

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

Regular Session

September 4, 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 7:45 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
City Clerk Ellis
Director White, Community Development
Director Fonda, Utilities
Economic Development Manager Hollingsworth
Planner I Kirk, Community Development
Senior Planner Langon, Community Development
Engineer IV Abouaish, Utilities
Police Commander Watson
Police Sergeant Rowley

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 AUGUST 20, 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) J. P. Norlander, an Englewood resident, spoke regarding Agenda Item 11 (c) (i), the Park Dedication Fee in Lieu of Land Dedication and asked that it be removed from the Policy. He believes that the fee is too low and is not for the long term. He asked that they note that there is not a park north of Broadway. Policy recommendation \$20,000.00 is too low, he said, and we shouldn't have generic fees.

(b) Doug Cohn, an Englewood resident, said Council did a good job on the sign ordinance. He agreed that the Water Conservation Plan is a good idea and he gave two thumbs up to that. Regarding the Park Dedication Fee in Lieu of, he said genuine play space or green space should be required.

(c) Roger Hutchings, an Englewood resident, spoke regarding his military service and how he has a service dog that has been attacked by dangerous dogs in his neighborhood.

(d) Kathy Neary, an Englewood resident (and also Mr. Hutching's wife), advised that her husband's service dog has been attacked several times by pit bulls. They have incurred \$2000.00 in medical bills and they are having trouble with receiving restitution. They are asking for a pit bull ban as these are dangerous animals. They would also like to have the appropriate staff respond and have the code enforced.

(e) Randy Egan, an Englewood resident, said the Unified Development Code should be enforced. The \$20,000 is not an accurate amount and these fees are not included in the UDC. The fee is too low for the metro area, where averages are \$47,000.00 - \$87,000.00. He encouraged Council to not pass this resolution as it is currently written.

(f) Matt Blomstrom, an Englewood resident, spoke regarding the Park Dedication Fee in Lieu of and he felt the fee was set too low and is not a fair market value. The waiver request is too lenient also.

(g) Ward Sear, an Englewood resident, spoke regarding the Park Dedication Fee in Lieu of. The fee amount of \$20,000.00 is a low fee. The money will not create space for the parks. His main interest was the Flood school and the lack of a park with the new development there.

(h) Marilyn Anderson, an Englewood resident, said she thought the Chocolate Museum would definitely be unique. It would bring in visitors to the City and it would be an added benefit. The owner of the chocolate store would consider selling the Depot to the Historical Society for \$1.00.

(i) Sophia Swaw, an Englewood resident spoke on behalf of herself and her husband, said they support the Chocolate Museum. It would be good for the children.

(j) Sita Egan, an Englewood resident, said she sent an e-mail to Council today regarding the fee in lieu of. She disagrees with the economic policy and the concessions, as adding 1,700 residents to 10.5 acres are too much. Please hold off on the approval of the resolution and listen to what we, the citizens, have to say tonight.

(k) Pamela Beets, an Englewood resident, said these issues are too premature. Our parkland should be protected. Have a good plan for Englewood but don't give it away. If you collect money for parks, where will the new parks go or be placed? Small businesses are the backbone of a healthy community, she said. Have a broad range of diversity and not just apartments.

Council responded to Public Comment.

8. Communications, Proclamations and Appointments

(a) A letter from Kailei Higginson announcing his resignation from the Election Commission was considered.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO ACCEPT THE RESIGNATION FROM KAILEI HIGGINSON FROM THE ELECTION 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 (a).)

- (b) Approval of Ordinances on Second Reading

There were no additional items submitted for approval on second reading. (See Agenda Item 11 (b).)

- (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, Resolutions and Motions

- (a) Approval of Ordinances on First Reading

(i) Planner I Kirk presented a recommendation from the Community Development Department to adopt a Bill for an Ordinance rezoning the Oxford Station TOD from Light Industrial (I-1) to the Planned Unit Development. Staff further recommends that Council set September 17, 2012 as the date for a Public Hearing to consider testimony on the proposed rezoning.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 47 AND TO SET SEPTEMBER 17, 2012 AS THE DATE FOR A PUBLIC HEARING TO CONSIDER TESTIMONY ON THE PROPOSED REZONING.

