

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

Regular Session

February 4, 2013

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 7:30 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
Planner 1 Kirk, Community Development
Senior Planner Stitt, Community Development
Deputy Fire Chief Petau
Batallion Fire Chief Ertle
Police Commander Condreay

5. Consideration of Minutes of Previous Session

(a) **COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF JANUARY 22, 2013.**

Vote results:

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

Nays: None

Abstain: Council Member Gillit

Motion carried.

6. Recognition of Scheduled Public Comment

(a) Nancy Doty was not present to accept the City of Englewood's 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 Englewood's 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

(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; our lawyers will look at the current petition. We need to reorganize our 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 had some ideas, but not a big budget. 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. He said I am disappointed.

(c) Dave Black, from the Paradox Lounge, said we have the majority of the property owners who have signed the petition. He said I object to this tax because it is not voluntary and we basically get nothing for our money. It's a waste of our money. 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, she said.

Council responded to Public Comment.

8. Communications, Proclamations and Appointments

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEMS 8 (a) THROUGH 8 (z) – RESOLUTION NOS. 7 THROUGH 32, SERIES OF 2013.

(a) RESOLUTION NO. 7, SERIES OF 2013

A RESOLUTION REAPPOINTING BRIAN BLEILE TO THE PLANNING AND ZONING COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

(b) RESOLUTION NO. 8, SERIES OF 2013

A RESOLUTION RECOMMENDING THE APPOINTMENT OF GARY BOWMAN AS AN ALTERNATE MEMBER TO THE URBAN RENEWAL AUTHORITY FOR THE CITY OF ENGLEWOOD.

(c) RESOLUTION NO. 9, SERIES OF 2013

A RESOLUTION APPOINTING CYNTHIA CASSEL TO KEEP ENGLEWOOD BEAUTIFUL COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

(d) RESOLUTION NO. 10, SERIES OF 2013

A RESOLUTION APPOINTING CRISTINE CHALLIS TO THE PUBLIC LIBRARY BOARD FOR THE CITY OF ENGLEWOOD, COLORADO.

(e) RESOLUTION NO. 11, SERIES OF 2013

A RESOLUTION RECOMMENDING THE APPOINTMENT OF LINDA COHN TO THE URBAN RENEWAL AUTHORITY FOR THE CITY OF ENGLEWOOD.

(f) RESOLUTION NO. 12, SERIES OF 2013

A RESOLUTION REAPPOINTING JUSTIN GEISSLER TO THE KEEP ENGLEWOOD BEAUTIFUL COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

(g) RESOLUTION NO. 13, SERIES OF 2013

A RESOLUTION REAPPOINTING CARSON GREEN TO THE BOARD OF ADJUSTMENT AND APPEALS FOR THE CITY OF ENGLEWOOD, COLORADO.

(h) RESOLUTION NO. 14, SERIES OF 2013

A RESOLUTION RECOMMENDING THE APPOINTMENT OF PAULA LEE AS AN ALTERNATE MEMBER TO THE HOUSING AUTHORITY FOR THE CITY OF ENGLEWOOD, COLORADO.

(i) RESOLUTION NO. 15, SERIES OF 2013

A RESOLUTION REAPPOINTING JENNIFER JONES TO THE KEEP ENGLEWOOD BEAUTIFUL COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

(j) RESOLUTION NO. 16, SERIES OF 2013

A RESOLUTION REAPPOINTING DARYL KINTON TO THE PLANNING AND ZONING COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

(k) RESOLUTION NO. 17, SERIES OF 2013

A RESOLUTION APPOINTING MARTHA KIRKPATRICK AS AN ALTERNATE MEMBER TO THE CULTURAL ARTS COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

(l) RESOLUTION NO. 18, SERIES OF 2013

A RESOLUTION APPOINTING AMY MARTINEZ AS A MEMBER OF THE CULTURAL ARTS COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

(m) RESOLUTION NO. 19, SERIES OF 2013

A RESOLUTION APPOINTING MICHELLE MAYER TO THE ELECTION COMMISSION OF THE CITY OF ENGLEWOOD, COLORADO.

(n) RESOLUTION NO. 20, SERIES OF 2013

A RESOLUTION APPOINTING MICHELLE MAYER TO THE PUBLIC LIBRARY BOARD FOR THE CITY OF ENGLEWOOD, COLORADO.

(o) RESOLUTION NO. 21, SERIES OF 2013

A RESOLUTION APPOINTING CHRISTINE McGROARTY TO KEEP ENGLEWOOD BEAUTIFUL COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

(p) RESOLUTION NO. 22, SERIES OF 2013

A RESOLUTION APPOINTING CHRISTINE MCGROARTY AS AN ALTERNATE TO THE TRANSPORTATION ADVISORY COMMITTEE FOR THE CITY OF ENGLEWOOD, COLORADO.

(q) RESOLUTION NO. 23, SERIES OF 2013

A RESOLUTION REAPPOINTING MARTY MOSMAN TO THE MALLEY CENTER TRUST FUND FOR THE CITY OF ENGLEWOOD, COLORADO.

