

**ENGLEWOOD CITY COUNCIL
ENGLEWOOD, ARAPAHOE COUNTY, COLORADO
Regular Session
November 5, 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 7:34 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
City Clerk Ellis
Deputy City Clerk Bush
Director White, Community Development
Director Fonda, Utilities
Director Hargrove, Library
Manager of Administration Bock, Utilities
Planner II Bell, Community Development
Economic Development Manager Hollingsworth
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 OCTOBER 15, 2012.**

Vote results:

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

Motion carried.

6. Recognition of Scheduled Public Comment

(a) Mr. Devin Barker, representing members of the Englewood Historical Preservation Society, addressed City Council regarding the transfer of Englewood Depot to the Society at no cost. He gave the presentation (a handout to Council, which contained a possible proposal to bypass the City's RFP process) and

spoke about preserving the City's identity through the depot. He addressed the hard work and money involved in caring for the depot and how the Society is willing to undertake this role. The Society is looking for a zone change for the depot location, which would allow for a more diverse use of it.

7. Recognition of Unscheduled Public Comment

(a) Gary Kozacek, an Englewood resident, discussed the ticket he received for having an unattached trailer. Mr. Kozacek understands that the ticket is issued by complaints but wonders why his neighbor didn't receive one as well. He is requesting a re-consideration of this ticket as well as looking at the process involved in issuing these types of citations.

(b) Tami Deges, an Englewood resident, spoke about taking a stance in favor of the depot, as it provides a sense of history.

(c) Marilyn Anderson, an Englewood resident, said the original Historical Society started in 1989. She believes that the Society's members present deserve an answer to their question regarding the sale of the depot to the Englewood Historical Preservation Society, as presented tonight. She wonders where the \$300,000.00 from the original group went to.

(d) Tony Dabit said community is a big deal to him. He said the depot is an important part of the community. It can bring money and tourism to the community. He asked Council what should the historical society's next step be. How can we get this done and not wait another eighteen years, with nothing being done?

(e) Ida Mae Nichol, an Englewood resident, spoke regarding the Englewood Historical Preservation Society and their efforts to save the Englewood Depot. The society is asking Council to give them the depot and the land. She wondered about the status of the request they made, several months ago, for financial aid of \$500.00.

Council responded to Public Comment.

8. Communications, Proclamations and Appointments

(a) A proclamation declaring the month of November as American Diabetes Month was considered.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 8 (a) - A PROCLAMATION DECLARING THE MONTH OF NOVEMBER AS AMERICAN DIABETES MONTH.

Vote results:

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

Motion carried.

(b) A proclamation declaring the month of November as Alzheimer's Disease Awareness/Caregivers Month was considered.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE AGENDA ITEM 8 (b) - A PROCLAMATION DECLARING THE MONTH OF NOVEMBER AS ALZHEIMER'S DISEASE AWARENESS/CAREGIVERS MONTH.

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).)

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

- (b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 56, SERIES OF 2012 (COUNCIL BILL NO. 56, INTRODUCED BY COUNCIL MEMBER JEFFERSON)

AN EMERGENCY ORDINANCE CREATING A TEMPORARY SUSPENSION OR MORATORIUM ON THE ESTABLISHMENT OF ANY NEW BUSINESS WHICH SELLS, MANUFACTURES OR CULTIVATES MARIJUANA SHOULD AMENDMENT 64 BE APPROVED BY THE VOTERS.

Vote results:

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

Motion carried.

- (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

MAYOR PENN PULLED ITEM 11 (a) (i) FROM THE AGENDA.

(i) A recommendation from the Utilities Department to adopt a bill for an ordinance amending sections of the Englewood Municipal Code pertaining to sewer fees and charges.

[Clerk's Note: Agenda Items No. 11 (a) (ii) and 11 (a) (iii) were considered together.]

