

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

**Regular Session**

**July 1, 2013**

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**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 Gryglewicz, Finance and Administrative Services  
Director White, Community Development  
Director Fonda, Utilities  
Director Eaton, Human Resources  
Revenue and Budget Manager Nolan  
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 JUNE 17, 2013.**

**Vote results:**

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

Nays: None

Motion carried.

**6. Recognition of Scheduled Public Comment**

There were no scheduled visitors.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO MOVE FORWARD AGENDA ITEMS 8 (a) THROUGH (t), AFTER AGENDA ITEM 7 (a).**

**Vote results:**

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

Motion carried.

**7. Recognition of Unscheduled Public Comment**

(a) Sophia Montoya thanked Council for the monetary donation for the National Young Leaders State Conference. She appreciated the donation and it greatly helped with her expenses while at the conference. At the conference, she made new friends and learned new leadership skills. It was a worthwhile trip that she could not have done without the support.

Council responded to Public Comment.

**8. Communications, Proclamations and Appointments**

(a) A letter from Kristy Reed announcing her resignation from the Cultural Arts Commission was considered.

**COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO ACCEPT THE RESIGNATION OF KRISTY REED FROM THE CULTURAL ARTS COMMISSION.**

**Vote results:**

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

Motion carried.

(b) An email from Cindy Cassel announcing her resignation from Keep Englewood Beautiful was considered.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO ACCEPT THE RESIGNATION OF CINDY CASSEL FROM KEEP ENGLEWOOD BEAUTIFUL.**

**Vote results:**

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

Motion carried.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE AGENDA ITEMS 8 (c) through 8 (t) – RESOLUTION NOS. 46 THROUGH 63, SERIES OF 2013.**

(c) A resolution reappointing Michael Buchanan to the Liquor and Medical Marijuana Licensing Authority.

RESOLUTION NO. 46, SERIES OF 2013

A RESOLUTION REAPPOINTING MICHAEL BUCHANAN TO THE ENGLEWOOD LOCAL LIQUOR AND MEDICAL MARIJUANA LICENSING AUTHORITY FOR THE CITY OF ENGLEWOOD, COLORADO.

(d) A resolution reappointing Doug Cohn to the Code Enforcement Advisory Committee.

RESOLUTION NO. 47, SERIES OF 2013

A RESOLUTION REAPPOINTING DOUG COHN TO THE CODE ENFORCEMENT ADVISORY COMMITTEE FOR THE CITY OF ENGLEWOOD, COLORADO.

- (e) A resolution appointing Joel Day as a member of the Budget Advisory Committee.

RESOLUTION NO. 48, SERIES OF 2013

A RESOLUTION APPOINTING JOEL DAY AS A MEMBER OF THE BUDGET ADVISORY COMMITTEE FOR THE CITY OF ENGLEWOOD, COLORADO.

- (f) A resolution appointing Jacqueline Edwards to the Liquor and Medical Marijuana Licensing Authority.

RESOLUTION NO. 49, SERIES OF 2013

A RESOLUTION APPOINTING JACQUELINE EDWARDS TO THE ENGLEWOOD LOCAL LIQUOR AND MEDICAL MARIJUANA LICENSING AUTHORITY FOR THE CITY OF ENGLEWOOD, COLORADO.

- (g) A resolution reappointing Tamara Emmanuel to the Cultural Arts Commission.

RESOLUTION NO. 50, SERIES OF 2013

A RESOLUTION REAPPOINTING TAMARA EMMANUEL TO THE CULTURAL ARTS COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

- (h) A resolution appointing Thomas Finn to the Board of Adjustment and Appeals.

RESOLUTION NO. 51, SERIES OF 2013

A RESOLUTION APPOINTING THOMAS FINN TO THE BOARD OF ADJUSTMENT AND APPEALS FOR THE CITY OF ENGLEWOOD, COLORADO.

- (i) A resolution appointing Randal Friesen as an alternate voting member of the Board of Adjustment and Appeals.

RESOLUTION NO. 52, SERIES OF 2013

A RESOLUTION APPOINTING RANDAL FRIESEN AS AN ALTERNATE MEMBER TO THE BOARD OF ADJUSTMENT AND APPEALS FOR THE CITY OF ENGLEWOOD, COLORADO.

- (j) A resolution appointing Adrian Fryxell as an alternate member of the Code Enforcement Advisory Committee.

RESOLUTION NO. 53, SERIES OF 2013

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

- (k) A resolution recommending the reappointment of Jennifer Hayes to the Englewood Housing Authority.

RESOLUTION NO. 54, SERIES OF 2013

A RESOLUTION RECOMMENDING JENNIFER HAYES FOR REAPPOINTMENT TO THE HOUSING AUTHORITY FOR THE CITY OF ENGLEWOOD, COLORADO.

- (l) A resolution reappointing James Jordan to the Code Enforcement Advisory Committee.

RESOLUTION NO. 55, SERIES OF 2013

A RESOLUTION REAPPOINTING JAMES JORDAN TO THE CODE ENFORCEMENT ADVISORY COMMITTEE FOR THE CITY OF ENGLEWOOD, COLORADO.