(r) RESOLUTION NO. 24, SERIES OF 2013

A RESOLUTION REAPPOINTING STEVE SCOTT TO THE KEEP ENGLEWOOD BEAUTIFUL COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

(s) RESOLUTION NO. 25, SERIES OF 2013

A RESOLUTION APPOINTING THEAVY SOK TO KEEP ENGLEWOOD BEAUTIFUL COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

(t) RESOLUTION NO. 26, SERIES OF 2013

A RESOLUTION APPOINTING SARAH THOEMKE TO THE CODE ENFORCEMENT ADVISORY COMMITTEE FOR THE CITY OF ENGLEWOOD, COLORADO.

(u) RESOLUTION NO. 27, SERIES OF 2013

A RESOLUTION APPOINTING SARAH THOEMKE TO THE ELECTION COMMISSION OF THE CITY OF ENGLEWOOD, COLORADO.

(v) RESOLUTION NO. 28, SERIES OF 2013

A RESOLUTION RECOMMENDING THE APPOINTMENT OF EVELYN VAUGHN TO THE ENGLEWOOD HOUSING AUTHORITY FOR THE CITY OF ENGLEWOOD, COLORADO.

(w) RESOLUTION NO. 29, SERIES OF 2013

A RESOLUTION REAPPOINTING KELLS WAGGONER TO THE WATER AND SEWER BOARD FOR THE CITY OF ENGLEWOOD, COLORADO.

(x) RESOLUTION NO. 30, SERIES OF 2013

A RESOLUTION APPOINTING DAVE WALKER AS AN ALTERNATE MEMBER TO THE CODE ENFORCEMENT ADVISORY COMMITTEE FOR THE CITY OF ENGLEWOOD.

(y) RESOLUTION NO. 31, SERIES OF 2013

A RESOLUTION APPOINTING BRUCE WERNER TO KEEP ENGLEWOOD BEAUTIFUL COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

(z) RESOLUTION NO. 32, SERIES OF 2013

A RESOLUTION REAPPOINTING BRITTANY YEPSER TO THE KEEP ENGLEWOOD BEAUTIFUL COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

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 items submitted for approval on first reading.

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

- (b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 3, SERIES OF 2013 (COUNCIL BILL NO. 1, INTRODUCED BY COUNCIL MEMBER WOODWARD)

AN ORDINANCE AUTHORIZING THE INTERGOVERNMENTAL AGREEMENT ENTITLED "FUNDING AGREEMENT FOR RTD FUNDING OF LOCAL TRANSPORTATION SERVICES" (ENGLEWOOD ART SHUTTLE) BETWEEN THE REGIONAL TRANSPORTATION DISTRICT (RTD) AND THE CITY OF ENGLEWOOD, COLORADO.

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

[Clerk's note: City Council held one Public Hearing to consider Agenda Items 10 (a) and 10 (b).]

(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).

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO OPEN THE 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) AND 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).

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

The applicant, Brian Winslow, thanked Council for hearing this tonight. We are excited to make our presentation and answer any questions that Council may have. We 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 development, he said. 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 PUD's (Sand Creek and W H) and two separate owners, he said. We appreciate staff's 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 said he had 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.

Patrick Draper, an Englewood resident, spoke regarding the problems with the existing use and expressed concerns regarding the proposed use.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO CLOSE THE PUBLIC HEARING TO GATHER INPUT ON COUNCIL BILL NO. 68 AND COUNCIL BILL NO. 69.

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 9:18 p.m.

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

The meeting reconvened at 9:25 p.m. with six Council Members present and one absent: Council Member McCaslin.

11. Ordinances, Resolutions and Motions

- (a) Approval of Ordinances on First Reading

There were no items submitted for approval on first reading.

- (b) Approval of Ordinances on Second Reading

There were no additional items submitted for approval on second reading. (See Agenda Item 9 (b) - Consent Agenda.)

- (c) Resolutions and Motions

(i) Senior Planner Stitt presented a 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.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO APPROVE A CONTRACT, IN THE AMOUNT OF \$265,118.40, BETWEEN THE CITY OF ENGLEWOOD AND MV PUBLIC TRANSPORTATION, INC. FOR 2013 MANAGEMENT, OPERATION, AND MAINTENANCE OF THE ART SHUTTLE.

Vote results:

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

Motion carried.

12. **General Discussion**

- (a) Mayor's Choice
- (b) Council Members' Choice

13. **City Manager's Report**

City Manager Sears did not have any matters to bring before Council.

14. **City Attorney's Report**

(a) City Attorney Brotzman presented the case of *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. City Attorney Brotzman requested Council approve, by motion, a settlement with the Colorado Cross Disability Coalition of Colorado ("CCDC"). 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, Englewood's 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.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER OLSON SECONDED, 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.*

Vote results:

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

Motion carried.

15. **Adjournment**

MAYOR PENN MOVED TO ADJOURN. The meeting adjourned at 9:42 p.m.

_____/s/ Loucrishia A. Ellis_____
City Clerk