

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

Regular Session

April 1, 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/inside-city-hall/city-council/agendas-and-minutes>

1. Call to Order

The regular meeting of the Englewood City Council was called to order by Mayor Penn at 7:33 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, Woodward, Penn

Absent: Council Member Wilson

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
Director Black, Parks and Recreation
Director Fonda, Utilities
Recreation Services Manager/Golf Spada, Parks and Recreation
Parks Supervisor Barton, Parks and Recreation
Recreation Program Administrator Rhoades, Parks and Recreation
Engineering/Capital Projects Administrator Henderson, Public Works
Field Operations Administrator Nimmo, Public Works
Police Commander Condrey

5. Consideration of Minutes of Previous Session

(a) **COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF MARCH 18, 2013.**

Vote results:

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

Nays: None

Absent: Council Member Wilson

Motion carried.

6. Recognition of Scheduled Public Comment

(a) Englewood Parks and Recreation Director Jerrell Black presented the golf course staff with a Player Development Award that Broken Tee Englewood recently received from the Golf Course Owners' Association. A video was shown regarding the program. Recreation Services Manager/Golf Bob Spada and Recreation Program Administrator Shannon Rhoades were present to receive the award from Director Black.

[Clerk's Note: Mayor Penn introduced his intern, Emily.]

(b) City Council recognized the nominees for the 2013 Arapahoe County Mayors and Commissioners Youth Awards. Also present to support the youth were several Englewood School Board members, the Englewood School superintendent, and several school principals.

- i. Brittany Dean, an 8th Grader at Englewood Middle School.
- ii. Jennifer Dickerson, a 12th Grader at Colorado's Finest Alternative High School.
- iii. Haily Fields, a 12th Grader at Colorado's Finest Alternative High School.
- iv. Angela Hancock, a 12th Grader at Colorado's Finest Alternative High School.
- v. Yesenia Holguin, an 8th Grader at Englewood Middle School.
- vi. Kayliegh Jarman, a 12th Grader at Colorado's Finest Alternative High School.
- vii. Shane Menefee, a 12th Grader at Englewood High School.
- viii. Fidel Navarrete, a 12th Grader at Colorado's Finest Alternative High School.
- ix. Sara Nusbickel, a 12th Grader at Colorado's Finest Alternative High School.
- x. Maja Sehic, a 12th Grader at Colorado's Finest Alternative High School.
- xi. Nicholas Spence, an 8th Grader at Englewood Middle School.

(c) Tom Parson, a Denver resident, said he had submitted a bid as an individual and discussed his plans for the Englewood Depot. He wanted to introduce himself so that Council can put a face to a name. He is a letterpress printer. Mr. Parson has proposed a living museum for use of the Depot. He offers several diverse, repurposed opportunities if he is awarded the bid. He plans to use his savings and resources from his own collection at first and hopefully it will lead to a non-profit community benefit.

(d) Diane Tomasso, an Englewood resident, discussed the Englewood Depot. She urged deed restrictions the last time and thanked Council for including it in this bid process. She wants the Depot to keep its historical value. She hopes the younger generation will enjoy working with their hands at the projects proposed, should Mr. Parson be awarded the bid. She has offered her services to him in various capacities. Ms. Tomasso hopes to write and receive grants to help fund diverse projects. She has offered her services to serve as curator. She praised Mr. Parson and looks forward to working with him.

(e) David Sandusky, an Englewood resident, was not present to discuss the Englewood Depot.

(f) Peter Bergman, a Denver resident, discussed the Englewood Depot. He supports Mr. Parsons and has worked with him. Mr. Bergman believes in hands on teaching and believes that this is what would happen with Mr. Parson as the Depot owner. He spoke of the students who think highly of Mr. Parson as an

instructor. He thinks the Depot could become an international destination with the equipment that Mr. Parson would feature. Mr. Parson is well known for his expertise in printing.

