

**Agenda for the
Regular Meeting of the
Englewood City Council
Monday, February 4, 2013
7:30 pm**

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

1.Call to Order.  7:30 p.m.

2.Invocation  **McCaslin**

3.Pledge of Allegiance.  **McCaslin**

4.Roll Call. 

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

Absent: None

5.Consideration of Minutes of Previous Session. 

a.Minutes from the Regular City Council Meeting of January 22, 2013.

Motion: To approve the minutes of January 22, 2013.

Moved by: Wilson Seconded by: Olson

Vote: **Motion approved**(summary: Yes = 6 No = 0, Abstain=1 (Gillit))

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.Nancy Doty was not present to accept the City of Englewoods 2013 Aid to Other Agencies financial contribution to the Arapahoe County Mayor and Commissioners Youth Awards.

b. Deputy Fire Chief Petau introduced Bob Glancy, from the National Weather Service, who gave a presentation regarding Englewoods designation as a Storm Ready Community.

c. Dominique Cook addressed City Council regarding the South Broadway Englewood Business Improvement District. She is here tonight representing her father, Jon Cook, and herself as a property owner. She plans to present a copy of the petition to dissolve the South Broadway Business Improvement District to Council, to Bob Laughlin as President of the BID, and to the City Clerk. Ms. Cook asked for City Council's support in the dissolution of the South Broadway Business Improvement District.

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. Bob Laughlin, President of the South Broadway Business Improvement District, stated that they have received negative recognition from some of the business owners. They believed that they got something done and had other ideas to work through. This petition was not a surprise. Those opposing haven't had the percentage needed before and their lawyers will look at the current petition. They need to reorganize their support. The board is made up of volunteers and is a lot of work. He stated that the board deserves some thanks for all that they have done.

b. Brian Hart, from Frame de Art, believes that the BID has been a good thing and opened communication with Council. We will still try to do our best. We would have loved for people to come to our meetings. We enjoyed having Dominique at our meetings. I am disappointed.

c. Dave Black, from the Paradox Lounge, said the property tax is important. We have the majority of the property owners who have signed the petition. This is an involuntary tax. I don't see anything good with this district. Littleton's district is voluntary, unlike ours. There are other options which we could do and it wouldn't cost us so much money.

d. Vi O'Connor said she is a property owner on Broadway. She thinks this is a wonderful program and needs to be continued. This program helps Englewood welcome people from all over to our City. We haven't had this feeling in a long time. Perhaps if Council could help more, it could remain and become better organized. It was not done underhanded. The lights and flowerpots are wonderful.

Council Responded to Public Comment

8. Communications, Proclamations, and Appointments. 

Motion: To approve Agenda Items 8 (a) through (z) – Resolution Nos. 7 through 32.

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

Vote: **Motion approved** (summary: Yes = 7 No = 0)

RESO # 7 a. A resolution reappointing Brian Bleile to the Planning and Zoning Commission.

RESO #8 b. A resolution appointing Gary Bowman as an alternate member of the Urban Renewal Authority.

RESO #9 c. A resolution Cynthia Cassel to the Keep Englewood Beautiful Commission.

RESO #10 d. A resolution appointing Cristine Challis to the Public Library Board.

RESO #11 e. A resolution appointing Linda Cohn to the Urban Renewal Authority.

RESO #12 f. A resolution reappointing Justin Geissler to the Keep Englewood Beautiful Commission.

RESO #13 g. A resolution reappointing Carson Green to the Board of Adjustments and Appeals.

RESO #14 h. A resolution recommending the appointment of Paula Lee as an alternate member of the Englewood Housing Authority.

RESO #15 i. A resolution reappointing Jennifer Jones to the Keep Englewood Beautiful Commission

RESO #16 j. A resolution reappointing Daryl Kinton to the Planning and Zoning Commission.

RESO #17 k. A resolution appointing Martha Kirkpatrick as an alternate member of the Cultural Arts Commission.

RESO #18 l. A resolution appointing Amy Martinez to the Cultural Arts Commission.

RESO #19 m. A resolution appointing Michelle Mayer to the Election Commission.

RESO #20 n. A resolution appointing Michelle Mayer to the Public Library Board.

RESO #21 o. A resolution appointing Christine McGroarty to the Keep Englewood Beautiful Commission.

RESO #22 p. A resolution appointing Christine McGroarty as an alternate member of the Transportation Advisory Committee.

RESO #23 q. A resolution reappointing Marty Mosman to the Malley Center Trust Fund.

RESO #24 r. A resolution reappointing Steve Scott to the Keep Englewood Beautiful Commission.

RESO #25 s. A resolution appointing Theavy Sok to the Keep Englewood Beautiful Commission.

RESO #26 t. A resolution appointing Sarah Thoemke to the Code Enforcement Advisory Committee.

RESO #27 u. A resolution appointing Sarah Thoemke to the Election Commission.

RESO #28 v. A resolution recommending the appointment of Evelyn Vaughn to the Englewood Housing Authority.

RESO #29 w. A resolution reappointing Kells Waggoner to the Water and Sewer Board.

RESO #30 x. A resolution appointing Dave Walker as an alternate member of the Code Enforcement Advisory Committee.

