were sworn in, all members signed their oath of office.

(iv) Members of City Council were seated (in temporary spaces) and Mayor Woodward asked the Deputy City Clerk to call the roll of City Council Members.

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

Absent: None

Mayor Woodward declared that a quorum was present.

(v) Mayor Woodward called for nominations for Mayor.

There were two nominations made.

MAYOR WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO NOMINATE COUNCIL MEMBER PENN FOR THE OFFICE OF MAYOR OF THE CITY OF ENGLEWOOD.

Vote results:

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

Motion carried.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO NOMINATE COUNCIL MEMBER JEFFERSON FOR THE OFFICE OF MAYOR OF THE CITY OF ENGLEWOOD.

Vote results:

Ayes: Council Member Jefferson

Nays: Council Members Penn, McCaslin, Wilson, Woodward, Olson, Gillit

Motion defeated.

(vi) Mayor Penn assumed the Chair and called for nominations for Mayor Pro Tem.

There were two nominations made.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO NOMINATE COUNCIL MEMBER GILLIT FOR THE OFFICE OF MAYOR PRO TEM OF THE CITY OF ENGLEWOOD.

Vote results:

Ayes: Council Member Gillit

Nays: Council Members Woodward, McCaslin, Wilson, Penn, Jefferson, Olson

Motion defeated.

COUNCIL MEMBER McCASLIN MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO NOMINATE COUNCIL MEMBER WOODWARD FOR THE OFFICE OF MAYOR PRO TEM OF THE CITY OF ENGLEWOOD.

Vote results:

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

Nays: Council Member Gillit

Motion carried.

(vii) Permanent seating assignments were selected by seniority.

(viii) The newly-reelected Members of City Council recognized their families and/or guests present.

(ix) Brief Reception

Council recessed at 8:05 p.m. for a brief reception.

The meeting reconvened at 8:30 p.m. with all City Council members present.

6. Recognition of Scheduled Public Comment

(a) Colleen Mello, Executive Director of the Englewood Chamber of Commerce, addressed City Council regarding the Chamber's Holiday Parade and their request to have the City waive fees associated with this event. She requested waiving the following fees: the cost of police coverage, temporary usage permit fee, street occupancy fee, and the usage fee for the Cherrelyn Trolley. This would total approximately \$1,643.00.

(b) Roger Hutchings, an Englewood resident, addressed the City Council regarding speeding on Englewood's streets, especially on the streets around the hospitals. Another problem he sees includes illegal turns off of Floyd onto Broadway. Mr. Hutchings is concerned for the seniors, the children, and the physically challenged around these areas.

7. Recognition of Unscheduled Public Comment

(a) Lester Myers, an Englewood resident, congratulated the Council members who were reelected. He pointed out that on a lot of the sidewalks, you can't walk down them because of trash and overgrown trees. He said it's dangerous for children walking down the sidewalks.

Mayor Penn advised Mr. Myers that the Transportation Board will be discussing this and encouraged him to attend the next meeting.

(b) Ryan Laird, an Englewood resident, wants the City to stop perpetuating misinformation (on water rates) and to act quicker than 4 months to correct this misinformation. He read the e-mail that he sent out before tonight's Council meeting regarding the perceived secret vote for the Mayor position and the selection of this position prior to the meeting. He believes that the future business of the City should be handled in public and not hidden from the public.

Council Member Woodward informed Mr. Laird that he had previously stated that he was not going to be Mayor and that 4 years ago, he stated that he only wanted to be Mayor for 2 - two year terms. He reiterated this 2 years ago when selected to continue as Mayor. Mr. Woodward does not believe talking about possibilities or seeking one-on-one support is in violation of the Sunshine laws.

Mayor Penn said he contacted all Council members individually asking them for their support and that that was not illegal nor in violation of the Open Meeting laws.

(c) Anna Marie Kratzer, an Englewood resident, acknowledged everyone who ran in the election and thanked people for voting.

(d) Miquel Drake, an Englewood resident, said he appreciated all the work Council puts into running our City and offered his congratulations to the reelected Council members. He said he could vouch that Clarkson is a speeding zone.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO WAIVE THE REQUESTED CITY FEES ASSOCIATED WITH THE CHAMBER'S HOLIDAY PARADE.

Vote results:

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

Motion carried.

Several Council members commented on the topics of the various speakers.

8. Communications, Proclamations and Appointments

(a) A letter from Stephanie Cogeos indicating her resignation from the Englewood Public Library Board was received.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO ACCEPT THE RESIGNATION OF STEPHANIE COGEOS FROM THE ENGLEWOOD PUBLIC LIBRARY BOARD.

Vote results:

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

Motion carried.

9. Consent Agenda

- (a) Approval of Ordinances on First Reading

There were no items submitted for approval on first reading.

- (b) Approval of Ordinances on Second Reading

There were no additional items submitted for approval on second reading. (See Agenda Item 11.)

- (c) Resolutions and Motions

There were no resolutions or motions submitted for approval.

10. Public Hearing Items

No public hearing was scheduled before Council.

11. Ordinances, Resolutions, and Motions

- (a) Approval of Ordinances on First Reading

There were no items submitted for approval on first reading.

- (b) Approval of Ordinances on Second Reading

(i) Council Bill No. 72, authorizing the sale of six Project Rebuild properties funded through the Neighborhood Stabilization Program Grant was considered.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (b) (i) - ORDINANCE NO. 65, SERIES OF 2011.

ORDINANCE NO. 65, SERIES OF 2011 (COUNCIL BILL NO. 72, INTRODUCED BY COUNCIL MEMBER WILSON)

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 Jefferson, McCaslin, Wilson, Penn, Woodward, Olson, Gillit
Nays: None

Motion carried.

- (c) Resolutions and Motions

There were no resolutions or motions submitted for approval.

12. General Discussion

(**Clerk's Note: Mayor Penn switched Agenda Items 12 (a) and 12 (b) so that Council Members' Choice was discussed prior to the Mayor's Choice.**)

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

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO ALLOW COUNCIL MEMBER WOODWARD TO UTILIZE THE BALANCE OF HIS DISCRETIONARY FUNDS FOR HIS TRIP TO THE NLC CONFERENCE IN PHOENIX, ARIZONA.

Vote results:

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

Motion carried.

13. City Manager's Report

(a) City Manager Sears informed the Council that the City offices will be closed on Thursday November 10, 2011 (the last 2011 furlough day) and on Friday, November 11, 2011 (Veteran's Day holiday).

14. City Attorney's Report

(a) City Attorney Brotzman said the pending topics of Ballot Initiatives 2C and 2D will require the need to set a future Study Session for this. He said these are very complex, much more complex than staff originally anticipated, and we will have to repeal a number of sections. Some of these will get to a policy issue as we are deleting items so that will require a discussion.

(b) Mr. Brotzman stated that it is his understanding that Code Enforcement is not issuing tickets at this time regarding the RV's. Regarding Boards and Commissions, it is their understanding that you will finish up your term and then we look to see how many terms you have served and if you can serve more or not.

15. Adjournment

MAYOR PENN MOVED TO ADJOURN. The meeting adjourned at 9:29 p.m.

 /s/ Kerry Bush
Deputy City Clerk