* * * * *

Mayor Penn informed those who were present that Council will be discussing the Depot next Monday, April 8, 2013, at the Study Session and that everyone is invited. He reminded them that it is a Study Session so those attending will not have an opportunity to speak, but they can listen as Council discusses the bids as well as the process to carry this project forward.

7. Recognition of Unscheduled Public Comment

(a) Kathy Lingo, a Denver resident, spoke supporting Tom Parsons and what he would bring to the Depot, if his bid is accepted.

(b) David Ashley, a Denver resident, said he is a calligrapher, and that he supports Tom Parson and his bid for the Depot. Letterpress is a magnet to draw people once they get started. He believes this would be a marvelous opportunity for Englewood.

(c) Dave Paschal, an Englewood resident and past president of the Englewood Historical Society, stated the Historical Society wanted to create a museum with the Depot. They have many donated items from the past Society that are from this community's history. He believes the Depot should be a museum. Refurbish, rehabilitate, and restore the Depot, he said, so that it can be used and be historically viable.

(d) Sharlene Barker, an Englewood resident, is a member of the Englewood Historic Society. She wants Council to consider the Society's hard work throughout the past year. Ms. Barker would like the Society to be awarded the bid. She believes the community involvement will make it a success. They have original plans, drawings and items for the Depot that could be utilized.

(e) Ida Mae Nicholl, an Englewood resident, said she appreciated the article that Tom Munds wrote for The Herald regarding Cities of Service, the impact volunteerism has in the community. She thinks this would be a wonderful project for the whole community and that there are many opportunities for everyone.

(f) Owen Perkins, a Denver resident, said the talk about Tom Parson is centered on his expertise. He thinks Tom is a treasure, who inspires others, is active and who would create opportunities. He would be a remarkable resource.

(g) Beverly Cummins, an Englewood resident, would like the groups to work together and do something positive for the community. She would like to have the miniature train group join them. She hopes that this project could bring people into the Englewood area. As long as the Depot sets as it is, no one will benefit.

Council responded to Public Comment.

8. Communications, Proclamations and Appointments

(a) A Proclamation declaring Friday, April 19, 2013 as Arbor Day was considered.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE A PROCLAMATION DECLARING FRIDAY, APRIL 19, 2013 AS ARBOR DAY.

Vote results:

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

Motion carried.

Parks Supervisor Jerry Barton accepted the proclamation and shared information regarding the Arbor Day activities that are planned at Charles Hay Elementary School on April 19th and at Cushing Park on April 20th.

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) and (ii).

- (i) COUNCIL BILL NO. 5, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE APPROVING SUPPLEMENT NO. 169 TO THE SOUTHGATE SANITATION DISTRICT CONNECTOR'S AGREEMENT FOR THE INCLUSION OF LAND WITHIN THE DISTRICT BOUNDARIES.

- (ii) COUNCIL BILL NO. 6, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL WASTEWATER CONNECTOR'S AGREEMENT FOR DISTRICTS BETWEEN VALLEY SANITATION DISTRICT AND THE CITY OF ENGLEWOOD, COLORADO.

Vote results:

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

Nays: None

Absent: Council Member Wilson

Motion carried.

- (b) Approval of Ordinances on Second Reading

There were no additional items submitted for approval on second reading. (See Agenda Item 11 (b).)

- (c) Resolutions and Motions

There were no additional resolutions or motions submitted for approval. (See Agenda Item 11 (c).)

10. Public Hearing Items

No public hearing was scheduled before Council.

11. Ordinances, Resolutions and Motions

- (a) Approval of Ordinances on First Reading

(i) Police Commander Condrey presented a recommendation from the Police Department to approve a bill for an ordinance amending Title 7, Chapter 6D, Section 12, of the Englewood Municipal Code 2000 – Possession of Marijuana Prohibited.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 7.

COUNCIL BILL NO. 7, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE AMENDING TITLE 7, CHAPTER 6D, OF THE ENGLEWOOD MUNICIPAL CODE 2000, RELATING TO THE POSSESSION, USE OR CONSUMPTION OF RECREATIONAL MARIJUANA AND DRUG PARAPHERNALIA.