(ii) Planner II Bell presented a recommendation from the Community Development Department to approve a bill for an ordinance adopting the rezoning of Flood Middle School from MU-B-1, MU-R-3-B and R-2-B to PUD. Staff further recommends that Council set November 19, 2012 as the date for the public hearing to gather public input on the proposed ordinance.

COUNCIL BILL NO. 58, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE APPROVING THE FLOOD MS PLANNED UNIT DEVELOPMENT (PUD), BY BARBURY HOLDINGS, LLC LOCATED AT THE NORTHEAST CORNER OF SOUTH BROADWAY AND KENYON AVENUE ALSO KNOWN AS 3695 SOUTH LINCOLN STREET, IN THE CITY OF ENGLEWOOD, COLORADO.

(iii) Planner II Bell presented a recommendation from the Community Development Department to approve an ordinance adopting the Alta Cherry Hills Major Subdivision. Staff further recommends

that Council set November 19, 2012 as the date for the public hearing to gather public input on the proposed ordinance.

COUNCIL BILL NO. 59, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE APPROVING THE ALTA CHERRY HILLS SUBDIVISION LOCATED AT THE NORTHEAST CORNER OF SOUTH BROADWAY AND KENYON AVENUE ALSO KNOWN AS 3695 SOUTH LINCOLN IN THE CITY OF ENGLEWOOD, COLORADO.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (a) (ii) - COUNCIL BILL NO. 58 AND AGENDA ITEM 11 (a) (iii) - COUNCIL BILL NO. 59 AND TO SET PUBLIC HEARINGS ON NOVEMBER 19, 2012 TO GATHER PUBLIC INPUT ON THE PROPOSED ORDINANCES.

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. 50, establishing an intergovernmental agreement with Englewood Schools regarding Use Tax was considered.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (b) (i) – ORDINANCE NO. 57, SERIES OF 2012.

ORDINANCE NO. 57, SERIES OF 2012 (COUNCIL BILL NO. 50, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT ESTABLISHING A REFUNDING OF BUILDING USE TAX FOR SCHOOL DISTRICT NO.1, ARAPAHOE COUNTY 7-12 CAMPUS PROJECT (SCHOOLS).

Vote results:

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

Motion carried.

(c) Resolutions and Motions

(i) Economic Development Manager Hollingsworth presented a recommendation from the City Manager's Office to approve, by motion, the South Broadway Englewood Improvement District Operating Plan and proposed 2013 Budget.

As there were mathematical errors and incorrect numbers contained within the budget as presented, the South Broadway Englewood Improvement District Operating Plan and proposed 2013 Budget will be re-submitted for approval at the next City Council meeting.

12. General Discussion

(a) Mayor's Choice

(b) Council Members' Choice

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO APPROVE \$500.00 TO THE ENGLEWOOD HISTORICAL PRESERVATION SOCIETY, NOT TO BE USED FOR THE RFP.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO AMEND THE AMOUNT TO \$250.00 TO THE ENGLEWOOD HISTORICAL PRESERVATION SOCIETY, NOT TO BE USED FOR THE RFP.

Vote results on amendment:

Ayes: Council Members McCaslin, Woodward, Olson

Nays: Council Member Jefferson, Wilson, Penn, Gillit

Motion defeated.

Vote results on the motion to approve \$500.00 to the Englewood Historical Preservation Society, not to be used for the RFP:

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

Nays: Council Member McCaslin

Motion carried.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO APPROVE TRANSFERRING THE ENGLEWOOD DEPOT TO THE ENGLEWOOD HISTORICAL PRESERVATION SOCIETY TO USE AS A MUSEUM, WITH .THE SOCIETY MEMBERS AS ITS CARETAKERS.

Vote results:

Ayes: Council Members Gillit

Nays: Council Members Jefferson, McCaslin, Wilson, Penn, Woodward, Olson

Motion defeated.

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 9:20 p.m.

_____/s/ Loucrishia A. Ellis_____
City Clerk