

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

Regular Session

August 5, 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, Gillit, McCaslin, Wilson, Woodward, Penn

Absent: Council Member Olson

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
Manager of Open Space Lee, Parks and Recreation
Treatment Plant Manager Stowe, Littleton/Englewood Wastewater Treatment Plant
Deputy Public Works Director, Engineering, Henderson
Senior Planner Neubecker, Community Development
Deputy Chief Sanchez, Police

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 JULY 15, 2013.**

Vote results:

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

Nays: None

Absent: Council Member Olson

Motion carried.

6. Recognition of Scheduled Public Comment

(a) Justin Motzer, a member of a local Neighborhood Watch program, discussed nuisance abatement. He said our block has had a positive experience with police involvement in some recent events. Our block has been completely transformed due to the Impact Team. He congratulated Officers Reid and Jose on their efforts.

7. Recognition of Unscheduled Public Comment

(a) Ida May Nicholl, an Englewood resident, is asking the question why. Why is the City Council going to sell the Englewood Depot Park for \$30,000.00? Do you not have a choice? When it is sold, the last piece of Englewood History is gone. You will forever be known as selling the Depot for \$30,000.00. There have been previous offers that have been turned down. The Englewood citizens will lose again. Why are you in a hurry to sell the land now?

(b) Doug Cohn, an Englewood resident, said the Historical Society was to lease the land, not to purchase it. There is going to be a vote, later on tonight, and three of them are up for election this year. Look to see how they vote and think of how you will cast your vote in November.

(c) Sharlene Barker, an Englewood resident, said she spent the day with the Littleton Museum Historian to help her understand how we could have a museum here and preserve our history. Littleton has a wonderful museum and I think it is because they work together. There are people willing to work together for the Englewood Depot, just like they do in Littleton.

Council responded to Public Comment.

8. Communications, Proclamations and Appointments

(a) An email from Catherine Townley announcing her resignation from Keep Englewood Beautiful was considered.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO ACCEPT THE RESIGNATION OF CATHERINE TOWNLEY FROM KEEP ENGLEWOOD BEAUTIFUL.

Vote results:

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

Motion carried.

9. Consent Agenda

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

(a) Approval of Ordinances on First Reading

(i) COUNCIL BILL NO. 33, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT REGARDING THE APPLICATION FOR AND ACCEPTANCE OF AN EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT (JAG) PROGRAM FY 2013 LOCAL SOLICITATION.

(ii) COUNCIL BILL NO. 36, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE APPROVING AND AUTHORIZING THE EXECUTION OF TWO INTERGOVERNMENTAL SUBGRANTEE AGREEMENTS FOR 2013 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BETWEEN THE ARAPAHOE BOARD OF COUNTY COMMISSIONERS AND THE CITY OF ENGLEWOOD, COLORADO.

(iii) COUNCIL BILL NO. 38, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, SECTION 2, OF THE ENGLEWOOD MUNICIPAL CODE 2000 RELATING TO BUILDING USE TAXES.

(iv) COUNCIL BILL NO. 39, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE ADDING SECTION 10 TO TITLE 5, CHAPTER 1, ENTITLED "SPECIAL CONDITIONS OF THE LICENSE"; AND DELETING TITLE 5, CHAPTER 17, ENTITLED "GOING OUT OF BUSINESS AND DAMAGED GOODS SALES", OF THE ENGLEWOOD MUNICIPAL CODE 2000.

(v) COUNCIL BILL NO. 40, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AMENDING TITLE 5, CHAPTER 6, SECTION 4, SUBSECTION A, OF THE ENGLEWOOD MUNICIPAL CODE 2000 RELATING TO SPECIAL LICENSE APPLICATION FOR ADULT ENTERTAINMENT ESTABLISHMENTS.

(vi) COUNCIL BILL NO. 42, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE VACATING THE UTILITY EASEMENTS LOCATED AT 5001 SOUTH BROADWAY AND 5084 SOUTH ACOMA STREET, IN THE CITY OF ENGLEWOOD, COLORADO.

