

**Agenda for the  
Regular Meeting of the  
Englewood City Council  
Monday, December 3, 2012  
7:30 pm**

Englewood Civic Center – Council Chambers  
1000 Englewood Parkway  
Englewood, CO 80110

1.Call to Order.  7:36 p.m.

2.Invocation.  **McCaslin**

3.Pledge of Allegiance.  **McCaslin**

4.Roll Call. 

**Present:** Jefferson, Penn, Gillit, McCaslin, Wilson, Woodward

**Absent:** Olson

5.Consideration of Minutes of Previous Session. 

a.Minutes from the Regular City Council Meeting of November 19, 2012.

**Motion:** To approve the minutes of November 19, 2012.

**Moved by:** Wilson **Seconded by:** Gillit

**Vote:** **Motion approved**(summary: Yes = 6 No = 0, Absent: Olson)

6.Recognition of Scheduled Public Comment. (This is an opportunity for the public to address City Council. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to five minutes.) 

a.Englewood Fire Chief Michael Pattarozzi recognized the winners of the Fire Prevention Week Contest, with Mayor Penn handing out the certificates, and followed by a brief reception in the Community Room.

<u>GRADE</u>	<u>SCHOOL</u>	<u>TEACHER</u>
Kindergarten	St. Louis	Mrs. Kaspar
1st Grade	St. Louis	Mrs. Kaspar
2nd Grade	All Souls	Mrs. Niswonger
3rd Grade	All Souls	Mrs. Hombs
4th Grade	All Souls	Mrs. Prado
5th Grade	Bishop	Ms. DeGroode and Ms. DeMunch

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- ▶ Recessed at 7:46 p.m.
- ▶ Reconvened at 8:03 p.m. with six Council members present (Council member Olson was absent.).

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7. Recognition of Unscheduled Public Comment. (This is an opportunity for the public to address City Council. Council may ask questions for clarification, but there will not be any dialogue. Please limit your presentation to three minutes. Time for unscheduled public comment may be limited to 45 minutes, and if limited, shall be continued to General Discussion.) ▶

- a. Tom Henley, Area Manager with Xcel Energy, discussed Council Bill No. 61, which involves Xcel Energys poles and possibility of taking private property. Xcel is currently in discussion with various municipalities and the specific requirements of possibly attaching anything to their poles are under consideration by a committee. Xcel Energy thinks there could be a safety and/or a risk issue. They ask that the Council Bill No. 61 be removed from the Consent Agenda and discussed further.
- b. Dudley Spiller, a legal representative from Xcel Energy/Public Service of Colorado, informed the Council that the Council Bill No. 61 is not legal. The PUC is regulated and he does not think that Englewood has seriously or legally considered the implications of this Council Bill. No poster, banner, placards, etc. shall be attached to their utility poles. They have the exclusive jurisdiction and not the home rule municipalities. He believes that if this continues, this is a violation of the current franchise agreement.
- c. Matt Brower, a Denver resident and a consultant for Englewood Academy Charter School, discussed the loss of the competitive advantage in the Englewood School system. Attendance has dropped greatly and the children are going to other school districts for better educational opportunities. He believes the charter school system will regain the competitive advantage for the school district.

d.Terry OConnell, a Littleton resident, spoke as a concerned grandparent regarding the school programs currently being offered. He believes that unions and vested interest people carry more weight than the actual parents. They dont have the same voice and requests for change are not being heard. He encourages everyone to cut the Academy some slack and give them a chance. An open mind would be appreciated and valuable.

e.Christian Contos, an Englewood Police Impact Sergeant, introduced the newest member of the Police Impact Team, Bobbie Garrett. Her vast knowledge and experience will be an asset to the team. She is replacing Officer Perry Schellpfeffer, who is going to the Patrol Division.

#### Council Response to Public Comment

8.Communications, Proclamations, and Appointments. 

None

9.Consent Agenda Items. 

