

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

**Regular Session**

**May 6, 2013**

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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 7:38 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
- Deputy City Clerk Bush
- City Clerk Ellis
- Director White, Community Development
- Director Gryglewicz Finance and Administrative Services
- Director Kahm, Public Works
- Director Black, Parks and Recreation
- Interim Fire Chief Petau
- Community Relations Specialist Arnoldy-Taylor, Police
- EMS/Emergency Management Coordinator Green, Fire
- Driver Operator Engineer Capalby, Fire
- Fire Medic Ginther
- Fire Medic Griffiths
- Fire Medic Grimes
- Driver Operator Engineer McCann, Fire
- Fire Lieutenant Nylander
- Driver Operator Engineer Olson, Fire
- Battalion Chief Ortiz, Fire
- Fire Lieutenant Stout
- Fire Medic Svejcar
- Police Commander Condreay

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

(a) **COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF APRIL 15, 2013.**

**Vote results:**

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

Motion carried.

**6. Recognition of Scheduled Public Comment**

(a) Interim Fire Chief Richard Petau recognized Jessica and Ann Videtto for their assistance following a recent Englewood School bus accident by presenting them with a Citizen's Accommodation certificate. They provided additional blankets and coats needed for the many victims of the accident.

(b) Members of the Jeremy Bitner Fallen Officer Memorial Fund Board of Directors (Police Community Relations Specialist Arnoldy-Taylor and EMS/Emergency Management Coordinator Green) discussed the 2013 Jeremy Bitner Fallen Officer Fund 5k/10k run and 5k walk, which will be held on June 8, 2013 and begin at Cornerstone Park. Mr. Green asked Council to waive \$1,811.75 in fees required for this event. They are learning a lot about this type of project and hope to make this an annual event.

(c) Jim Jordan from the Englewood Historic Preservation Society pointed out that he is passionate about his children, the Englewood Depot, and that we have senior citizens that are falling through the cracks. He said he spoke to Council Member Olson about this senior citizen issue. Mr. Jordan said there would be more information presented regarding the Depot by other speakers tonight.

(d) Granby resident Dave Naples was not present to address Council regarding the feasibility of restoring the Englewood Depot.

(e) William Bailey, a Wheat Ridge resident, said he has devoted 25 years of his life to history. He said I am a builder. He discussed some of the projects he has been involved with. The Depot is a really nice historical asset and when properly developed, these assets can become destination locations. He encouraged Council to stand behind the people who support this historical asset. When asked which proposal he supported, Mr. Bailey said he would just like to see the Depot preserved, restored, and used.

(f) Chris Rand, a Wheat Ridge resident and President of the Platte Valley Model Railroad Society, stated that he approached Council 5 to 6 years ago regarding the Depot and a possible Bates/General Iron Works relocation. Tonight he presented his proposal for the approximately 1500 square feet that would be usable for them in the basement of the Depot, if the Englewood Historic Preservation Society proposal should be accepted. It would be as close to museum quality as possible. Model railroading is family friendly and it draws people into the community. The display that was at Union Station is no longer available so that a new display would be built for this location. He said he was in total support of the Englewood Historic Preservation Society's proposal.

(g) Bonita Hutcheson, former Sheridan City Council Member and President of the Sheridan Historical Society, was not present to discuss the Englewood Depot. Englewood resident Doug Cohn read a letter from Ms. Hutcheson who stated that trains are a part of history that are disappearing and in which offered her support of the Englewood Historic Preservation Society's proposal.

(h) Greater Englewood Chamber of Commerce Executive Director Colleen Mello was not present to discuss in-kind services for Chamber-sponsored events with Council.

**7. Recognition of Unscheduled Public Comment**

(a) Steve Scott, an Englewood resident, invited Council to attend the 4<sup>th</sup> Annual Unite Englewood Worship Service, May 19<sup>th</sup> at 10:30 a.m. at the Englewood High School baseball diamond. Mr. Scott also reminded Council regarding their stipulations added to last year's bid for the Depot, which was not accepted, so that they remain fair to all bidders.

(b) Patti Parson, a Denver resident, thanked Council for the time they are taking to consider the bids for the development of the Depot. She supports the letterpress museum bid.

(c) Tom Parson, a Denver resident, thanked Council for preserving the Depot. He is ready for the meeting and the questions regarding his bid.

Council Responded to Public Comment

**8. Communications, Proclamations and Appointments**

(a) A proclamation naming Don Roth as Englewood's Citizen of the Year for 2013 was considered.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE A PROCLAMATION NAMING DON ROTH AS ENGLEWOOD'S CITIZEN OF THE YEAR FOR 2013.**

**Vote results:**

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

Motion carried.

(b) A proclamation recognizing May 12 through 18, 2013 as National Police Week was considered.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE A PROCLAMATION RECOGNIZING MAY 12 THROUGH 18, 2013 AS NATIONAL POLICE WEEK.**

**Vote results:**

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

Motion carried.

Police Commander Condrey accepted the proclamation from Mayor Penn.

(c) A proclamation declaring May 18, 2013 as National Kids to Parks Day was considered.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE A PROCLAMATION DECLARING MAY 18, 2013 AS NATIONAL KIDS TO PARKS DAY.**

**Vote results:**

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

Motion carried.

Parks and Recreation Director Black accepted the proclamation from Mayor Penn.

**9. Consent Agenda**

(a) Approval of Ordinances on First Reading

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

(b) Approval of Ordinances on Second Reading

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE CONSENT AGENDA ITEMS 9 (b) (i), (ii), (iii), and 9 (c) (i).**

(i) ORDINANCE NO. 12, SERIES OF 2013 (COUNCIL BILL NO. 10, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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.