RESO #31 y. A resolution appointing Bruce Werner to the Keep Englewood Beautiful Commission.

RESO #32 z. A resolution reappointing Brittany Yepsen to the Keep Englewood Beautiful Commission.

9.Consent Agenda Items. 

a.Approval of Ordinances on First Reading.

None

Motion: To approve Consent Agenda Item 9 (b) (i).

Moved by: WoodwardSecoded by: Willson

Vote: **Motion approved**(summary: Yes = 7 No = 0)

b.Approval of Ordinances on Second Reading.

ORD # 3 i.Council Bill No. 1 – Authorizing an Intergovernmental Agreement with the Regional Transportation District for cost-sharing for operation of the art shuttle for 2013.

c.Resolutions and Motions.

None

10. Public Hearing Items. 

Agenda Items 10 (a) and 10 (b) were combined for one motion and one hearing.

Motion: To open the Public Hearing gathering input on Council Bill No. 68 and Council Bill No. 69.

Moved by: Gillit
Seconded by: McCaslin

Vote: **Motion approved** (summary: Yes = 7 No = 0)

- a. A Public Hearing to gather input on Council Bill No. 68, approving the rezoning of the W H Investment parcel of the former General Iron Works property from Light Industrial (I-1) and Low Density Single and Multi-Dwelling Unit Residential (R-2-B) to Planned Unit Development (PUD).

- b. A Public Hearing to gather input on Council Bill No. 69, approving the rezoning of the Sand Creek parcel of the former General Iron Works property from Light Industrial (I-1) and General Industrial (I-2) to Planned Unit Development (PUD).

All testimony was given under oath.

Planner I Kirk, from Community Development, presented the history and background for the rezoning.

The applicant, Brian Winslow, thanked Council for hearing this tonight. They are excited to make their presentation and answer any questions that Council may have. They are bringing this forward without a project in mind but it is complicated due to environmental constraints and the prior use by General Iron. They want to move the property forward in the City. The number of constraints has led this property to not being developed. There are huge costs and a lot unknown. There have been title issues. Zoning is a big impediment to a developer. There is only so much time and capital that someone can invest. We are here tonight to try to remove one more impediment. Deals have been lost due to zoning.

Vince Harris provided a PowerPoint presentation of an overview of the application. There are two separate PUDs (Sand Creek and W H) and two separate owners. They appreciate staffs assistance with this. There have been some changes made since the Planning and Zoning meeting. Uses allowed are residential, commercial and industrial. They hope to "sunset" industrial use if they develop it residentially. Single or multi-unit developments could be developed, using a variety of architectural elements. They request approval. They want to add heavy industrial to the Sand Creek PUD.

Director White provided clarification for Council.

Fred Lance prepared the Traffic Impact Study for the development and he presented his findings to Council. Industrial traffic flows are the opposite from residential traffic flows; industrial traffic goes to the site in the mornings and away at night whereas residential leaves in the morning and comes back at night.

Citizens who were sworn in and spoke include:

Patrick Draper

Motion: To close the Public Hearing gathering input on Council Bill No. 68 and Council Bill No. 69.

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

Vote: Motion approved(summary: Yes = 7 No = 0)

11. Ordinances, Resolutions and Motions 

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Recessed at 9:18 p.m.

Council Member McCaslin left at 9:25 p.m. due to a family emergency.

Reconvened at 9:25 p.m. with all Council Members present, except Member McCaslin.

*** **

a. Approval of Ordinances on First Reading.

None

b. Approval of Ordinances on Second Reading

None

c. Resolutions and Motions

i. Recommendation from the Community Development to approve, by motion, an agreement between the City of Englewood and MV Public Transportation, Inc. for 2013 management, operation, and maintenance of the art shuttle. The contract amount is \$265,118.40. **Staff Source: Harold J. Stitt, Senior Planner.**

Motion: To approve Agenda Item 11 (c) (i).

Moved by: WoodwardSeconded by: Jefferson

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

12.General Discussion.

a.Mayors Choice.

b.Council Members Choice.

13.City Managers Report. 

14.City Attorneys Report. 

a. *William Lawrence, et al. v. City of Englewood, et al.* Mr. Lawrence was picked up by Englewood Police Officers on a warrant. Mr. Lawrence is hearing impaired. The officers were able to communicate with him either in writing or through a roommate. Mr. Lawrence was transported to the Arapahoe County Detention Facility due to the outstanding warrant. Even though the officers acted appropriately in this instance, the City lacked an adequate policy to address hearing impaired individuals. A Motion to approve a settlement with the Colorado Cross Disability Coalition of Colorado (“CCDC”) is requested. The settlement would consist of a \$35,000 payment from the City to the CCDC to cover attorney fees, adoption of a Department of Justice approved hearing impaired policy, Englewoods commitment to providing training to its police staff (both sworn and non-sworn employees), as well as a commitment to allow DOJ oversight to ensure compliance for a three year time period. (Arapahoe County is working on a separate Settlement Agreement with the DOJ and Plaintiffs.)

Motion: To approve a settlement with the Colorado Cross Disability Coalition of Colorado (“CCDC”) in the matter of *William Lawrence, et al. v. City of Englewood, et al.*

Moved by: JeffersonSeconded by: Olson

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

15.Adjournment.  9:42 p.m.