

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

**Regular Session**

**June 17, 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 7:43 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  
Assistant City Clerk McGarry  
Director Gryglewicz, Finance and Administrative Services  
Director White, Community Development  
Director Fonda, Utilities  
Director Eaton, Human Resources  
Chief Building Official Smith  
Interim Fire Chief Petau  
Planner II Voboril, Community Development  
Engineering/Maintenance Manager Woo, Littleton/Englewood Wastewater Treatment Plant  
Community Relations Specialist Arnoldy-Taylor, Police  
Police Chief Collins  
Deputy Police Chief Sanchez

**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 JUNE 3, 2013.**

**Vote results:**

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

Nays: None

Motion carried.

**6. Recognition of Scheduled Public Comment**

(a) Police Chief Collins and Community Relations Specialist Arnoldy-Taylor presented the Englewood Police Citizens' Academy Class 8 graduates: Nicholas Abseck, Joan Anderson, Diane Arguello, Kimberly Browning, Tracy Chambers, Dana Foulks, Michael Hansen, Lisa Hughes, Roger Hutchings, Chad Machen, Angie Meyer, Cynthia Moore, Darlene Nap, Thomas Scheffel, Stephen Shrum, Amy Stenson, and Emilee Vanderneut. Absent was Richard Hummell.

(b) Dominique Cook discussed the South Broadway Englewood Business Improvement District and the continuation of the public hearing from March 2013. She expressed her disappointment that she and many others were not allowed to speak at the original public hearing. She said that she and the others felt disrespected by the way the hearing was handled. Ms. Cook discussed statute requirements regarding the dissenters' petition and notice. She believed that granting three additional months for the hearing continuance was unfair. They have additional signatures to present, if necessary.

**7. Recognition of Unscheduled Public Comment**

(a) Joseph Cronen, who is building a house in Englewood, discussed the adoption of Fire and Protection Code and a moratorium. He talked with numerous staff throughout the City and he felt that he did not receive satisfactory answers for the money he spent.

(b) Elaine Hults, an Englewood resident, thanked Council Members Gillit, Jefferson and Mayor Penn for voting on the Depot for the Historic Preservation. She was impressed by the enthusiasm displayed by Council Members McCaslin and Woodward. She believes that we need to protect our historic buildings. Ms. Hults wondered what would happen if the owner failed?

(c) Beverly Cummins, an Englewood resident, informed Council that the Englewood Preservation Historic Society has jumped through all of their hoops. The Society is not outsiders, but a part of the community. She believes that the community owns the Depot. Ms. Cummins stated that she believes that the other group intends to tear down the Depot.

(d) Barb Larson, a Littleton resident, discussed the beautiful historical museum in Littleton. She is an Englewood Post Office letter carrier. Ms. Larson said that Englewood is not saving their history. She is asking for support for the Preservation Society and their bid.

(e) Ida May Nicholl, an Englewood resident, said fifteen months ago the Depot was going to be sold for \$50,000.00. Her group wants to save the Depot and Englewood history. The Society has been working for fifteen months to save it. She is disappointed in Council and the way they voted. Ms. Nicholl wants the children to have some of this history and to be aware of this history. It has only been mentioned to preserve the outside of the building, but not the inside. The Society has the building's original drawings. The City should be working with us to save it. Let our City be proud of it.

(f) Tom Parsons, a Denver resident, said that he appreciated that Council wants to go forward with the proposal that he and his wife turned in for the Depot. Mr. Parsons is looking forward to the negotiations so that we all can continue on with the best solution for this Depot. He stated that the accusations from the other group are untrue. Please read my proposal. He tried to fulfill everything asked for in his proposal and he believes that he did. This proposal is sustainable and will benefit this community. He is bringing a quarter of a million dollars of resources into this building. We are trying to make Englewood an attractive place. Mr. Parsons said he has plenty of support throughout Englewood but he didn't mobilize his support to come harangue you about it. The evaluation committee,

who reviewed the proposals, ruled on every level that our proposal was best. I appreciate how hard it is to resolve this issue.

