

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

Regular Session

April 16, 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 7:39 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 Fonda, Utilities
Director White, Community Development
Engineering/Capital Projects Administrator Henderson, Public Works
Planner II Bell, Community Development
Long Range Planner II Voboril, Community Development
Streets Maintenance Manager Hagan, Public Works
Retirement Administrator Wescoat, Finance and Administrative Services
Revenue and Budget Manager Nolan, Finance and Administrative Services
Police Commander Englert

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 APRIL 2, 2012.**

Vote results:

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

Motion carried.

6. **Recognition of Scheduled Public Comment**

There was no scheduled public comment.

7. **Recognition of Unscheduled Public Comment**

There was no unscheduled public comment

Council Response to Public Comment

8. **Communications, Proclamations and Appointments**

- (a) A resolution appointing Catherine Townley to the Planning and Zoning Commission

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE THE RESOLUTION APPOINTING CATHERINE TOWNLEY TO THE PLANNING AND ZONING COMMISSION.

Vote results:

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

Motion carried.

RESOLUTION No. 49, SERIES OF 2012

A RESOLUTION APPOINTING CATHERINE TOWNLEY TO THE PLANNING AND ZONING COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

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.)

- (b) Approval of Ordinances on Second Reading

There were no items submitted for approval on second reading.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE CONSENT AGENDA ITEM 9 (c) (i).

- (c) Resolutions and Motions

(i) Recommendation from the Public Works Department to approve, by motion, a contract for Asphalt Crack Sealing 2012. Staff recommends awarding the contract to the lowest acceptable bidder, Avery Asphalt, Inc., in the amount of \$27,580. **Staff Source: Dave Henderson, Engineering/Capital Projects Administrator and Brad Hagan, Streets Maintenance Manager.**

Vote results:

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

Motion carried.

10. **Public Hearing Items**

(a) A Public Hearing to gather input on Council Bill No. 20, a proposed 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).

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO OPEN THE PUBLIC HEARING TO GATHER INPUT ON COUNCIL BILL NO. 20, 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).

Vote results:

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

Nays: None

Motion carried.

Long Range Planner Voboril II discussed the topic.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO CLOSE THE PUBLIC HEARING TO GATHER INPUT ON COUNCIL BILL NO. 20, 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).

Vote results:

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

Nays: None

Motion carried.

(b) A Public Hearing to gather input on Council Bill No. 21, a proposed 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).

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO OPEN THE PUBLIC HEARING TO GATHER INPUT ON COUNCIL BILL NO. 21, AMENDING THE UNIFIED DEVELOPMENT CODE TO ESTABLISH NEIGHBORHOOD PRESERVATION OVERLAY ZONE DISTRICT AND THE RELATED ZONING CHANGE (MEDICAL SUB-AREA 2).

Vote results:

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

Nays: None

Motion carried.

Long Range Planner Voboril II spoke.

Citizens were sworn in and who spoke include:

- (i) Gerald Tindall
- (ii) Henry Rewers
- (iii) Doug Cohn
- (iv) Laverne Metz
- (v) Chris Wilterdink
- (vi) Cynthia Secor
- (vii) Steve Duris
- (viii) William King
- (ix) Douglas Lee
- (x) Charlotte Pytlinski Collins
- (xi) Maureen White

- (xii) Robert Regan
- (xiii) Anthony Gurule
- (xiv) Tania Diller
- (xv) Emily Holden
- (xvi) Paul Douden
- (xvii) Jeff Walker

One email from Travis Howard was submitted.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO CLOSE THE PUBLIC HEARING TO GATHER INPUT ON COUNCIL BILL NO. 21, AMENDING THE UNIFIED DEVELOPMENT CODE TO ESTABLISH NEIGHBORHOOD PRESERVATION OVERLAY ZONE DISTRICT AND THE RELATED ZONING CHANGE (MEDICAL SUB-AREA 2).

Vote results:

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

Motion carried.

11. Ordinances, Resolution and Motions

(a) Approval of Ordinances on First Reading.

(i) Director of Utilities Fonda presented a recommendation from the Utilities Department to adopt a bill for an ordinance amending and clarifying the language of Title 12-1D-5 of the Englewood Municipal Code pertaining to "Charges for Turning Water On and Off".

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 17.

Vote results:

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

Motion carried.

COUNCIL BILL NO. 17, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AMENDING AND CLARIFYING THE LANGUAGE REGARDING TITLE 12-1D-5 OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO CHARGES FOR TURNING WATER ON AND OFF.

(ii) Director of Finance and Administrative Services Grylewicz presented a recommendation from the Finance Department to adopt an emergency bill for an ordinance authorizing the issuance of General Obligation Water Refunding and Improvement Bonds Series 2012.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (ii) - COUNCIL BILL NO. 22.

Vote results:

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

Motion carried.

