

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

Regular Session

March 5, 2012

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 Penn at 7:37 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, Penn
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 White, Community Development
Director Gryglewicz, Finance and Administrative Services
Fire Chief Pattarozzi
EMS Coordinator Green
Senior Planner Stitt, Community Development
Fleet Manager White, Public Works
Police Commander 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 FEBRUARY 21, 2012.**

Vote results:

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

Motion carried.

6. Recognition of Scheduled Public Comment

There were no scheduled visitors.

7. Recognition of Unscheduled Public Comment

(a) Diane Tomasso, an Englewood resident, spoke regarding the Englewood Train Station (The Englewood Depot). She is curious how the \$50,000.00 price tag was arrived at. She is interested in knowing if the Public Hearing will have any influence on the price or if the price has already been set. Ms. Tomasso believes the City should receive a good and fair price for this building; that this price is too low for the area. Ms. Tomasso believes that the building's foundation is solid and that the building should be protected from demolition and should meet historic preservation standards.

Council Response to Public Comment

8. Communications, Proclamations and Appointments

(a) A resolution appointing Kaylene McCrum to the Cultural Arts Commission was considered.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 8 (a) (i) – RESOLUTION NO. 44, SERIES OF 2012.

RESOLUTION NO. 44, SERIES OF 2012

A RESOLUTION APPOINTING KAYLENE McCRUM AS A MEMBER OF THE CULTURAL ARTS COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

Vote results:

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

Motion carried.

(b) A resolution appointing Jason Whyte as an alternate voting member for Alliance for Commerce in Englewood was considered.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 8 (a) (ii) – RESOLUTION NO. 45, SERIES OF 2012.

RESOLUTION NO. 45, SERIES OF 2012

A RESOLUTION APPOINTING JASON WHYTE AS AN ALTERNATE VOTING MEMBER TO THE ALLIANCE FOR COMMERCE IN ENGLEWOOD COMMITTEE (ACE) FOR THE CITY OF ENGLEWOOD, COLORADO.

Vote results:

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

Motion carried.

9. Consent Agenda

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE CONSENT AGENDA ITEMS 9 (a) (i), (ii), (iii), and 9 (b) (i), (ii), and (iii).

(a) Approval of Ordinances on First Reading

(i) COUNCIL BILL NO. 10, INTRODUCED BY COUNCIL MEMBER WOODWARD

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

- (ii) COUNCIL BILL NO. 11, INTRODUCED BY COUNCIL MEMBER WOODWARD

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

- (iii) COUNCIL BILL NO. 12, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AUTHORIZING AN APPLICATION FOR AND ACCEPTANCE OF "COLORADO EMERGENCY MEDICAL AND TRAUMA SERVICES (EMTS) PROVIDER GRANT" BETWEEN THE CITY OF ENGLEWOOD, COLORADO AND THE STATE OF COLORADO.

- (b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 8, SERIES OF 2012 (COUNCIL BILL NO. 7, INTRODUCED BY COUNCIL MEMBER WOODWARD)

AN ORDINANCE AUTHORIZING AN APPLICATION AND ACCEPTANCE OF "VICTIM ASSISTANCE AND LAW ENFORCEMENT GRANT" BETWEEN THE CITY OF ENGLEWOOD, COLORADO AND THE 18TH JUDICIAL DISTRICT.

(ii) ORDINANCE NO. 9, SERIES OF 2012 (COUNCIL BILL NO. 8, INTRODUCED BY COUNCIL MEMBER WOODWARD)

AN ORDINANCE AUTHORIZING THE INTERGOVERNMENTAL AGREEMENT ENTITLED "AGREEMENT RTD & CITY OF ENGLEWOOD COST SHARING FOR THE ART" BETWEEN THE REGIONAL TRANSPORTATION DISTRICT (RTD) AND THE CITY OF ENGLEWOOD, COLORADO.

(iii) ORDINANCE NO. 10, SERIES OF 2012 (COUNCIL BILL NO. 9, INTRODUCED BY COUNCIL MEMBER WOODWARD)

AN ORDINANCE AUTHORIZING ACCEPTANCE OF SIX EASEMENTS LOCATED AT 5050 SOUTH FEDERAL BOULEVARD, ENGLEWOOD, COLORADO FOR THE REDEVELOPMENT AND EXPANSION OF THE KING SOOPERS STORE IN THE CENTENNIAL SHOPPING CENTER.

Vote results:

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

Motion carried.

- (c) Resolutions and Motions

There were no additional resolutions or motions submitted for approval. (See Agenda Item 11 (c).)

10. Public Hearing Items

No public hearing was scheduled before Council.