(g) Marilyn Anderson, an Englewood resident, said she brought in a paper stating that the former Historical Society had paid over \$300,000.00 for this property. Did anyone find out what happened to it? She would like to know what happened to this and to have copies of the documentation detailing where this money went.

(h) Edna Belle Blair, an Englewood resident, said she remembers the Depot and what it used to be and what it looked like. She hopes that everyone would get together, get a conclusion, and quite dragging this out.

(i) Jim Jordan, an Englewood resident, said you had the Depot for ten years and you didn't do anything with it. We had \$30,000.00 lined up and the Depot needs to be restored inside and not just the outside. There will be results way beyond what happens now. He is disappointed that the bid is going to a Denver resident.

(j) Brittney Epsen, an Englewood resident, said there are a lot of people who care about our community. People will see the Depot where it is currently located and they will feel the pride we have. Please listen to the group of people from the Historic Society.

Council responded to Public Comment.

#### **8. Communications, Proclamations and Appointments**

(a) An e-mail from Jordan May announcing his resignation from the Board and Adjustments and Appeals was considered.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO ACCEPT THE RESIGNATION OF JORDAN MAY FROM THE BOARD AND ADJUSTMENTS AND APPEALS.**

#### **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 additional items submitted for approval on first reading. (See Agenda Item 11 (a).)

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE CONSENT AGENDA ITEMS 9 (a) (i), (ii) AND 9 (c) (i).**

(i) COUNCIL BILL NO. 16, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT ENTITLED "COLORADO BROWNFIELDS REVOLVING LOAN FUND MEMORANDUM OF AGREEMENT AMENDMENT 4" PERTAINING TO THE COLORADO BROWNFIELDS REVOLVING LOAN FUND BETWEEN THE CITY OF ENGLEWOOD, THE CITY AND COUNTY OF DENVER, COMMERCE CITY, THE CITY OF LAKEWOOD, THE CITY OF LOVELAND, THE CITY OF WESTMINSTER AND EL PASO COUNTY COLORADO AS WELL AS THE COLORADO HOUSING AND FINANCE AUTHORITY AND THE COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(ii) COUNCIL BILL NO. 17, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT (IGA) ENTITLED "MEMORANDUM OF AGREEMENT – CMS#FY14-56920 FOR THE LOCAL JURISDICTION REGULATION OF CONVEYANCES PURSUANT TO THE ELEVATOR AND ESCALATOR CERTIFICATION ACT TITLE 9, ARTICLE 5.5, COLORADO REVISED STATUTES" BETWEEN THE COLORADO DEPARTMENT OF LABOR AND EMPLOYMENT, DIVISION OF OIL AND PUBLIC SAFETY ("OPS") AND THE CITY OF ENGLEWOOD, COLORADO.

(b) Approval of Ordinances on Second Reading

There were no items submitted for approval on second reading.

(c) Resolutions and Motions

(i) MOTION TO APPROVE A DATA SHARING AGREEMENT WITH DENVER REGIONAL COUNCIL OF GOVERNMENTS (DRCOG).

**Vote results:**

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

Motion carried.

10. **Public Hearing Items**

(a) **COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO OPEN THE PUBLIC HEARING, CONTINUED FROM MARCH 18, 2013, TO GATHER INPUT TO REVIEW AND DETERMINE SUFFICIENCY OF THE PETITION REQUESTING DISSOLUTION OF THE SOUTH BROADWAY ENGLEWOOD BUSINESS IMPROVEMENT DISTRICT.**

**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.

Those who spoke in opposition to the dissolution:

Bob Laughlin, current President of the BID, said he appreciated the time granted to work this out. He said that we are witnessing the demise of the BID because Jon Cook and his daughter Dominique did not get what they wanted from the BID. He feels that they were outflanked in this process. Mr. Laughlin stated that the BID was made up of volunteers. Mistakes were made because of inexperience. They have not been able to gather the signatures to reverse the dissolution. The Board of Directors agrees to dissolve the BID. The Board of Directors wants the City of Englewood to assume the assets and postpone the dissolution until they can finish up the unfinished business.

