

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

Regular Session

March 19, 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 7:33 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
Deputy City Clerk Bush
Director Gryglewicz, Finance and Administrative Services
Director Hargrove, Library
Manager of Open Space Lee, Parks and Recreation
Economic Development Coordinator Hollingsworth, Community Development
Communications Coordinator Hoffhines, City Manager's Office
Housing Finance Specialist Grimmert, Community Development
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 MARCH 5, 2012.**

Vote results:

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

Motion carried.

6. Recognition of Scheduled Public Comment

- (a) City Council recognized the young people who were nominated for this year's Arapahoe Mayors and Commissioners Youth Award.
- Nate Andrews, an 8th grader at Englewood Middle School

- Marilyn Arroyo, a 12th grader at Colorado's Finest Alternative High School
- Mariah Bacca, a 7th grader at Englewood Middle School (absent)
- Samantha Benner, a 10th grader at John F. Kennedy High School
- Bryant Clark, a 12th grader at Colorado's Finest Alternative High School
- Kaylee Coker-Moseley, an 8th grader at Englewood Middle School
- Adrian DeLaTorre Zubia, an 8th grader at Englewood Middle School
- Angela English, an 8th grader at Englewood Middle School
- Tony Fierro, a 12th grader at Colorado's Finest Alternative High School
- Tyler Hastings, an 8th grader at Englewood Middle School
- Jody Herndon, an 8th grader at Englewood Middle School
- Tiffany Inman, a 7th grader at Englewood Middle School
- Amber Loos, an 8th grader at Englewood Middle School
- Ty Lucas, an 8th grader at Englewood Middle School (absent)
- Midori Martinez-Palmer, a 7th grader at Englewood Middle School (absent)
- Liberty Nelson, an 11th grader at Colorado's Finest Alternative High School
- Thomas Romero, a 12th grader at Colorado's Finest Alternative High School (absent)
- Heather Ryan, an 8th grader at Englewood Middle School
- Kelsey Schaffer, a 7th grader at Englewood Middle School
- Jenny Sowers, a 12th grader at Colorado's Finest Alternative High School
- Sophia Vamvakias, an 8th grader at Englewood Leadership Academy
- Paige Vielbig, a 12th grader at Englewood High School
- Chase Zrnchik, a 7th grader at Englewood Middle School

7. Recognition of Unscheduled Public Comment

(a) Steven Hoelter, an Englewood resident, discussed foreclosed homes, which have been abandoned and run down. He feels the City should be more aggressive. Clean-up people are leaving piles of trash. Mr. Hoelter and his neighbors have contacted Code Enforcement several times regarding this issue.

Council Response to Public Comment

8. Communications, Proclamations and Appointments

There was no communications, proclamations or appointments.

9. Consent Agenda

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO APPROVE CONSENT AGENDA ITEMS 9 (a) (i), (ii), (iii), 9 (b) (i), (ii), (iii), (iv), and 9 (c) (i). (Council Member Woodward pulled 9 (b)(v) for discussion.)

(a) Approval of Ordinances on First Reading

(i) COUNCIL BILL NO. 13, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT ENTITLED "FEDERAL EQUITABLE SHARING AGREEMENT AND CERTIFICATION" BETWEEN THE UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF TREASURY AND THE CITY OF ENGLEWOOD, COLORADO ACCEPTING FORFEITURE MONIES.

(ii) COUNCIL BILL NO. 19, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AUTHORIZING INTERGOVERNMENTAL AGREEMENTS FOR THE APPLICATION FOR AND ACCEPTANCE OF COLORADO DEPARTMENT OF TRANSPORTATION GRANTS AWARDED TO THE CITY OF ENGLEWOOD FOR VARIOUS PROJECTS RELATED TO TRAFFIC SAFETY EDUCATION AND ENFORCEMENT DURING CALENDAR YEARS 2011, 2012, AND 2013.

(iii) COUNCIL BILL NO. 14, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT FOR THE ACCEPTANCE OF AN AWARD TO FUND AN ENGLEWOOD POLICE OFFICER FOR 2011 AND 2012 TO BE ASSIGNED TO THE SOUTH METRO DRUG TASK FORCE.

(b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 12, SERIES OF 2012 (COUNCIL BILL NO. 10, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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

(ii) ORDINANCE NO. 13, SERIES OF 2012 (COUNCIL BILL NO. 11, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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

(iii) ORDINANCE NO. 14, SERIES OF 2012 (COUNCIL BILL NO. 12, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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.

(iv) ORDINANCE NO. 15, SERIES OF 2012 (COUNCIL BILL NO. 15, INTRODUCED BY COUNCIL MEMBER JEFFERSON)

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.

