

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

**Regular Session**

**November 19, 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 7:36 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 Gryglewicz, Finance and Administrative Services  
Director White, Community Development  
Director Fonda, Utilities  
Engineering/Capital Projects Administrator Henderson, Public Works  
Communications Coordinator Hoffhines, City Manager's Office  
Traffic Engineer Vostry, Public Works  
Planner II Bell, Community Development  
Emergency Management Coordinator Green, Fire  
Fire Battalion Chief Ertle  
Manager of Administration Bock, Utilities  
Deputy Police Chief Sanchez

**5. Consideration of Minutes of Previous Session**

(a) **COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF NOVEMBER 5, 2012.**

**Vote results:**

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

Motion carried.

**6. Recognition of Scheduled Public Comment**

(a) Council recognized the 2013 Englewood Calendar Artists. Communications Coordinator Hoffhines, Mayor Penn, and Council Members Wilson and Jefferson introduced and presented each child with a framed and matted copy of their artwork and tickets to an upcoming Englewood Arts Concert.

- (i) Kyra Roquemore, a 9<sup>th</sup> Grader at Colorado's Finest Alternative High School
- (ii) Diego Rios-Pineda, a 4<sup>th</sup> Grader at Clayton Elementary School
- (iii) Jamie Valdez, an 11<sup>th</sup> Grader at Colorado's Finest Alternative High School
- (iv) Irae Mautoabasi, a Kindergartner at Clayton Elementary School
- (v) Tess Bray, a 9<sup>th</sup> Grader at East High School
- (vi) Cesar Aguilar-Morales, a 4<sup>th</sup> Grader at Clayton Elementary School
- (vii) Isaac Medrano, a 4<sup>th</sup> Grader at Clayton Elementary School
- (viii) Alexander LaCount, a 4<sup>th</sup> Grader at Clayton Elementary School
- (ix) Michaela Martinez, a 12<sup>th</sup> Grader at Englewood High School
- (x) Joseline Ortiz, a 1<sup>st</sup> Grader at Bishop Elementary School
- (xi) Natalie Hiibschman, a 12<sup>th</sup> Grader at Englewood High School
- (xii) Kaylie Carpenter, a 6<sup>th</sup> Grader at Clayton Elementary School
- (xiii) Shawn Michaelis, an 11<sup>th</sup> Grader at Colorado's Finest Alternative High School
- (xiv) Lizzy Marcoux, a 1<sup>st</sup> Grader at All Souls Catholic School
- (xv) Kaleb Greene, a 3<sup>rd</sup> Grader at Clayton Elementary School

**7. Recognition of Unscheduled Public Comment**

(a) Gary Kozacek, an Englewood resident, said I was here two weeks ago and handed out some flyers to you. Mr. Kozacek provided copies to Council regarding his citation pertaining to his trailer, including pictures. He noted that Code Enforcement cited others with trailers that were unattached. He would like to see the policy regarding unattached trailers changed.

(b) Ira Sasina, an Englewood resident, spoke regarding Lehigh Avenue and the new school campus. He has contacted the school district and City Council but no one is talking to him. He has not received any offer of compensation for the property he has developed over the years as he has requested. He has hired an attorney and said he feels bullied.

(c) Diana Sasina, an Englewood resident, said the issue for us is not how it is being done, but what is being done to us. We need some clarification. We are expressing our concerns, but not receiving any response back. The Sasina's don't understand how the school bond money was raised and where it was spent. They feel that City Council is keeping information from them purposely. They are directly impacted with this project. She said there appears to be a lack of communication between us, the school district and the City.

Council responded to Public Comment.

8. **Communications, Proclamations and Appointments**

(a) A letter from Katie Walsh indicating her resignation from the Keep Englewood Beautiful Board was considered.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO ACCEPT THE RESIGNATION OF KATIE WALSH FROM THE KEEP ENGLEWOOD BEAUTIFUL BOARD.**

**Vote results:**

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

Motion carried.

(b) A letter from Brianna Carey indicating her resignation from the Englewood Cultural Arts Commission was considered.

**COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO ACCEPT THE RESIGNATION OF BRIANNA CAREY FROM THE ENGLEWOOD CULTURAL ARTS COMMISSION.**

**Vote results:**

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

Motion carried.

9. **Consent Agenda**

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE CONSENT AGENDA ITEMS 9 (a) (i) AND 9 (c) (i), (ii).**

(a) Approval of Ordinances on First Reading

(i) COUNCIL BILL NO. 60, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT (IGA) ENTITLED "CONTRACT BY AND BETWEEN THE DENVER REGIONAL COUNCIL OF GOVERNMENTS (DRCOG) AND THE CITY OF ENGLEWOOD" FOR REIMBURSEMENT TO THE CITY OF ENGLEWOOD, COLORADO FOR THE COSTS OF 2012 TRAFFIC SIGNAL SYSTEM EQUIPMENT PURCHASE.

(b) Approval of Ordinances on Second Reading

There were no items submitted for approval on second reading.

(c) Resolutions and Motions

(i) RESOLUTION NO. 86, SERIES OF 2012

A RESOLUTION APPROVING MODIFICATION FOR PUBLIC WORKS RIGHT-OF-WAY PERMITS FEES.

(ii) RESOLUTION NO. 87, SERIES OF 2012

A RESOLUTION ESTABLISHING FEE SCHEDULES FOR THE CITY OF ENGLEWOOD CONCRETE UTILITY.