- (m) A resolution reappointing Karen Kenney to the Cultural Arts Commission.

RESOLUTION NO. 56, SERIES OF 2013

A RESOLUTION REAPPOINTING KAREN KENNEY TO THE CULTURAL ARTS COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

- (n) A resolution appointing Christine McGroarty as a member of the Budget Advisory Committee.

RESOLUTION NO. 57, SERIES OF 2013

A RESOLUTION APPOINTING CHRISTINE MCGROARTY AS A MEMBER OF THE BUDGET ADVISORY COMMITTEE FOR THE CITY OF ENGLEWOOD, COLORADO.

- (o) A resolution reappointing Daniel Miller to the Alliance for Commerce in Englewood.

RESOLUTION NO. 58, SERIES OF 2013

A RESOLUTION REAPPOINTING DANIEL MILLER TO THE ALLIANCE FOR COMMERCE IN ENGLEWOOD (ACE) COMMITTEE FOR THE CITY OF ENGLEWOOD, COLORADO.

- (p) A resolution appointing Jared Munn as a Youth Liaison to the Cultural Arts Commission.

RESOLUTION NO. 59, SERIES OF 2013

A RESOLUTION APPOINTING JARED MUNN AS A YOUTH LIAISON TO THE CULTURAL ARTS COMMISSION FOR THE CITY OF ENGLEWOOD, COLORADO.

- (q) A resolution appointing Harvey Pratt to the Budget Advisory Committee.

RESOLUTION NO. 60, SERIES OF 2013

A RESOLUTION APPOINTING HARVEY PRATT AS A MEMBER OF THE BUDGET ADVISORY COMMITTEE FOR THE CITY OF ENGLEWOOD, COLORADO.

- (r) A resolution appointing Dave Walker to the Code Enforcement Advisory Committee.

RESOLUTION NO. 61, SERIES OF 2013

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

- (s) A resolution appointing Steven Ward to the Budget Advisory Committee.

RESOLUTION NO. 62, SERIES OF 2013

A RESOLUTION APPOINTING STEVE WARD AS A MEMBER OF THE BUDGET ADVISORY COMMITTEE FOR THE CITY OF ENGLEWOOD, COLORADO.

- (t) A resolution appointing Jason Whyte to the Alliance for Commerce in Englewood.

**RESOLUTION NO. 63, SERIES OF 2013**

**A RESOLUTION APPOINTING JASON WHYTE TO THE ALLIANCE FOR COMMERCE IN ENGLEWOOD COMMITTEE (ACE) FOR THE CITY OF ENGLEWOOD, COLORADO.**

**Vote results:**

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

Nays: None

Motion carried.

**7. Recognition of Unscheduled Public Comment**

[Clerk's Note: AGENDA ITEM 7 (a) WAS MOVED FORWARD. See page 2.]

(b) Alex Habenicht, an Englewood resident, spoke about the decision making process regarding the Depot. She provided a historical background regarding the Depot. She is dismayed that the Depot is being sold. We should be proud of that building. Council should direct staff to find a way to save the Depot for the community as it is a part of our heritage. Ms. Habenicht cares about history and community. She recommends that Council go back to the drawing board and see how it can be kept for the people.

(c) Elaine Hults, an Englewood resident, believes that there are those who have worked hard to preserve the Depot for displaying history and artifacts. The purpose of the Depot hasn't changed over the years. The Depot has played an important role in the development of the area. Let's work together.

(d) Beverly Cummins, an Englewood resident, said please think about the voting citizen, the petitions that were signed, and who wanted the Englewood Historic Preservation Society to win the bid. Why should they share their artifacts with the printer or a poetry group? Depot Park belongs to the citizens. She said this is political.

(e) Jason Rollinger, an Englewood resident, said he was asked to read a letter he emailed last week. He supports the Englewood Historic Preservation Society. He said we must keep the train depot for trains, as it was our most efficient mode of transportation. The train is a large part of why Englewood is where it is. It is the train that gives the citizens of Englewood a continuity of character. It represents part of our heritage. It will draw people interested in trains to our area. It presented a unique opportunity and could do so again in the future. It could capture the imagination of future engineers. It is a train depot and it is our depot. He questioned the wisdom to sell the Depot and lose money. He encourages Council to support the Englewood Historic Preservation Society.

(f) Ida May Nicholl, an Englewood resident, quoted several comments regarding an article written from the Denver Post. She believes that our history must be preserved.

Council responded to Public Comment.

**8. Communications, Proclamations and Appointments**

[Clerk's Note: AGENDA ITEM 8 WAS MOVED FORWARD AFTER AGENDA ITEM 7 (a). See page 2.]

**9. Consent Agenda**

- (a) Approval of Ordinances on First Reading

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

- (i) COUNCIL BILL NO. 22, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL WASTEWATER CONNECTOR'S AGREEMENT BETWEEN SHERIDAN SANITATION DISTRICT NO. 1 AND THE CITY OF ENGLEWOOD, COLORADO.