COUNCIL BILL NO. 47, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE APPROVING THE OXFORD STATION TOD PLANNED UNIT DEVELOPMENT (PUD), BY CAPITAL PARTNERS LOCATED AT OXFORD AVENUE AND SOUTH NAVAJO STREET, IN THE CITY OF ENGLEWOOD, COLORADO.

Vote results:

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

Motion carried.

(ii) Director Fonda introduced Yasser Abouaish, Utilities Engineer IV, who presented a recommendation from the Utilities Department to adopt a Bill for an Ordinance approving the acceptance of a planning grant from the Colorado Water Conservation Board for implementation of Englewood's Water Conservation Plan from 2012-2021.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (ii) - COUNCIL BILL NO. 48.

COUNCIL BILL NO. 48, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF THE WATER CONSERVATION PLANNING GRANT AWARDED TO THE CITY OF ENGLEWOOD, COLORADO BY THE STATE OF COLORADO DEPARTMENT OF LOCAL AFFAIRS.

Vote results:

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

Nays: None

Motion carried.

(b) Approval of Ordinances on Second Reading

(i) Council Bill No. 39 authorizing amendments to the City of Englewood's Sign Code were considered.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (b) (i) – ORDINANCE NO. 47, SERIES OF 2012.

ORDINANCE NO. 47, SERIES OF 2012 (COUNCIL BILL NO. 39, INTRODUCED BY COUNCIL MEMBER WOODWARD)

AN ORDINANCE AMENDING TITLE 16, CHAPTER 6, SECTION 13 ENTITLED "SIGNS" OF THE ENGLEWOOD MUNICIPAL CODE 2000.

Vote results:

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

Nays: None

Motion carried.

(c) Resolutions and Motions

(i) Director White presented a recommendation from the Community Development Department to adopt a resolution authorizing a Park Dedication Fee in Lieu of Land Dedication Policy.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WOODWARD SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) – RESOLUTION NO. 75, SERIES OF 2012.

RESOLUTION NO. 75, SERIES OF 2012

A RESOLUTION ADOPTING PARK TRAILS AND OPEN SPACE LAND DEDICATION FEE IN LIEU POLICY FOR THE CITY OF ENGLEWOOD, COLORADO.

Vote results:

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

Nays: Council Members Jefferson, Olson

Motion carried.

(ii) Economic Development Manager Hollingsworth presented a recommendation from the City Manager's Office to adopt a resolution authorizing the Economic Development Incentive Policy.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (c) (ii) – RESOLUTION NO. 76, SERIES OF 2012.

RESOLUTION NO. 76, SERIES OF 2012

A RESOLUTION ADOPTING "CITY OF ENGLEWOOD ECONOMIC DEVELOPMENT INCENTIVE POLICY" FOR THE CITY OF ENGLEWOOD, COLORADO.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO AMEND AGENDA ITEM 11 (c) (ii) – RESOLUTION NO. 76, SERIES OF 2012, THE ECONOMIC DEVELOPMENT INCENTIVE POLICY, TO ADD, UNDER TAX INCREMENT FINANCING, THAT THIS COULD POTENTIALLY INCLUDE PROPERTY TAXES.

Vote results on the amendment:

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

Nays: Council Member McCaslin

Motion carried.

COUNCIL MEMBER WOODWARD MOVED TO AMEND AGENDA ITEM 11 (c) (ii) – RESOLUTION NO. 76, SERIES OF 2012, UNDER REDUCTION IN FEES, THAT IN MEETING THE REQUIREMENTS OF THE ECONOMIC DEVELOPMENT POLICY GOALS, THIS MAY BE EXPANDED AT THE SOLE DISCRETION OF CITY COUNCIL. THERE WAS NO SECOND.

COUNCIL MEMBER WOODWARD WITHDREW THE MOTION.

Vote results on motion to approve Resolution No. 76, Series of 2012 as amended:

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 9:30 p.m.

/s/ Kerry Bush, MMC
Deputy City Clerk