

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

**Regular Session**

**April 15, 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 7:30 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  
Director Black, Parks and Recreation  
Senior Planner Stitt, Community Development  
Housing Finance Specialist Grimmert, Community Development  
Economic Development Manager Hollingsworth, Community Development/City Manager  
Police Commander Englert

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

(a) **COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 1, 2013.**

**Vote results:**

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

Nays: None

Motion carried.

**6. Recognition of Scheduled Public Comment**

(a) Jonathan Bush, Managing Partner -- Littleton Capital Partners, was not present to discuss the resolutions before Council.

(b) Lee Novak, Vice President for Development -- Western Region, Fore Property Company, was not present to discuss the resolutions before Council.

(c) Patty Brisbois, an Englewood resident, addressed City Council regarding zoning concerns. The issue discussed is the 2800 block of South Broadway, an auto dealership (5280 Auto Imports) is doing work at the edge of the alley. She believes this violates the noise ordinance, but also that the noise ordinance is very vague. This noise disturbs the quality of life. She is working with the Police Impact Team on this problem.

\* \* \* \* \*

[Clerk's Note: Mr. Novak and Mr. Bush entered late into the meeting and spoke after Ms. Brisbois.]

(b) Lee Novak, Vice President for Development -- Western Region, Fore Property Company, discussed resolutions before Council. They are looking forward to working with the City of Englewood. They have made arrangements with Littleton Capital Partners to take over the project, with the City's approval for the transfer.

(a) Jonathan Bush, Managing Partner -- Littleton Capital Partners, discussed the resolutions before Council. He believes that they have developed a good site and that the arrangements with Fore Property Company are good. They are excited with them stepping into their shoes. They should be good for Englewood. He doesn't believe the incentive package will change much. He is sorry to be stepping away and thanked staff and Council for their support. He hopes to have another project with the City in the future.

#### **7. Recognition of Unscheduled Public Comment**

There were no unscheduled visitors.

#### **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 OLSON SECONDED, TO APPROVE CONSENT AGENDA ITEMS 9 (a) (i), (ii) and 9 (b) (i), (ii), (iii).**

(i) COUNCIL BILL NO. 11, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT ENTITLED "DELEGATION AND PARTICIPATION AGREEMENT" BETWEEN THE CITY OF ENGLEWOOD AND CITY AND COUNTY OF DENVER FOR ENGLEWOOD'S PARTICIPATION IN THE METRO MORTGAGE ASSISTANCE PLUS PROGRAM.

(ii) COUNCIL BILL NO. 12, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT WITH ARAPAHOE COUNTY SCHOOL DISTRICT NO. 1 FOR A PARTNERSHIP ON GYMNASIUMS LOCATED AT THE NEW COLORADO'S FINEST ALTERNATIVE HIGH SCHOOL.

(b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 9, SERIES OF 2013 (COUNCIL BILL NO. 5, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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

(ii) ORDINANCE NO. 10, SERIES OF 2013 (COUNCIL BILL NO. 6, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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

(iii) ORDINANCE NO. 11, SERIES OF 2013 (COUNCIL BILL NO. 7, INTRODUCED BY COUNCIL MEMBER GILLIT)

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, 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**

No public hearing was scheduled before Council.

**11. Ordinances, Resolutions and Motions**

(a) Approval of Ordinances on First Reading

(i) Senior Planner Stitt and Housing Finance Specialist Grimmert presented a recommendation from the Community Development Department to approve a bill for an ordinance authorizing the redemption and sale of 4896 South Delaware Street.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 10.**

COUNCIL BILL NO. 10, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AUTHORIZING THE REDEMPTION AND SALE OF PROPERTY ACQUIRED THROUGH THE HOUSING REHABILITATION PROGRAM LOCATED AT 4896 SOUTH DELAWARE IN THE CITY OF ENGLEWOOD, COLORADO.

**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 additional items submitted for approval on second reading. (See Agenda Item 9 (b) - Consent Agenda.)

(c) Resolutions and Motions

(i) Economic Development Manager Hollingsworth presented a recommendation from the City Manager's Office to adopt a resolution authorizing the City of Englewood to enter into an agreement with the developers for the Martin Plastics Property, dba LCP Oxford, LLC and its management entities.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) – RESOLUTION NO. 38, SERIES OF 2013.**

RESOLUTION NO. 38, SERIES OF 2013

A RESOLUTION APPROVING A REDEVELOPMENT ASSISTANCE AGREEMENT WITH LCP OXFORD, LLC, FOR THE REDEVELOPMENT OF 1366 WEST OXFORD AVENUE IN ENGLEWOOD, COLORADO.