(ii) ORDINANCE NO. 13, SERIES OF 2013 (COUNCIL BILL NO. 11, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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.

(iii) ORDINANCE NO. 14, SERIES OF 2013 (COUNCIL BILL NO. 12, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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.

(c) Resolutions and Motions

(i) RESOLUTION NO. 41, SERIES OF 2013

A RESOLUTION APPROVING THE APPROPRIATION OF FUNDS TO ARAPAHOE COUNTY SCHOOL DISTRICT NO. 1, FOR COLORADO'S FINEST ALTERNATIVE HIGH SCHOOL GYMNASIUM PROJECT.

**Vote results:**

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

Nays: None

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) Deputy City Manager Flaherty, together with Legal Counsel Ken Fellman and Xcel Energy representative Tom Henley, presented a recommendation from the City Manager's Office to adopt a bill for an ordinance authorizing the renewal of Xcel Energy franchise agreement.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 14.**

COUNCIL BILL NO. 14, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE GRANTING A GAS AND ELECTRIC FRANCHISE TO PUBLIC SERVICE COMPANY OF COLORADO DBA XCEL ENERGY, A COLORADO CORPORATION, AND ITS SUCCESSORS AND ASSIGNS INCLUDING AFFILIATES OR SUBSIDIARIES BETWEEN THE CITY OF ENGLEWOOD, COLORADO AND PUBLIC SERVICE COMPANY OF COLORADO.

**Vote results:**

Ayes: Council Members Jefferson, McCaslin, Penn, Woodward

Nays: Council Members Wilson, Olson, Gillit

Motion carried.

(b) Approval of Ordinances on Second Reading

(i) Council Bill No. 8 -- 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.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (b) (i) - ORDINANCE NO. 15, SERIES OF 2013.**

ORDINANCE NO. 15, SERIES OF 2013 (COUNCIL BILL NO. 8, INTRODUCED BY COUNCIL MEMBER GILLIT)

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.

(ii) Council Bill No. 9 -- 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 COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (b) (ii) – 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.

**COUNCIL MEMBER WOODWARD MOVED TO AMEND AGENDA ITEM 11 (b) (ii), COUNCIL BILL NO. 9, BY AMENDING THE BALLOT QUESTION TO READ: SHALL THE ENGLEWOOD MUNICIPAL CODE OF THE CITY OF ENGLEWOOD, COLORADO BAN THE RETAIL SALE OF RECREATIONAL MARIJUANA, BAN RECREATIONAL MARIJUANA CULTIVATION FACILITIES, BAN RECREATIONAL MARIJUANA MANUFACTURING FACILITIES, AND BAN RECREATIONAL MARIJUANA TESTING FACILITIES,**

**WHEREAS THE BAN WILL NOT RESTRICT PERSONAL USE AND GROWTH OF MARIJUANA AS ALLOWED UNDER THE COLORADO CONSTITUTION.**

**MOTION DIED FOR A LACK OF A SECOND.**

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO AMEND AGENDA ITEM 11 (b) (ii,) COUNCIL BILL NO. 9, BY AMENDING THE BALLOT QUESTION TO READ: SHALL THE ENGLEWOOD MUNICIPAL CODE OF THE CITY OF ENGLEWOOD, COLORADO BAN THE RETAIL SALE OF RECREATIONAL MARIJUANA, BAN RECREATIONAL MARIJUANA CULTIVATION FACILITIES, BAN RECREATIONAL MARIJUANA MANUFACTURING FACILITIES, AND BAN RECREATIONAL MARIJUANA TESTING FACILITIES, WHEREAS THE BAN WILL NOT RESTRICT PERSONAL USE AND GROWTH OF MARIJUANA AS ALLOWED UNDER THE COLORADO CONSTITUTION, NOR SHALL IT AFFECT ENGLEWOOD'S CURRENTLY LICENSED MEDICAL MARIJUANA BUSINESSES, PRIMARY CARE-GIVERS, PATIENTS AND CODE PROVISIONS RELATING THERETO.**

**Vote results:**

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

Motion carried.

**Vote results on motion to approve Council Bill No. 9, as amended:**

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 Consent Agenda Item 9 (c).)

**12. General Discussion**

- (a) Mayor's Choice

- (b) Council Members' Choice

(i) Council Bill No. 13, a bill for an ordinance creating a Citizen Budget Advisory Committee was considered.

**COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE COUNCIL BILL NO. 13.**

COUNCIL BILL NO. 13, INTRODUCED BY COUNCIL MEMBER JEFFERSON

A BILL FOR AN ORDINANCE AMENDING TITLE 2, OF THE ENGLEWOOD MUNICIPAL CODE 2000 BY THE ADDITION OF A NEW CHAPTER 14, ESTABLISHING A BUDGET ADVISORY COMMITTEE FOR THE CITY OF ENGLEWOOD, COLORADO.

**Vote results:**

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

Motion carried.

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**COUNCIL MEMBER WOODWARD MOVED, AND MAYOR PENN SECONDED, TO APPROVE \$200.00 FOR SOPHIA MONTOYA, AN 8<sup>TH</sup> GRADER AT THE ENGLEWOOD LEADERSHIP ACADEMY, TO ATTEND THE NATIONAL YOUNG LEADERS STATE CONFERENCE.**

**Vote results:**

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

Motion carried.

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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 9:47 p.m.

/s/ Kerry Bush  
Deputy City Clerk