**Motion:** To approve Consent Agenda Items 9 (a) (i), (ii), 9 (b) (i), (ii), (iii), (iv), (v), and 9 (c) (i), (ii).

**Moved by: Woodward**Seconded by: Gillit

Vote: **Motion approved**summary: Yes = 6 No = 0, Absent: Olson)

a.Approval of Ordinances on First Reading.

i.Council Bill No. 64 – Recommendation from the Department of Parks and Recreation to adopt an ordinance approving the Golf Course Restaurant Concessionaire Agreement with Broken Tee Grill LLC. **Staff Sources: Jerrell Black, Director of Parks and Recreation and Bob Spada, Golf Operations Manager.**

ii.Council Bill No. 66 --- Recommendation from the Utilities Department to adopt an ordinance approving Supplemental #168 to the Connector's Agreement Southgate Sanitation District authorizing the inclusion of land within the district. **Staff Source: Stewart H. Fonda, Director of Utilities.**

b.Approval of Ordinances on Second Reading.

i.Council Bill No 57, amending sections of the Englewood Municipal Code pertaining to

**ORD # 58** sewer fees and charges.

ii. Council Bill No. 60, authorizing an Intergovernmental Agreement with the Denver Council  
**ORD # 59** Regional Council of Governments for the 2012 Traffic Signal System Equipment Purchase.

iii. Council Bill No. 61, amending the Englewood Municipal code pertaining to use of public  
**ORD # 60** facilities in the City right of way.

iv. Council Bill No. 62, modifying the Englewood Municipal Code to comply with the City of  
**ORD # 61** Englewood Firefighters Pension Plan Document and Colorado Statutes.

v. Council Bill No. 63, approving the application for and acceptance of a 2013 Emergency  
**ORD # 62** Management Program Grant.

c. Resolutions and Motions.

i. Recommendation from the Finance Department to adopt a resolution approving an  
**RESO # 88** amendment to the City of Englewood Firefighters Pension Plan Document. **Staff Source: Frank Gryglewicz, Director of Finance and Administrative Services.**

ii. Recommendation from the Finance Department to approve a resolution adopting an  
**RESO # 89** amendment to the City of Englewood Police Officers Pension Plan Document. **Staff Source: Frank Gryglewicz, Director of Finance and Administrative Services.**

10. Public Hearing Items. (There is no Public Hearing scheduled.)

None

11. Ordinances, Resolutions and Motions 

a. Approval of Ordinances on First Reading.

i. Council Bill No. 65 --- Recommendation from the Utilities Department to adopt an ordinance approving the change to the Stormwater Section of the Englewood Municipal Code #12-5-9 regarding firefighting discharges to reflect "emergency firefighting," to comply with the Colorado Department of Health's MS4 Permit. **Staff Source: Stewart H. Fonda, Director of Utilities and Yassar Abouaish, Engineer IV.**

**Motion:** To approve Agenda Item 11 (a) (i), Council Bill No. 65.

**Moved by:** Wilson  
Seconded by: McCaslin

**Vote:** **Motion approved**summary: Yes = 6 No = 0, Absent: Olson)

- ii. Council Bill No. 67 --- Recommendation from the Finance Department to adopt an ordinance approving the First Amendment to the Intergovernmental Agreement for Open Space Sales and Use Tax Shareback Funds. **Staff Source: Frank Gryglewicz, Director of Finance and Administrative Services.**

**Motion:** To approve Agenda Item 11 (a) (ii), Council Bill No. 67.

**Moved by:** Woodward  
Seconded by: Wilson

**Vote:** **Motion approved**summary: Yes = 6 No = 0, Absent: Olson)

b. Approval of Ordinances on Second Reading.

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Agenda Items 11 (b) (i) and (ii) were combined for the vote.

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**Motion:** To approve Agenda Item 11 (b) (i), Council Bill No. 58, and to approve Agenda Item 11 (b) (ii), Council Bill No. 59.

**Moved by:** Wilson  
Seconded by: Gillit

**Vote:** **Motion approved**summary: Yes = 6 No = 0, Absent: Olson)

- i. Council Bill No. 58, adopting the rezoning of Flood Middle School from MU-B-1, MU-R-3-B and R-2-B to PUD.

**ORD # 63**

- ii. Council Bill No. 59, adopting the Alta Cherry Hills Major Subdivision.

**ORD # 64**

c. Resolutions and Motions.

- i. Recommendation from the City Managers Office to approve, by motion, the South Broadway Englewood Improvement District Operating Plan and proposed 2013 Budget. **Staff Source: Darren Hollingsworth, Economic Development Manager.**

**Motion:** To approve Agenda Item 11 (c) (i), a motion for the South Broadway Englewood Improvement District Operating Plan and proposed 2013 Budget.

**Moved by: Woodward** Seconded by: Gillit

Vote: **Motion approved** summary: Yes = 6 No = 0, Absent: Olson)

12. General Discussion. 

a. Mayors Choice.

b. Council Members Choice.

13. City Managers Report. 

14. City Attorneys Report. 

15. Adjournment.  9:21 p.m.