**Vote results:**

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

Motion carried.

10. **Public Hearing Items**

[Clerk's Note: Agenda Items 10 (a) and 10 (b) were combined into one public hearing.]

(a) A Public Hearing to gather input on Council Bill No. 58, approving the rezoning of Flood Middle School from MU-B-1, MU-R-3-B and R-2-B to PUD.

(b) A Public Hearing to gather input on Council Bill No. 59, approving the Alta Cherry Hills Major Subdivision.

**COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO OPEN THE PUBLIC HEARING TO GATHER INPUT ON COUNCIL BILL NO. 58, APPROVING THE REZONING OF FLOOD MIDDLE SCHOOL FROM MU-B-1, MU-R-3-B, AND R-2-B TO PUD AND TO GATHER INPUT ON COUNCIL BILL NO. 59, APPROVING THE ALTA CHERRY HILLS MAJOR SUBDIVISION.**

**Vote results:**

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

Nays: None

Motion carried and the Public Hearing opened.

All testimony was given under oath.

Planner II Bell presented background information regarding the proposed rezoning of Flood Middle School from MU-B-1, MU-R-3-B and R-2-B to PUD and the Alta Cherry Hills Major Subdivision.

A PowerPoint presentation and discussion were provided by Edward Barsocchi (Barbury Holdings LLC.), Tim McEntee (Wood Partners), Robert Miller (PBA Architects), Billy Harris Jr. and Michael Kibbee (Harris, Coker, Smith), and Ryan McBreen (Norris Design).

Public Works Traffic Engineer Vostry spoke regarding the City's traffic patterns and designated turn lanes in or near the development area.

Bob Laughlin, South Broadway Englewood Improvement District President, read a letter into the record indicating support for the re-development of the Flood Middle School Property.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO CLOSE THE PUBLIC HEARING TO GATHER INPUT ON COUNCIL BILL NO. 58, APPROVING THE REZONING OF FLOOD MIDDLE SCHOOL FROM MU-B-1, MU-R-3-B AND R-2-B TO PUD AND TO GATHER INPUT ON COUNCIL BILL NO. 59, APPROVING THE ALTA CHERRY HILLS MAJOR SUBDIVISION.**

**Vote results:**

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

Nays: None

Motion carried and the Public Hearing closed.

The meeting recessed at 9:50 p.m.

The meeting reconvened at 9:58 p.m. with all City Council members present.

11. **Ordinances, Resolutions and Motions**

(a) Approval of Ordinances on First Reading

(i) Director Fonda presented 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.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 57.**

COUNCIL BILL NO. 57, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AMENDING TITLE 12, CHAPTER 2, SECTION 3, SUBSECTIONS B AND D, OF THE ENGLEWOOD MUNICIPAL CODE 2000 REGARDING SEWER FEES AND CHARGES.

**Vote results:**

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

Motion carried.

(ii) Deputy City Manager Flaherty presented a recommendation from the City Manager's Office to adopt a bill for an ordinance amending the Englewood Municipal code pertaining to use of public facilities in the City right-of-way.

**COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (ii) - COUNCIL BILL NO. 61.**

COUNCIL BILL NO. 61, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE AMENDING TITLE 11, CHAPTER 7, BY THE ADDITION OF A NEW PARAGRAPH 32, OF THE ENGLEWOOD MUNICIPAL CODE 2000 REGARDING THE CITY'S USE OF PUBLIC FACILITIES IN CITY RIGHTS-OF-WAY OR PUBLIC PLACES.

**Vote results:**

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

Motion carried.

(iii) Director Gryglewicz presented a recommendation from the Finance Department to adopt a bill for an ordinance modifying the Englewood Municipal Code to comply with the City of Englewood Firefighters Pension Plan Document and Colorado Statutes.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (a) (iii) - COUNCIL BILL NO. 62.**

COUNCIL BILL NO. 62, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AMENDING TITLE 3, CHAPTER 6, SECTION 1, SUBSECTION 1, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO THE FIREFIGHTERS' PENSION FUND.

**Vote results:**

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

Motion carried.

(iv) Emergency Management Coordinator Green presented a recommendation from the Englewood Office of Emergency Management to adopt a bill for an ordinance approving the application for and acceptance of a 2013 Emergency Management Program Grant.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (iv) - COUNCIL BILL NO. 63.**

COUNCIL BILL NO. 63, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AUTHORIZING AN APPLICATION FOR AND ACCEPTANCE OF THE 2013 COLORADO OFFICE OF EMERGENCY MANAGEMENT'S (COEM) EMERGENCY MANAGEMENT PROGRAM GRANT (EMPG), LOCAL EMERGENCY MANAGER SUPPORT (LEMS) PROGRAM BETWEEN THE CITY OF ENGLEWOOD, COLORADO AND THE STATE OF COLORADO DIVISION OF EMERGENCY MANAGEMENT.

**Vote results:**

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

Motion carried.

- (b) Approval of Ordinances on Second Reading

There were no items submitted for approval on second reading.

- (c) Resolutions and Motions

There were no additional resolutions or motions submitted for approval. (See Agenda Item 9 (c).)

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 10:30 p.m.

\_\_\_\_\_/s/ Loucrishia A. Ellis\_\_\_\_\_  
City Clerk