**Vote results:**

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

Motion carried.

(ii) Economic Development Manager Hollingsworth presented a recommendation from the City Manager's Office to adopt a resolution authorizing the transfer of the redevelopment assistance agreement from LCP Oxford, LLC and its management entities to CANV NC, LLC (Fore Properties).

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (c) (ii) – RESOLUTION NO. 39, SERIES OF 2013.**

RESOLUTION NO. 39, SERIES OF 2013

A RESOLUTION APPROVING THE ASSIGNMENT OF THE LCP OXFORD, LLC REDEVELOPMENT ASSISTANCE AGREEMENT TO CANV NC, LLC, AN AFFILIATE OF FORE PROPERTY COMPANY.

**Vote results:**

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

Motion carried.

(iii) Economic Development Manager Hollingsworth presented a recommendation from the City Manager's Office to adopt a resolution amending the agreement with Hampden Broadway, LLC for the City to provide assistance to support redevelopment of the former Flood Middle School site.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (c) (iii) – RESOLUTION NO. 40, SERIES OF 2013.**

RESOLUTION NO. 40, SERIES OF 2013

A RESOLUTION APPROVING AMENDMENT NO. 1 TO THE REDEVELOPMENT ASSISTANCE AGREEMENT WITH HAMPDEN BROADWAY, LLC, FOR THE REDEVELOPMENT OF 3695 SOUTH LINCOLN STREET IN ENGLEWOOD, COLORADO.

**Vote results:**

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

Motion carried.

**12. General Discussion**

(a) Mayor's Choice

(b) Council Members' Choice

(i) Council Bill No. 9, a bill for an ordinance submitting to a vote of the registered electors of the City of Englewood at the next scheduled municipal election of November 5, 2013, an advisory question to ban the retail sale of recreational marijuana, ban recreational marijuana cultivation facilities, ban recreational marijuana manufacturing facilities, and ban recreational marijuana testing facilities was considered.

**COUNCIL MEMBER WOODWARD MOVED, AND MAYOR PENN SECONDED, TO APPROVE COUNCIL BILL NO. 9.**

COUNCIL BILL NO. 9, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF ENGLEWOOD AT THE NEXT SCHEDULED MUNICIPAL ELECTION OF NOVEMBER 5, 2013, AN ADVISORY QUESTION TO BAN THE RETAIL SALE OF RECREATIONAL MARIJUANA, BAN RECREATIONAL MARIJUANA CULTIVATION FACILITIES, BAN RECREATIONAL MARIJUANA MANUFACTURING FACILITIES, AND BAN RECREATIONAL MARIJUANA TESTING FACILITIES.

**Vote results:**

Ayes: Council Members Jefferson, Penn, Woodward, Olson

Nays: Council Members McCaslin, Wilson, Gillit

Motion carried.

(ii) Council Bill No. 8, a bill for an ordinance enacting Title 7, Chapter 6D, Section 12, of the Englewood Municipal Code 2000, defining recreational marijuana cultivation facilities, recreational product manufacturing facilities, recreational marijuana testing facilities, recreational retail marijuana stores; and prohibiting these businesses was considered. This item was tabled April 1, 2013. This requires a majority vote to remove from the table.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER McCASLIN 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.

**Vote results:**

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

Nays: Council Members Jefferson, Woodward

Motion carried.

(iii) A Resolution extending the temporary suspension or moratorium on the establishment of any new business that sells, manufactures, or cultivates marijuana was considered.

**COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO PULL ITEM 12 (b) (iii) FROM THE AGENDA.**

A RESOLUTION EXTENDING A TEMPORARY SUSPENSION OR MORATORIUM ON THE ESTABLISHMENT OF ANY NEW BUSINESS WHICH SELLS, MANUFACTURES OR CULTIVATES MARIJUANA UNTIL JANUARY 31, 2014.

**Vote results:**

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

Nays: None

Motion carried.

13. **City Manager's Report**

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

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 8:38 p.m.

          /s/ Loucrishia A. Ellis            
City Clerk