

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

Regular Session

May 7, 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 7:38 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, Gillit, McCaslin, Wilson, Woodward, Penn
Absent: Council Member Olson

A quorum was present.

Also present: City Manager Sears
City Attorney Brotzman
Deputy City Manager Flaherty
Deputy City Clerk Bush
Executive Assistant Carlton-Smith, City Manager's Office
Retirement Administrator Wescoat, Finance and Administrative Services
Director White, Community Development
Director Kahm, Public Works
Housing Finance Specialist Grimmert, Community Development
Engineering/Maintenance Manager Woo, Wastewater Treatment Plant
Field Operations Administrator Nimmo, Public Works
Planner II Bell, Community Development
Long Range Planner II Voboril, Community Development
Deputy Police Chief Sanchez
Police Commander Englert

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 APRIL 16, 2012.**

Vote results:

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

Motion carried.

6. **Recognition of Scheduled Public Comment**

(a) Youth from the Cherry Creek School District addressed Council regarding Destination ImagiNation and their project to gather food and necessities for the InterFaith Community Services. They made the state finals and are going on to the global finals. They are looking for donations for their trip to Knoxville, Tennessee.

7. **Recognition of Unscheduled Public Comment**

(a) Steve Scott discussed the Unite Englewood event on June 24, 2012 from 10:00 a.m. to 11:00 a.m. at the Englewood High School Football stadium.

(b) Steve Duris spoke regarding Council Bill No. 21 and how he doesn't want to fill anything else out regarding keeping his property to not be non-conforming.

Council Response to Public Comment

8. **Communications, Proclamations and Appointments**

(a) A proclamation naming Thomas Burns as Englewood's Citizen of the Year for 2012.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE A PROCLAMATION NAMING THOMAS BURNS AS ENGLEWOOD'S CITIZEN OF THE YEAR FOR 2012.

Vote results:

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

Motion carried.

(b) A proclamation recognizing May 20-26, 2012 as National Public Works Week.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE A PROCLAMATION RECOGNIZING MAY 20-26, 2012 AS NATIONAL PUBLIC WORKS WEEK.

Vote results:

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

Motion carried.

Public Works Director Kahm and Larry Nimmo accepted the proclamation.

(c) A proclamation declaring May 19, 2012 as National Kids to Parks Day.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE A PROCLAMATION DECLARING MAY 19, 2012 AS NATIONAL KIDS TO PARKS DAY.

Vote results:

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

Motion carried.

- (d) A Proclamation declaring May 19, 2012 as Englewood Youth Soccer Association Day.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE A PROCLAMATION DECLARING MAY 19, 2012 AS ENGLEWOOD YOUTH SOCCER ASSOCIATION DAY.

Vote results:

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

Motion carried.

Proclamation accepted by Englewood Soccer Association President Jenni LeFree.

- (e) A letter from Kailei Higginson announcing his resignation from the Englewood Transportation Advisory Committee.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO ACCEPT THE RESIGNATION FROM KAILEI HIGGINSON FROM THE ENGLEWOOD TRANSPORTATION ADVISORY COMMITTEE.

Vote results:

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

Motion carried.

9. Consent Agenda

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

- (a) Approval of Ordinances on First Reading

- (i) COUNCIL BILL NO. 25, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT REGARDING THE APPLICATION FOR AND ACCEPTANCE OF AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FY 2012 LOCAL SOLICITATION.

- (b) Approval of Ordinances on Second Reading

- (i) ORDINANCE NO. 20, SERIES OF 2012 (COUNCIL BILL NO. 17 , INTRODUCED BY COUNCIL MEMBER WOODWARD)

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) ORDINANCE NO. 21, SERIES OF 2012 (COUNCIL BILL NO. 22, INTRODUCED BY COUNCIL MEMBER WILSON)

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) ORDINANCE NO. 22, SERIES OF 2012 (COUNCIL BILL NO.23, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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.

(c) Resolutions and Motions

(i) Recommendation from the Public Works Department to approve, by motion, a contract for the Union Avenue Paving project. Staff recommends awarding the contract to the lowest acceptable bidder, New Design Construction, in the amount of \$162,335.00. **Staff Source: Dave Henderson, Engineering/Capital Projects Administrator.**

Vote results:

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

Motion carried.