(v) ORDINANCE NO. _____, SERIES OF 2012 (COUNCIL BILL NO. 16, INTRODUCED BY COUNCIL MEMBER JEFFERSON) ***This was pulled from the Consent Agenda, for discussion, by Council Member Woodward. ***

(c) Resolutions and Motions

(i) A CONTRACT FOR CONSTRUCTION OF THE CENTENNIAL PARK TRAIL LOOP RENOVATIONS TO STANDARD CONCRETE, INC. IN THE AMOUNT OF \$319,304.00.

Vote results:

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

Motion carried.

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9. Consent Agenda

(b) (v) ORDINANCE NO. 16, SERIES OF 2012 (COUNCIL BILL NO. 16, INTRODUCED BY COUNCIL MEMBER JEFFERSON)

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

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 9 (b)(v), COUNCIL BILL NO. 16, INTRODUCED BY COUNCIL MEMBER JEFFERSON.

**COUNCIL MEMBER JEFFERSON MOVED TO STRIKE ALL OF 7-6D-12 (E), CONCERNING MOTOR VEHICLES.
DIED FOR LACK OF A SECOND.**

Vote results:

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

Motion carried.

10. Public Hearing Items

(a) A Public Hearing to gather input on the proposed sale of the Englewood Depot and the .490 acre parcel on which the Depot is located.

Deputy City Manager Flaherty discussed the history of the depot, the publication requirements that were fulfilled in the Englewood Herald and on the City's website, past and present potential buyers, conditions placed by Council, the various methods of advertising the sale, and the possible uses and restrictions of the site.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO OPEN THE PUBLIC HEARING FOR AGENDA ITEM 10 (a), COUNCIL BILL NO. 18, AUTHORIZING A CONTRACT FOR THE SALE OF THE ENGLEWOOD DEPOT LOCATED AT 3098 SOUTH GALAPAGO STREET AND PROPERTY TO PILLAR PROPERTY SERVICES LLC BY THE CITY OF ENGLEWOOD.

Vote results:

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

Motion carried and the Public Hearing opened.

All witnesses were duly sworn. Mayor Penn set a time limit of three minutes per person to speak. Citizens who spoke include:

(i) James Jordan, an Englewood resident, informed Council that he and 8 or 9 others have formed The Englewood Historic Preservation Society this past week. This is intended to replace The Englewood Historical Society. They would like to see the depot turned into a museum. He believes that there is funding available for the required restoration.

(ii) Bev Nielsen, an Englewood resident, said the depot is a part of our history and she doesn't want to see anything happen to it. She didn't know it was a problem until she read it in the paper.

(iii) Lester Myers, an Englewood resident, said I didn't know the depot was for sale until I saw it on television. It should be kept as a historical site in the City, for the City. There isn't much of our history left. I'd like to see the Council get more involved and more aggressive in keeping this and making it a historical site.

(iv) Bev Maes, an Englewood resident, said I am here to represent the people, who were not given proper notice that this place was for sale. She wanted to know why the City is against signs or providing information to the people of Englewood. She brought in three cash offers and presented packets to Council, which, she said, meet the requirements set forth in the last RFP request.

(v) Ida Mae Nicholl, an Englewood resident, said she was disappointed that Council was considering selling one of the last pieces of Englewood's history. She wanted to know if any Council Member had contacted their constituency and prompted them to come forward like her District IV representative did. Ms. Nicholl said that citizens need prodding by the Council leadership to let them know that they are needed.

(vi) Dave Paschal, an Englewood resident, would like to see the City maintain the property and gather donations to pay for the restoration and maintenance of the building. He has a personal investment in the depot.

(vii) Erich Dietrich, a Littleton resident, would like to see the depot restored and sees the bottom of the building as a chocolate museum and the upper floor as a possible family business or restaurant. He inquired to the City about the building but did not receive any return telephone calls, which disappointed him. Mr. Dietrich believes that when a city loses its history, it loses its identity. He went through this in Green Bay, Wisconsin. He believes that the depot should belong to the City and be leased, not sold.

(viii) Christine Sues, a Littleton resident, said Erich is my husband and I have been eating his chocolates for 40 years. He is an honest man who works long and hard. He will do the best he can. He would be a good man to do business with the depot.

(ix) Ken Haraldson, an Englewood resident, said I helped write the book on the history of Englewood. I am one of the few left who wrote that book. Eisenhower went through the depot in 1924. The depot is a part of Englewood and it should never be destroyed.

Recessed at 9:15 p.m.