Those who spoke in favor of the dissolution:

Mike Amori, an Englewood business owner, said I have been involved involuntarily since the beginning. He understood that the raise in his property taxes were for promotional events and for additional police protection. He has not seen this happen in the last seven years. He wants to know if he can have any money back and if not, why not. He would like to see the BID dissolved.

Dave Black, an Englewood business owner, said he has been spearheading this effort against the BID. The City departments operate professionally and they respond. The BID group are amateurs and they have not responded. This does not work. Why was the hearing continued for three months? He is in support of the dissolution of the BID.

Dominique Cook said her father saw the potential for the BID. It has been mismanaged from the start. She does not know any one person who has done more for Broadway than her father and never has anyone thanked him for what he has done. If we work together and do not throw money to the wind, we can continue to have a beautiful street. She is in support of the dissolution of the BID.

Dave Faria, an Englewood business owner, said he supports the dissolution of the BID. There hasn't been anything good from this BID. He doesn't need any more taxes. Mr. Faria did not see any benefit for him as being a part of the BID. Only part of the Broadway businesses paid, while businesses on the whole street benefited.

Mayor Penn said there is a mathematical equation that has been met for the dissolution of the BID.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WOODWARD SECONDED, TO CLOSE THE PUBLIC HEARING, CONTINUED FROM MARCH 18, 2013, TO GATHER INPUT TO REVIEW AND DETERMINE SUFFICIENCY OF THE PETITION REQUESTING DISSOLUTION OF THE SOUTH BROADWAY ENGLEWOOD BUSINESS IMPROVEMENT DISTRICT.**

**Vote results:**

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

Nays: None

Motion carried and the Public Hearing closed.

**11. Ordinances, Resolutions and Motions**

(a) Approval of Ordinances on First Reading

(i) Interim Fire Chief Petau and Chief Building Official Smith presented a recommendation from the Building and Safety Division to approve an ordinance amending the Englewood Municipal Code pertaining to the exclusions in the 2012 International Residential Code regarding sprinkler systems in residential construction.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 18.**

COUNCIL BILL NO. 18, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AMENDING TITLE 8, CHAPTER 2, ARTICLE G, OF THE ENGLEWOOD MUNICIPAL CODE 2000, PERTAINING TO THE RESIDENTIAL CODE OF THE CITY OF ENGLEWOOD, COLORADO.

**COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO AMEND COUNCIL BILL NO. 18 BY ADDING "BY OWNER'S DISCRETION" AFTER THE WORD "MAY".**

**COUNCIL MEMBER GILLIT WITHDREW HIS MOTION.**

**Vote results on motion to approve Council Bill No. 18:**

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

Nays: None

Motion carried.

(ii) Interim Fire Chief Petau presented a recommendation from the Fire Department to authorizing an Intergovernmental Agreement with Colorado Department of Public Safety Division of Fire Prevention and Control regarding temporary staffing and operation of a state Wildland Fire Engine.

**COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (a) (ii) - COUNCIL BILL NO. 19.**

COUNCIL BILL NO. 19, INTRODUCED BY COUNCIL MEMBER WILSON

A BILL FOR AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT WITH THE COLORADO DEPARTMENT OF PUBLIC SAFETY DIVISION OF FIRE PREVENTION AND CONTROL REGARDING TEMPORARY STAFFING AND OPERATION OF A STATE WILDLAND FIRE ENGINE AND THE CITY OF ENGLEWOOD, COLORADO.

**Vote results:**

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

Motion carried.