10. Public Hearing Items

(a) A Public Hearing to gather input on Council Bill No. 24, a proposed 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.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO OPEN THE PUBLIC HEARING TO GATHER INPUT ON COUNCIL BILL NO. 24, APPROVING THE DENVER SEMINARY PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT 3, ADDING FINANCIAL INSTITUTION WITH DRIVE-THROUGH SERVICE TO THE TABLE OF ALLOWED USES.

Vote results:

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

Motion carried.

Planner II Bell discussed the amendment.

Frank Cannon, an applicant representative, presented a PowerPoint presentation regarding the bank, drive-through, and ATM.

Citizens were sworn in and who spoke include:

- (i) Martha Kirkpatrick
- (ii) Ron Pickens

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO CLOSE THE PUBLIC HEARING TO GATHER INPUT ON COUNCIL BILL NO. 24, APPROVING THE DENVER

SEMINARY PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT 3, ADDING FINANCIAL INSTITUTION WITH DRIVE-THROUGH SERVICE TO THE TABLE OF ALLOWED USES.

Vote results:

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

Motion carried.

11. Ordinances, Resolution and Motions

(a) Approval of Ordinances on First Reading.

(i) Housing Finance Specialist Grimmert presented a recommendation from the Community Development Department to adopt a bill for an ordinance authorizing the execution of a three-year Intergovernmental Cooperation Agreement with Arapahoe County relating to the conduct of Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) programs for program grant years 2013 through 2015.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER WOODWARD SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 25.

Vote results:

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

Motion carried.

COUNCIL BILL NO. 25, INTRODUCED BY COUNCIL MEMBER WILSON

A BILL FOR AN ORDINANCE APPROVING AND AUTHORIZING A THREE YEAR INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN ARAPAHOE COUNTY, COLORADO AND THE CITY OF ENGLEWOOD, COLORADO RELATING TO THE CONDUCT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAMS FOR PROGRAM GRANT YEARS 2013 THROUGH 2015.

(b) Approval of Ordinances on Second Reading

(i) 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 McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (b) (i) - COUNCIL BILL NO. 20.

ORDINANCE NO. 23, SERIES OF 2012 (COUNCIL BILL NO. 20, INTRODUCED BY COUNCIL MEMBER GILLIT)

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.

Vote results:

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

Motion carried.

(ii) Amending the Unified Development Code to establish the Neighborhood Preservation Overlay Zone District and the related zoning change (Medical District Sub-area 2).

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

ORDINANCE NO. ____, SERIES OF 2011 (COUNCIL BILL NO. 21, INTRODUCED BY COUNCIL MEMBER WILSON)

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 WOODWARD MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO AMEND COUNCIL BILL NO. 21, 16-5-2 E (4) TO READ "ANY MULTI-UNIT STRUCTURE OR OFFICE TYPE 1 OR OFFICE TYPE 2 IN EXISTENCE AT THE TIME OF THE EFFECTIVE DATE OF THE ORDINANCE..."

Vote results amendment:

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

Motion carried.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO AMEND COUNCIL BILL NO. 21, 16-5-2 E (4) TO READ "...UP TO A TEN PERCENT (10%) INCREASE OR THE SAME NUMBER OF UNITS OR LESS OR THE SAME FLOOR AREA FOR OFFICE TYPE 2 IN ITS PREVIOUS LOCATION ON THE LOT..."

Vote results second amendment:

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

Motion carried.

Council Member Olson entered the meeting at 8:58 p.m.

Vote results on motion to approve Council Bill No. 21 as amended:

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

Motion carried.

(c) Resolutions and Motions

(i) Engineering/Maintenance Manager Woo presented a recommendation from the Littleton/Englewood Wastewater Treatment Plant Supervisory Committee to approve, by motion, a contract for the Capital Infrastructure Projects in the Littleton/Englewood Waste Water Treatment Plant 2012 Budget. Staff recommends awarding the contract to the lowest acceptable bidder, Calahan Construction Services, in the amount of \$365,981.00

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) – A CONTRACT WITH CALAHAN CONSTRUCTION SERVICES, IN THE AMOUNT OF \$365,981.00, FOR THE CAPITAL INFRASTRUCTURE PROJECTS.