Reconvened at 9:27 p.m., with all City Council Members present.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO CLOSE THE PUBLIC HEARING FOR AGENDA ITEM 10 (a), COUNCIL BILL NO. 18, AUTHORIZING A CONTRACT FOR THE SALE OF THE ENGLEWOOD DEPOT LOCATED AT 3098 SOUTH GALAPAGO STREET AND PROPERTY TO PILLAR PROPERTY SERVICES LLC BY THE CITY OF ENGLEWOOD.

Vote results:

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

Motion carried and the Public Hearing closed.

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Mayor Penn moved forward Agenda Items 11 (c) (i) and 11 (c) (ii).

11. (c) Resolutions and Motions

(i) Economic Development Coordinator Hollingsworth presented a recommendation from the South Broadway Englewood Business Improvement District to adopt a resolution approving an updated slate of the Board of Directors for the South Broadway Improvement District.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) – RESOLUTION NO. 47, SERIES OF 2012.

RESOLUTION NO. 47, SERIES OF 2012

A RESOLUTION APPOINTING THE SOUTH BROADWAY ENGLEWOOD BUSINESS IMPROVEMENT DISTRICT BOARD OF DIRECTORS.

Vote results:

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

Motion carried.

(ii) Manager of Open Space Lee presented a recommendation for a Professional Services Agreement to Major Environmental Services, Inc. for the environmental remediation and demolition of the former Duncan School building in the amount of \$66,982.00.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (c) (ii) – A PROFESSIONAL SERVICES AGREEMENT TO MAJOR ENVIRONMENTAL SERVICES, INC. FOR THE ENVIRONMENTAL REMEDIATION AND DEMOLITION OF THE FORMER DUNCAN SCHOOL BUILDING IN THE AMOUNT OF \$66,982.00.

Vote results:

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

Motion carried.

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COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO RE-OPEN THE PUBLIC HEARING FOR AGENDA ITEM 10 (a), COUNCIL BILL NO. 18, AUTHORIZING A CONTRACT FOR THE SALE OF THE ENGLEWOOD DEPOT LOCATED AT 3098 SOUTH GALAPAGO STREET AND PROPERTY TO PILLAR PROPERTY SERVICES LLC BY THE CITY OF ENGLEWOOD.

Vote results:

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

Motion carried and the Public Hearing re-opened.

All witnesses were duly sworn.

Citizens who spoke include:

(x) David Gilbert, an Englewood resident, said he has to look very hard to find the history of Englewood. The depot is one of the few remaining structures and its loss would be an important link to the past. He favors the newly formed Englewood Historic Preservation Society restoring it as a museum.

(xi) Jake Gilbert, an Englewood resident, said that there isn't anything to remind anyone of the history of Englewood. He believes that the depot should be a museum as a respectful reminder of the City's history and not turned over to the private sector.

(xii) Jesse Dawson, an Englewood resident, is strongly opposed to the sale of the depot. He receives more of a history from his family and the community. Mr. Dawson believes a museum would be the best use for the depot.

(xiii) Diane Tomasso, an Englewood resident, wants the City Council to ensure the depot is preserved in perpetuity for future generations. If sold, she recommends that the contract include: a definition of appropriate uses, a time schedule for rehabilitation, the use of quality design, material and construction, supervised by preservation professionals and that any future work meet the identical standards, assurances in the contract that the building will never be demolished and that the City has the first right of refusal if the owner should decide to sell. Ms. Tomasso thinks an ease donation or permanent deed restriction should be in place. She provided an example of the City keeping a historic building with the Geneva Lodge in the City of Littleton.

(xiv) Kells Waggoner, an Englewood resident, is against selling the depot at any price. He believes that a museum is a good idea. Mr. Waggoner thinks the City should restore it and is in favor of using taxpayers dollars to do it. He thinks the City should sell restoration shares to gather revenue for the restoration of the building. He believes when he was on Council that they put in the budget, in the Public Improvement Fund, \$250,000.00 for an in-kind deposit for shares to come in or people to donate or match that money. The City collected money for that. He doesn't know what happened to the money that was collected.

(xv) Lee Nelson, an Englewood resident, said you have heard that there is quite a bit of civic pride that is untapped and you should use that as a springboard. If we lose anymore Englewood history, we will become South Denver. It is important that the depot remains in use and identifiable. Mr. Nelson believes this could be a point of energetic motivation and get people rallying around this. His own kids would not move back to Englewood because of the uncollected trash and the Code Enforcement issues. Ask for things. You might be surprised.

(xvi) Steven Hoelter, an Englewood resident, wants the City to keep the depot and not sell it to a private investor. He thinks the City could fund this using the grant money from Parks and Recreation or the Police Department. He is in favor of using taxpayer funds to do this, especially since Council has no problem using our money for the National League of Cities trips.