(iii) Engineering/Maintenance Manager Woo presented a recommendation from the Littleton/Englewood WWTP Supervisory Committee authorizing a "Grant of Easement" to Public Service Company of Colorado (PSC) for the installation of an underground gas line located within the Littleton/Englewood WWTP facility for the Building Space Project.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (iii) - COUNCIL BILL NO. 20.**

COUNCIL BILL NO. 20, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE GRANTING AN EASEMENT TO PUBLIC SERVICE COMPANY OF COLORADO FOR INSTALLATION OF AN UNDERGROUND GAS LINE LOCATED WITHIN THE LITTLETON/ENGLEWOOD WASTEWATER TREATMENT PLANT FACILITY FOR THE BUILDING SPACE PROJECT.

**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 items submitted for approval on second reading.

(c) Resolutions and Motions

(i) Director Fonda and Engineering/Maintenance Manager Woo presented a recommendation from the Littleton/Englewood WWTP Supervisory Committee to authorize, by motion, a construction contract to construct a building foundation, install utilities (electrical and mechanical), and perform paving, grading, and landscaping for the Building Space Project located at the Littleton/Englewood WWTP. Staff recommends awarding the contract to the lowest acceptable bidder, Casey's Construction LCC, in the amount of \$181,040.00.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) - A CONSTRUCTION CONTRACT WITH CASEY'S CONSTRUCTION LCC TO CONSTRUCT A BUILDING FOUNDATION, INSTALL UTILITIES (ELECTRICAL AND MECHANICAL), AND PERFORM PAVING, GRADING, AND LANDSCAPING FOR THE BUILDING SPACE PROJECT LOCATED AT THE LITTLETON/ENGLEWOOD WWTP, IN THE AMOUNT OF \$181,040.00.**

**Vote results:**

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

Motion carried.

(ii) Director Fonda and Engineering/Maintenance Manager Woo presented a recommendation from the Littleton/Englewood WWTP Supervisory Committee to authorize, by Motion, the purchase delivery and installation off a Pre-manufactured Building for the Building Space Project located at the Littleton/Englewood WWTP.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (ii) - THE PURCHASE DELIVERY AND INSTALLATION OFF A PRE-MANUFACTURED BUILDING FOR THE BUILDING SPACE PROJECT LOCATED AT THE LITTLETON/ENGLEWOOD WWTP.**

**Vote results:**

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

Motion carried.

(iii) Interim Fire Chief Petau and Chief Building Official Smith presented recommendation from the Building and Safety Division to approve a resolution adopting a moratorium on the enforcement of the requirement for fire sprinklers in residential construction.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (c) (iii) – RESOLUTION NO. 44, SERIES OF 2013.**

RESOLUTION NO. 44, SERIES OF 2013

A RESOLUTION RECOMMENDING TO THE CITY MANAGER OF THE CITY OF ENGLEWOOD, COLORADO THE SUSPENSION OR MORATORIUM ON THE ENFORCEMENT OF SECTION R314 OF THE INTERNATIONAL RESIDENTIAL CODE, AS ADOPTED, RELATING TO SPRINKLERS FOR A PERIOD OF TIME NOT TO EXCEED JULY 18, 2013.

**Vote results:**

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

Motion carried.

(iv) Director Eaton presented a recommendation from the Human Resources Department to adopt a resolution approving the Collective Bargaining Agreement with the Englewood Fire Fighters Association for 2014 and 2015.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (c) (iv) - RESOLUTION NO. 45, SERIES OF 2013.**

RESOLUTION NO. 45, SERIES OF 2013

A RESOLUTION AUTHORIZING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE ENGLEWOOD FIREFIGHTERS LOCAL NO. 1736 AND THE CITY OF ENGLEWOOD FOR THE YEARS 2014 AND 2015.

**Vote results:**

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

Motion carried.

**12. General Discussion**

(a) Mayor's Choice

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE THE APPROPRIATION OF FUNDS FOR THOSE COUNCIL MEMBERS ATTENDING THE CML CONFERENCE IN VAIL.**

**Vote results:**

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

Motion carried.

(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**

City Attorney Brotzman did not have any matters to bring before Council.

**15. Adjournment**

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

          /s/ Loucrishia A. Ellis            
City Clerk