

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

**Regular Session**

**December 3, 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, 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
- City Clerk Ellis
- Deputy City Clerk Bush
- Director Gryglewicz, Finance and Administrative Services
- Director White, Community Development
- Director Fonda, Utilities
- Director Black, Parks and Recreation
- Fire Chief Pattarozzi
- Golf Operations Manager Spada, Parks and Recreation
- Economic Development Manager Hollingsworth
- Planner II Bell, Community Development
- Engineer IV Abouaish, Utilities
- Police Sergeant Contos
- EMS/Emergency Management Coordinator Green, Fire
- Fire Lieutenant Vetos
- Fire Lieutenant Stout
- Driver Operator Engineer Alley, Fire
- Fire Medic Nieto
- Firefighter Cash
- Driver Operator Engineer LeBeau
- Batallion Chief Ertle, Fire
- Fire Medic Hehn
- Fire Medic Gettman
- Driver Operator Engineer Flor, Fire
- Firefighter Garner

Fire Lieutenant Nicholson  
Executive Assistant Norconk, Fire  
Volunteer Vercande, Fire

**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 19, 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) Englewood Fire Chief Michael Pattarozzi recognized the winning classes of the 2012 Fire Prevention Week Poster Contest, which was followed by a brief reception held in the Community Room. The winning classes were: Kindergarten, St. Louis, Mrs. Kaspar; 1<sup>st</sup> Grade, St. Louis, Mrs. Kaspar; 2<sup>nd</sup> Grade, All Souls, Mrs. Niswonger; 3<sup>rd</sup> Grade, All Souls, Mrs. Hombs; 4<sup>th</sup> Grade, All Souls, Mrs. Prado; 5<sup>th</sup> Grade, Bishop, Ms. DeGroode and Ms. DeMunch.

Council recessed at 7:46 p.m. for a brief reception.

The meeting reconvened at 8:03 p.m. with six City Council Members present and one City Council Member absent: Council Member Olson.

**7. Recognition of Unscheduled Public Comment**

(a) Tom Henley, Area Manager with Xcel Energy, discussed Council Bill No.61, which involves Xcel Energy's poles and the 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 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 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, 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 O'Connell, 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 don't 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. He said 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, he said. She is replacing Officer Perry Schellpfeffer, who is going to the Patrol Division.

Council responded to Public Comment.

**8. Communications, Proclamations and Appointments**

There were no communications, proclamations or appointments.

**9. Consent Agenda**

- (a) Approval of Ordinances on First Reading

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

- (i) COUNCIL BILL NO. 64, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE APPROVING THE GOLF COURSE RESTAURANT CONCESSIONAIRE AGREEMENT BETWEEN THE CITY OF ENGLEWOOD AND BROKEN TEE GRILL, LLC.

- (ii) COUNCIL BILL NO. 66, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE APPROVING SUPPLEMENT NO. 168 TO THE SOUTHGATE SANITATION DISTRICT CONNECTOR'S AGREEMENT FOR THE INCLUSION OF LAND WITHIN THE DISTRICT BOUNDARIES.

- (b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 58, SERIES OF 2012 (COUNCIL BILL NO. 57, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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

(ii) ORDINANCE NO. 59, SERIES OF 2012 (COUNCIL BILL NO. 60, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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.

(iii) ORDINANCE NO. 60, SERIES OF 2012 (COUNCIL BILL NO. 61, INTRODUCED BY COUNCIL MEMBER OLSON)

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

(iv) ORDINANCE NO. 61, SERIES OF 2012 (COUNCIL BILL NO. 62, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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

(v) ORDINANCE NO. 62, SERIES OF 2012 (COUNCIL BILL NO. 63, INTRODUCED BY COUNCIL MEMBER WOODWARD)

AN ORDINANCE APPROVING 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.

(c) Resolutions and Motions

(i) RESOLUTION NO. 88, SERIES OF 2012

A RESOLUTION ADOPTING AMENDMENTS TO THE CITY OF ENGLEWOOD FIREFIGHTERS PENSION PLAN DOCUMENT.

(ii) RESOLUTION NO. 89, SERIES OF 2012

A RESOLUTION ADOPTING AMENDMENTS TO THE CITY OF ENGLEWOOD POLICE OFFICERS PENSION PLAN DOCUMENT.

**Vote results:**

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

Nays: None

Absent: Council Member Olson

Motion carried.

**10. Public Hearing Items**

No public hearing was scheduled before Council.

**11. Ordinances, Resolutions and Motions**

(a) Approval of Ordinances on First Reading

(i) Engineer IV Abouaish presented a 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.

**COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 65.**

COUNCIL BILL NO. 65, INTRODUCED BY COUNCIL MEMBER WILSON

A BILL FOR AN ORDINANCE AMENDING TITLE 12, CHAPTER 5, SECTION 9, OF THE ENGLEWOOD MUNICIPAL CODE 2000, ENTITLED PROHIBITED DISCHARGES.

**Vote results:**

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

Nays: None

Absent: Council Member Olson

Motion carried.

(ii) Director Gryglewicz presented a 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.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (ii) - COUNCIL BILL NO. 67.**

COUNCIL BILL NO. 67, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AUTHORIZING THE FIRST AMENDMENT TO THE INTERGOVERNMENTAL AGREEMENT FOR OPEN SPACE SALES AND USE TAX SHAREBACK FUNDS.

**Vote results:**

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

Nays: None

Absent: Council Member Olson

Motion carried.

(b) Approval of Ordinances on Second Reading

**COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (b) (i) – ORDINANCE NO. 63, SERIES OF 2012 AND AGENDA ITEM 11 (b) (ii) – ORDINANCE NO. 64, SERIES OF 2012.**

(i) ORDINANCE NO. 63, SERIES OF 2012 (COUNCIL BILL NO. 58, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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.

(ii) ORDINANCE NO. 64, SERIES OF 2012 (COUNCIL BILL NO. 59, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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.

**Vote results:**

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

Nays: None

Absent: Council Member Olson

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.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) – THE SOUTH BROADWAY ENGLEWOOD IMPROVEMENT DISTRICT OPERATING PLAN AND PROPOSED 2013 BUDGET.**

**Vote results:**

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

Nays: None

Absent: Council Member Olson

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 9:21 p.m.

          /s/ Loucrishia A. Ellis            
City Clerk