(ii) COUNCIL BILL NO. 23, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE APPROVING SUPPLEMENT NO. 170 TO THE SOUTHGATE SANITATION DISTRICT CONNECTOR'S AGREEMENT FOR THE INCLUSION OF LAND WITHIN THE DISTRICT BOUNDARIES.

(iii) COUNCIL BILL NO. 24, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT (IGA) BETWEEN THE COLORADO GOVERNOR'S OFFICE OF INFORMATION TECHNOLOGY AND THE CITY OF ENGLEWOOD, COLORADO.

(iv) COUNCIL BILL NO. 25, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE APPROVING AN INTERGOVERNMENTAL AGREEMENT BETWEEN THE BOARD OF COMMISSIONERS OF ARAPAHOE COUNTY, COLORADO, BY AND THROUGH THE ARAPAHOE COUNTY CLERK AND RECORDER, AND THE CITY OF ENGLEWOOD, COLORADO, TO CONDUCT A COORDINATED ELECTION ON NOVEMBER 5, 2013.

(b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 20, SERIES OF 2013 (COUNCIL BILL NO. 16, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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) ORDINANCE NO. 21, SERIES OF 2013 (COUNCIL BILL NO. 17, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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.

(iii) ORDINANCE NO. 22, SERIES OF 2013 (COUNCIL BILL NO. 18, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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

(iv) ORDINANCE NO. 23, SERIES OF 2013 (COUNCIL BILL NO. 19, INTRODUCED BY COUNCIL MEMBER WOODWARD)

AN ORDINANCE APPROVING 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.

(v) ORDINANCE NO. 24, SERIES OF 2013 (COUNCIL BILL NO. 20, INTRODUCED BY COUNCIL MEMBER WOODWARD)

AN ORDINANCE APPROVING 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.

(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

**MAYOR PENN ADVISED THAT AGENDA ITEM 11 (a) (i) – COUNCIL BILL NO. 21 HAS BEEN WITHDRAWN.**

(i) Council Bill No. 21 --- A recommendation from the Community Development Department to adopt a bill for an ordinance approving the rezoning of 4201 South Navajo Street from I-1 to Navajo Apartments Planned Unit Development (PUD).

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

**COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) – RESOLUTION NO. 64, SERIES OF 2013.**

RESOLUTION NO. 64, SERIES OF 2013

A RESOLUTION AUTHORIZING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE ENGLEWOOD EMPLOYEES ASSOCIATION AND THE CITY OF ENGLEWOOD FOR THE PERIOD OF JANUARY 1, 2014 THROUGH DECEMBER 31, 2015.

**Vote results:**

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

Motion carried.

(ii) Director White presented a recommendation from Community Development to adopt a resolution approving an incentive agreement with Broadbell, LLC.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (c) (ii) – RESOLUTION NO. 65, SERIES OF 2013.**

RESOLUTION NO. 65, SERIES OF 2013

A RESOLUTION APPROVING A REDEVELOPMENT ASSISTANCE AGREEMENT WITH BROADBELL LLC, FOR THE REDEVELOPMENT OF 5001 SOUTH BROADWAY IN ENGLEWOOD, COLORADO.

**Vote results:**

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

Motion carried.

**12. General Discussion**

(a) Mayor's Choice

(b) Council Members' Choice

(i) A resolution regarding disposition of the Englewood Historic Depot was considered.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE RESOLUTION NO. 66, SERIES OF 2013.**

RESOLUTION NO. 66, SERIES OF 2013

A RESOLUTION AUTHORIZING THE CITY OF ENGLEWOOD CITY MANAGER TO NEGOTIATE A LEASE OF THE ENGLEWOOD DEPOT TO TOM AND PATTI PARSON.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO AMEND RESOLUTION NO. 66, SERIES OF 2013 TO CHANGE THE WORD "LEASE" TO "SALE or SOLD" WHEREVER IT APPEARS IN THE RESOLUTION.**

**Vote results on amendment:**

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

Motion carried.

**COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO AMEND RESOLUTION NO. 66, SERIES OF 2013, TO STATE THAT THE CITY OF ENGLEWOOD WILL NEGOTIATE THE RIGHT OF FIRST REFUSAL PROVIDED THAT IT IS A THIRD PARTY CHANGE OF OWNERSHIP AND CHANGE OF USE.**

**Vote results on second amendment:**

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

Motion carried.

**Vote results on motion to approve Resolution No. 66, Series of 2013, as amended:**

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

Motion carried.

(ii) Council Bill No. 26 authorizing the dissolution of the South Broadway Business Improvement District was considered.

**COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) – RESOLUTION NO. 64, SERIES OF 2013.**

COUNCIL BILL NO. 26 (INTRODUCED BY COUNCIL MEMBER JEFFERSON)

A BILL FOR AN ORDINANCE FOR THE 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.

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 8:51 p.m.

\_\_\_\_\_/s/ Loucrishia A. Ellis\_\_\_\_\_  
City Clerk