COUNCIL BILL NO. 22, INTRODUCED BY COUNCIL MEMBER WILSON

A BILL FOR AN ORDINANCE OF THE CITY OF ENGLEWOOD AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION WATER REFUNDING AND IMPROVEMENT BONDS, SERIES 2012, TO REFUND

OUTSTANDING GENERAL OBLIGATION BONDS OF THE CITY AT A LOWER INTEREST RATE AND TO FINANCE THE CONSTRUCTION OF IMPROVEMENTS TO THE CITY'S WATER SYSTEM; AUTHORIZING THE LEVY OF PROPERTY TAXES, IF NECESSARY, TO PAY SUCH BONDS; PROVIDING THE FORM OF THE BONDS AND OTHER DETAILS IN CONNECTION THEREWITH; APPROVING DOCUMENTS RELATING TO THE BONDS AND DECLARING AN EMERGENCY.

(iii) Director of Finance and Administrative Services Gryglewicz presented a recommendation from the Finance Department to adopt an emergency bill for an ordinance authorizing the issuance of Storm Water Enterprise Revenue Refunding Bonds Series 2012.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (iii) - COUNCIL BILL NO. 23.

Vote results:

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

Motion carried.

COUNCIL BILL NO. 23, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE OF THE CITY OF ENGLEWOOD, ACTING BY AND THROUGH ITS STORM WATER ENTERPRISE, AUTHORIZING THE ISSUANCE OF STORM WATER ENTERPRISE REVENUE REFUNDING BONDS, SERIES 2012, TO REFUND OUTSTANDING BONDS OF THE CITY AT A LOWER INTEREST RATE; PROVIDING THE FORM OF THE BONDS AND OTHER DETAILS IN CONNECTION THEREWITH; APPROVING DOCUMENTS RELATING TO THE BONDS AND DECLARING AN EMERGENCY.

(iv) Planner II. Bell presented a recommendation from the Community Development Department to adopt a bill for an ordinance approving the Denver Seminary Planned Unit Development (PUD) Amendment 3, adding Financial Institution with Drive-Through Service to the Table of Allowed Uses. Staff further recommends that Council set a public hearing on May 7, 2012 to gather input on this matter.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (a) (iv) - COUNCIL BILL NO. 24 AND TO SET A PUBLIC HEARING DATE OF MAY 7, 2012.

Vote results:

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

Motion carried.

COUNCIL BILL NO. 24, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AUTHORIZING THE DENVER SEMINARY PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT NO. 3.

(b) Approval of Ordinances on Second Reading

There were no items submitted for approval on second reading.

(c) Resolutions and Motions

(i) Director of Finance and Administrative Services Gryglewicz presented a recommendation from Finance Department to approve a resolution authorizing a supplemental appropriation for the 2011 budget.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) – RESOLUTION No. 50, SERIES OF 2012.

Vote results:

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

Motion carried.

RESOLUTION No. 50, SERIES OF 2012

A RESOLUTION APPROVING A SUPPLEMENTAL APPROPRIATION TO THE 2011 BUDGET AND TRANSFER BETWEEN FUNDS.

(ii) Director of Utilities Fonda presented a recommendation from the Utilities Department to approve, by motion, a contract for the McLellan Reservoir Outlet Pipe Project. Staff recommends awarding the contract to the lowest acceptable bidder, Diaz Construction Group, in the amount of \$116,250.00

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (c) (ii) – A CONTRACT FOR THE MCLELLAN RESERVOIR OUTLET PIPE PROJECT, AWARDING IT TO DIAZ CONSTRUCTION GROUP, IN THE AMOUNT OF \$116,250.00.

Vote results:

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

Motion carried.

(iii) Director of Utilities Fonda presented a recommendation from the Utilities Department to approve, by motion, the purchase of water meters and electronic remote transmitters. Staff recommends purchasing the equipment from National Meter and Automation, Inc. in the amount of \$99,563.56 in conjunction with Denver Water's purchase to ensure the best quantity price.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER WOODWARD SECONDED, TO APPROVE AGENDA ITEM 11 (c) (iii) –THE PURCHASE OF WATER METERS AND ELECTRONIC REMOTE TRANSMITTERS FROM NATIONAL METER AND AUTOMATIONS, INC., IN THE AMOUNT OF \$99,563.56.

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

(i) NLC Economic Development Seminar in Manhattan Beach, CA

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE THE COST FOR AIRFARE AND HOTEL FOR COUNCIL MEMBER WOODWARD TO ATTEND THE NLC ECONOMIC DEVELOPMENT SEMINAR IN MANHATTAN BEACH, CA USING FUNDS FROM THE COUNCIL BUDGET, IF AVAILABLE OR IF NOT, USING DISCRETIONARY FUNDS.

Vote results:

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

Motion carried.

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 9:48 p.m.

/s/ Kerry Bush
Deputy City Clerk