

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

Regular Session

April 2, 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 7:30 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, 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
Engineering/Capital Projects Administrator Henderson, Public Works
Field Operations Administrator Nimmo, Public Works
Long Range Planner II Voboril, Community Development
Parks Supervisor Barton, Parks and Recreation
Police Commander Watson

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 MARCH 19, 2012.

Vote results:

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

Motion carried.

6. Recognition of Scheduled Public Comment

(a) Don Cameron was present to address City Council regarding landscaping in the 4700 block of South Santa Fe.

7. **Recognition of Unscheduled Public Comment**

(a) Gerald Tindall, an Englewood resident, expressed concerns regarding the split of Medical District Sub-Area 2. He recommends not splitting the zones.

Council Response to Public Comment

8. **Communications, Proclamations and Appointments**

(a) Proclamation declaring Friday, April 20, 2012, as Arbor Day.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE THE PROCLAMATION DECLARING APRIL 20, 2012 AS ARBOR DAY.

Vote results:

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

Motion carried.

(b) Letter from Jerad Harbaugh announcing his resignation from the Planning and Zoning Commission.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO ACCEPT THE RESIGNATION OF JERAD HARBAUGH FROM THE PLANNING AND ZONING COMMISSION.

Vote results:

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

Motion carried.

(c) Letter from Chad Knoth, Planning and Zoning Commission Chair, recommending Catherine Townley be moved from an Alternate Member to a Regular Member.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO ACCEPT THE RECOMMENDATION MOVING CATHERINE TOWNLEY FROM ALTERNATE MEMBER TO REGULAR MEMBER OF THE PLANNING AND ZONING COMMISSION.

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 additional items submitted for approval on first reading. (See Agenda Item 11.)

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

(b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 17, SERIES OF 2012 (COUNCIL BILL NO. 13, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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) ORDINANCE NO. 18, SERIES OF 2012 (COUNCIL BILL NO. 14, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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.

(iii) ORDINANCE NO. 19, SERIES OF 2012 (COUNCIL BILL NO. 19, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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.

(c) Resolutions and Motions

(i) RESOLUTION NO. 48, SERIES OF 2012

A RESOLUTION AUTHORIZING THE ENGLEWOOD PUBLIC LIBRARY TO IMPLEMENT THE "2012 FOOD FOR FINES" PROGRAM FROM MONDAY, MAY 21, 2012 THROUGH SUNDAY, JUNE 3, 2012 AND MONDAY, NOVEMBER 26, 2012 THROUGH SUNDAY, DECEMBER 9, 2012.

Vote results:

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

Motion carried.

10. Public Hearing Items

There was no public hearing scheduled.

11. Ordinances, Resolution and Motions

(a) Approval of Ordinances on First Reading.

(i) Long Range Planner II Voboril presented a recommendation from the Community Development Department to adopt a bill for an ordinance amending the Unified Development Code to establish the Mixed Use High Density Residential and Limited Office Zone District and the related zoning change (Medical Sub-area 3). Staff further recommends that Council set a public hearing April 16th to gather input on this matter.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 20.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO AMEND COUNCIL BILL NO. 20 TO CHANGE 16-6-1 (C) (3) (a) FROM BUILDING GROSS FLOOR AREA TO FLOOR AREA OR USABLE SQUARE FEET.

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Vote results:

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

Nays: None

Motion carried.

Vote results:

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

Nays: None

Motion carried as amended.

COUNCIL BILL NO. 20, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE AMENDING TITLE 16, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO ESTABLISHMENT OF A M-U-R-3-C ZONE DISTRICT; ELIMINATING THE M-O-1 OVERLAY ZONE DISTRICT, AND THE AMENDMENT OF THE OFFICIAL ZONING MAP TO REZONE PORTIONS OF THE MEDICAL DISTRICT SUB-AREA 3.

(ii) Long Range Planner II Voboril presented a recommendation from the Community Development Department to adopt a bill for an ordinance amending the Unified Development Code to establish the Neighborhood Preservation Overlay Zone District and the related zoning change (Medical District Sub-area 2). Staff further recommends that Council set a public hearing April 16th to gather input on this matter.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (ii) - COUNCIL BILL NO. 21.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO AMEND COUNCIL BILL NO. 21 TO CHANGE 16-5-2 (E) (4) SO THAT IT READS "SHOULD ANY SUCH STRUCTURES BE DESTROYED OR INTENTIONALLY BE DEMOLISHED BY MORE THAN SIXTY PERCENT (60%) OF ITS VALUE, THE STRUCTURE SHALL BE ALLOWED TO BE RECONSTRUCTED WITH THE SAME NUMBER OF UNITS OR ADDING UP TO TEN PERCENT (10%) IN NUMBER OF UNITS AND IN ITS PREVIOUS LOCATION ON THE LOT..."

Vote results:

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

Nays: None

Motion carried.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO AMEND COUNCIL BILL NO. 21 TO CHANGE 16-5-2 (E) (3) TO CHANGE THE MAXIMUM NUMBER OF RESIDENTIAL UNITS FROM TWO (2) TO FOUR (4) PER FIFTY FEET (50') OF LOT FRONTAGE.

Vote results:

Ayes: Council Members Jefferson, Woodward, Gillit

Nays: Council Members McCaslin, Wilson, Penn, Olson

Motion defeated.

Vote results:

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

Nays: Council Member Woodward

Motion carried as amended.

COUNCIL BILL NO. 21, INTRODUCED BY COUNCIL MEMBER WILSON

A BILL FOR AN ORDINANCE AMENDING TITLE 16, OF THE ENGLEWOOD MUNICIPAL CODE 2000 PERTAINING TO THE ESTABLISHMENT OF A NEIGHBORHOOD PRESERVATION OVERLAY ZONE

DISTRICT, AND AMENDMENT OF THE OFFICIAL ZONING MAP TO REZONE PORTIONS OF THE MEDICAL DISTRICT SUB-AREA 2.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO APPROVE TO HOLD PUBLIC HEARINGS FOR COUNCIL BILL NO. 20 AND 21 ON APRIL 16, 2012.

Vote results:

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

Motion carried.

(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) Field Operations Administrator Nimmo presented a recommendation from the Public Works Department to approve, by motion, a construction contract for Concrete Utility 2012. Staff recommends awarding the contract to the lowest acceptable bidder, NORAA Concrete Construction, in the amount of \$313,522.50.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) – A CONSTRUCTION CONTRACT TO THE LOWEST ACCEPTABLE BIDDER, NORAA CONCRETE CONSTRUCTION IN THE AMOUNT OF \$313,522.50 FOR CONCRETE UTILITY 2012.

Vote results:

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

Motion carried.

12. **General Discussion**

(a) Mayor's Choice

(b) Council Members' Choice

13. **City Manager's Report**

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 8:51 p.m.

/s/ Kerry Bush
Deputy City Clerk