(xvii) Bill Clayton, an Englewood resident, said I don't care if the City keeps the depot or not, just do something with it. Mr. Malinowski promised to restore it to historical standards, as I understand it. That doesn't sound like he is going to tear it down or make it a machine shop. He is going to keep it on that parcel and restore it. Has it been useful for the last 30 years? Every couple of years the people of Englewood suddenly discover the depot. None of these sudden discoveries ever come up with any money or any purpose for the depot. Mr. Clayton said I also want to dispel a myth in that the Chamber, when I was president of it, did not have an interest in the depot because there was no parking and it was too small.

(xviii) Orion Hunter, a Denver resident, said I am the past president of the Englewood Historical Society. Mr. Paschal and I decided to move the depot and formed the Rootin' Tootin' Movin' Committee to get it done. They thought the Chamber could be in the bottom of the building and a historical section on the top. Our goal was to save the building. This building is one of the only two remaining county seat architecture buildings and the other is in New Mexico being used as a post office. Mr. Hunter is in favor of selling the depot to Mr. Malinowski.

(xix) James Sherman, an Englewood resident, supports the sale to Pillar Properties LLC. and supports their efforts to restore the Englewood Train Depot. He has often wondered if something productive would ever be done with it. It has set there for 17 years without anything being done and now, when the City has a potential buyer, there is this sudden public outcry. The City of Englewood has always been about progress and it is time to move forward on this and be productive.

(xx) Paul Malinowski, a Littleton resident, said I am excited to meet Mr. Dietrich tonight as I used to eat at his place in Green Bay, Wisconsin. I saw what happened when Green Bay tore down their historic buildings and that is where I got my passion for historic buildings. I am not going to tear down the depot and I am interested in historic preservation. I want the bottom for my offices and the top for a partnership with the community. If it were zoned differently, I would offer Mr. Dietrich the top floor for his chocolate business and museum right now. I was originally involved in moving the depot 17 years ago. If nothing else, I have raised the conscientiousness of the people but as Bill Clayton said, it has happened before and nothing happened. I would be pleased to do the project as we proposed.

(xxi) Robert Boardman, an Englewood resident, representing the Englewood Lion's Club, presented a proposal for a bid, if the Englewood Lion's Club will offer, to buy the Englewood/Santa Fe Railroad Depot for \$52, 999.95. Our club foundation will apply for a grant for this money from the Lion's Club International Foundation. The Englewood Lion's Club will work to restore the Englewood Depot back to its original status, with the help of the Englewood citizens and professionals. We hope to use it as a museum.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO CLOSE THE PUBLIC HEARING FOR AGENDA ITEM 10 (a), COUNCIL BILL NO. 18, AUTHORIZING A CONTRACT FOR THE SALE OF THE ENGLEWOOD DEPOT LOCATED AT 3098 SOUTH GALAPAGO STREET AND PROPERTY TO PILLAR PROPERTY SERVICES LLC BY THE CITY OF ENGLEWOOD.

Vote results:

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

Motion carried and the Public Hearing closed.

11. Ordinances, Resolution and Motions

(a) Approval of Ordinances on First Reading

(i) Deputy City Manager Flaherty presented a recommendation from the City Manager's office to adopt a bill for an ordinance for the sale of the Englewood Depot to Pillar Property Services, LLC. for the purchase price of \$50,000.00.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 18.

COUNCIL BILL NO. 18, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AUTHORIZING A CONTRACT FOR THE SALE OF THE ENGLEWOOD DEPOT LOCATED AT 3098 SOUTH GALAPAGO STREET AND PROPERTY TO PILLAR PROPERTY SERVICES LLC BY THE CITY OF ENGLEWOOD.

Motion withdrawn.

[Clerk's Note: During the discussion by Council, Mr. Malinowski contacted Deputy City Manager Flaherty and withdrew his offer. Council Member Woodward withdrew the motion.]

(b) Approval of Ordinances on Second Reading

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

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Mayor Penn moved Agenda Items 11(c) (i) and 11 (c) (ii) forward, under Agenda Item 10, the public hearing.

(c) Resolutions and Motions

(i) Economic Development Coordinator Hollingsworth presented a recommendation from the South Broadway Englewood Business Improvement District to adopt a resolution approving an updated slate of the Board of Directors for the South Broadway Improvement District.

(ii) Manager of Open Space Lee presented a recommendation for a Professional Services Agreement to Major Environmental Services, Inc. for the environmental remediation and demolition of the former Duncan School building in the amount of \$66,982.00.

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 PENN MOVED TO ADJOURN. The meeting adjourned at 11:08 p.m.

/s/ Kerry Bush
Deputy City Clerk