Vote results:

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

Motion carried.

(b) Approval of Ordinances on Second Reading

(i) Council Bill No. 3, authorizing amendments to Title 16 of the Englewood Municipal Code (Unified Development Code) regarding floodplain regulations was considered.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (b) (i) – ORDINANCE NO. 8, SERIES OF 2013.

ORDINANCE NO.8, SERIES OF 2013 (COUNCIL BILL NO. 3, INTRODUCED BY COUNCIL MEMBER WOODWARD)

AN ORDINANCE AMENDING TITLE 16, CHAPTERS 1, 2, 3, 4, 5, 6, 8, 9 AND 11, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO FLOODPLAIN REGULATIONS.

Vote results:

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

Motion carried.

(c) Resolutions and Motions

(i) Engineering/Capital Projects Administrator Henderson and Field Operations Administrator Nimmo presented a recommendation from the Public Works Department to approve, by motion, a construction contract for the 2013 Concrete Utility program. Staff recommends awarding the bid to the lowest technically acceptable bidder, NORAA Concrete Construction, in the amount of \$430,647.50.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) – A CONSTRUCTION CONTRACT WITH NORAA CONCRETE CONSTRUCTION FOR THE 2013 CONCRETE UTILITY PROGRAM IN THE AMOUNT OF \$430,647.50.

Vote results:

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

Motion carried.

(ii) Director Fonda presented a recommendation from the Utilities Department to approve, by motion, the purchase of water meters and electronic remote transmitters. Staff recommends purchasing the equipment from National Meter and Automation, Inc. in the amount of \$138,847.46 in conjunction with Denver Water's purchase to ensure the best quantity price.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (c) (ii) – THE PURCHASE OF WATER METERS AND ELECTRONIC REMOTE

TRANSMITTERS FROM NATIONAL METER AND AUTOMATION, INC. IN THE AMOUNT OF \$138,847.46 IN CONJUNCTION WITH DENVER WATER'S PURCHASE TO ENSURE THE BEST QUANTITY PRICE.

Vote results:

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

Motion carried.

(iii) Director Fonda presented a recommendation from the Utilities Department to approve, by motion, authorizing a letter to the Colorado Congressional delegation concerning stormwater regulations being developed by the US Environmental Protection Agency (EPA).

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (iii) – TO APPROVE AUTHORIZING A LETTER TO THE COLORADO CONGRESSIONAL DELEGATION CONCERNING STORMWATER REGULATIONS BEING DEVELOPED BY THE US ENVIRONMENTAL PROTECTION AGENCY (EPA).

Vote results:

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

Motion carried.

12. General Discussion

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

[Clerk's note: This item was listed on the Agenda as 12 (b) (i).]

Council Bill No. 8, prohibiting recreational marijuana businesses in the City of Englewood was considered.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE COUNCIL BILL NO. 8.

COUNCIL BILL NO. 8, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE ENACTING TITLE 7, CHAPTER 6D, SECTION 12, SUBSECTION 2, OF THE ENGLEWOOD MUNICIPAL CODE 2000, DEFINING RECREATIONAL MARIJUANA CULTIVATION FACILITIES, RECREATIONAL MARIJUANA PRODUCT MANUFACTURING FACILITIES, RECREATIONAL MARIJUANA TESTING FACILITIES, RECREATIONAL RETAIL MARIJUANA STORES; AND PROHIBITING THESE BUSINESSES.

MAYOR PENN MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO TABLE COUNCIL BILL NO. 8.

Vote results:

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

Motion carried and Council Bill No. 8 is tabled.

[Clerk's Note: City Attorney Brotzman will bring forward an advisory question for the November 2013 ballot concerning the banning of recreational marijuana businesses.]

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 9:31 p.m.

_____/s/ Loucrishia A. Ellis_____
City Clerk