11. Ordinances, Resolution and Motions

- (a) Approval of Ordinances on First Reading

There were no additional items submitted for approval on first reading. (See Agenda Item 9 - Consent Agenda.)

(b) Approval of Ordinances on Second Reading

There were no additional items submitted for approval on second reading. (See Agenda Item 9 - Consent Agenda.)

(c) Resolutions and Motions

(i) Director Gryglewicz presented a recommendation from the Finance and Administrative Services Department to adopt a resolution approving a transfer and supplemental appropriation in the amount of \$334,000 from the General Fund reserves to the Public Improvement Fund for 2012 Paving Projects.

COUNCIL MEMBER McCASLIN MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) – RESOLUTION NO. 46, SERIES OF 2012.

RESOLUTION NO. 46, SERIES OF 2012

A RESOLUTION TRANSFERRING AND APPROPRIATING FUNDS FROM THE GENERAL FUND TO THE PUBLIC IMPROVEMENT FUND (PIF) FOR 2012 PAVING PROJECTS.

Vote results:

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

Motion carried.

(ii) Senior Planner Stitt presented a recommendation from the Community Development to approve, by motion, an agreement between the City of Englewood and MV Public Transportation, Inc. for 2012 management, operation, and maintenance of the art shuttle. The contract amount is \$263,221.20.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (ii) – AN AGREEMENT BETWEEN THE CITY OF ENGLEWOOD AND MV TRANSPORTATION, INC. FOR THE 2012 MANAGEMENT, OPERATION, AND MAINTENANCE OF THE ART SHUTTLE IN THE AMOUNT OF \$263,221.20.

Vote results:

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

Motion carried.

(iii) Fire Chief Pattarozzi and Fleet Manager White presented a recommendation from the Fire Department for Council to approve, by motion, the purchase of a 2012 medic apparatus for the Fire Department. Staff recommends awarding the contract to the lowest acceptable bidder, Taylor Made, in the amount of \$136,660.00.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (c) (iii) – THE PURCHASE OF A 2012 MEDIC APPARATUS FROM TAYLOR MADE IN THE AMOUNT OF \$136,660.00.

Vote results:

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

Motion carried.

(iv) Deputy City Manager Flaherty presented a recommendation from the City Manager's office to approve a motion to consider the offer from Pillar Property Services, LLC, to purchase the Englewood Depot and the .490 acre parcel on which the Depot is located for a purchase price of \$50,000.00. It is also requested that Council schedule a public hearing for March 19, 2012 to gather public input on this matter.

COUNCIL MEMBER WOODWARD MOVED, AND MAYOR PENN SECONDED, TO APPROVE AGENDA ITEM 11 (c) (iii) – TO CONSIDER THE OFFER FROM PILLAR PROPERTY SERVICES, LLC. TO PURCHASE THE ENGLEWOOD DEPOT, ALONG WITH THE .490 ACRE PARCEL IT IS SITUATED ON FOR \$50,000.00, AND TO SET A PUBLIC HEARING DATE OF MARCH 19, 2012.

Vote results:

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

Motion carried.

12. General Discussion

(a) Mayor's Choice

(b) Council Members' Choice

(i) Council Bill No. 15, amending Title 5-3D of the Englewood Municipal Code pertaining to Medical Marijuana Primary Caregivers was considered.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 12 (b) (i) - COUNCIL BILL NO. 15.

COUNCIL BILL NO. 15, INTRODUCED BY COUNCIL MEMBER JEFFERSON

A BILL FOR AN ORDINANCE AMENDING TITLE 5, CHAPTER 3D, SECTIONS 3 AND 19, OF THE ENGLEWOOD MUNICIPAL CODE 2000 WHICH PERTAINS TO MEDICAL MARIJUANA AND PRIMARY CARE-GIVERS.

Vote results:

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

Motion carried.

(ii) Council Bill No. 16, amending Title 7-6D of the Englewood Municipal Code pertaining to Medical Marijuana Primary Caregivers was considered.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 12 (b) (ii) - COUNCIL BILL NO. 16.

COUNCIL BILL NO. 16, INTRODUCED BY COUNCIL MEMBER JEFFERSON

A BILL FOR AN ORDINANCE AMENDING TITLE 7, CHAPTER 6D, SECTION 12, OF THE ENGLEWOOD MUNICIPAL CODE 2000 WHICH PERTAINS TO MEDICAL MARIJUANA.

COUNCIL MEMBER JEFFERSON MOVED TO STRIKE ALL OF SECTION 7-6D-12 (E), CONCERNING MARIJUANA IN MOTOR VEHICLES.

MOTION DIED FOR LACK OF A SECOND.

Vote results on motion to approve Council Bill No. 16:

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

Motion carried.