(b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 30, SERIES OF 2013 (COUNCIL BILL NO. 27, INTRODUCED BY COUNCIL MEMBER WOODWARD)

AN EMERGENCY ORDINANCE OF THE CITY OF ENGLEWOOD, COLORADO, ACTING BY AND THROUGH ITS GOLF COURSE ENTERPRISE, AUTHORIZING THE ISSUANCE OF GOLF COURSE ENTERPRISE REVENUE REFUNDING BONDS, SERIES 2013, FOR THE PURPOSE OF REFUNDING THE CITY'S GOLF COURSE ENTERPRISE REVENUE REFUNDING BONDS, SERIES 2003; PRESCRIBING THE FORM OF THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS FROM THE OPERATION OF THE GOLF COURSE FACILITIES; AND PROVIDING OTHER DETAILS AND APPROVING DOCUMENTS IN CONNECTION WITH THE BONDS.

(ii) ORDINANCE NO. 31, SERIES OF 2013 (COUNCIL BILL NO. 28, INTRODUCED BY COUNCIL MEMBER WOODWARD)

AN ORDINANCE AUTHORIZING AN APPLICATION FOR AND ACCEPTANCE OF THE 2013 COLORADO DIVISION OF EMERGENCY MANAGEMENT "SPECIAL PROJECT GRANT" BETWEEN THE CITY OF ENGLEWOOD, COLORADO AND THE STATE OF COLORADO DIVISION OF EMERGENCY MANAGEMENT FOR THE LITTLETON/ENGLEWOOD WASTEWATER TREATMENT PLANT HAZARD ANALYSIS.

(iii) ORDINANCE NO. 32, SERIES OF 2013 (COUNCIL BILL NO. 29, INTRODUCED BY COUNCIL MEMBER WOODWARD)

AN ORDINANCE AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF THE 2013 COLORADO DIVISION OF EMERGENCY MANAGEMENT "SPECIAL PROJECT GRANT" BETWEEN THE CITY OF ENGLEWOOD, COLORADO AND THE STATE OF COLORADO DIVISION OF EMERGENCY MANAGEMENT FOR AN ACTIVE SHOOTER EXERCISE.

(iv) ORDINANCE NO. 33, SERIES OF 2013 (COUNCIL BILL NO. 30, INTRODUCED BY COUNCIL MEMBER WOODWARD)

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT ENTITLED "AGREEMENT REGARDING FUNDING OF MAJOR DRAINAGEWAY PLANNING AND FLOOD HAZARD AREA DELINEATION FOR BIG DRY CREEK (DOWNSTREAM OF COUNTY LINE)" BETWEEN THE URBAN DRAINAGE AND FLOOD CONTROL DISTRICT, GREENWOOD VILLAGE AND THE CITY OF ENGLEWOOD.

(v) ORDINANCE NO. 34, SERIES OF 2013 (COUNCIL BILL NO. 31, INTRODUCED BY COUNCIL MEMBER WOODWARD)

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT REGARDING THE 2013 GRANT FROM GREAT OUTDOORS COLORADO, BETWEEN THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND AND THE CITY OF ENGLEWOOD, COLORADO FOR DUNCAN PARK DEVELOPMENT.

(vi) ORDINANCE NO. 35, SERIES OF 2013 (COUNCIL BILL NO. 32, INTRODUCED BY COUNCIL MEMBER WOODWARD)

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT ACCEPTING A 2013 GRANT OF ARAPAHOE COUNTY OPEN SPACE PROGRAM FUNDS PROJECT NAME: DUNCAN PARK DEVELOPMENT BETWEEN THE CITY OF ENGLEWOOD, COLORADO AND THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF ARAPAHOE, STATE OF COLORADO.

(c) Resolutions and Motions

(i) RESOLUTION NO. 69, SERIES OF 2013

A RESOLUTION SETTING LICENSE FEES FOR PURCHASERS OF VALUABLE ARTICLES.

Vote results:

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

Nays: None

Absent: Council Member Olson

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) Treatment Division Manager Stowe presented a recommendation from the Littleton/Englewood Wastewater Treatment Plant Supervisory Committee to adopt a bill for an ordinance approving a lease agreement for the Byers Biosolids Farm.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 34.

COUNCIL BILL NO. 34, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AUTHORIZING A FARM LEASE AGREEMENT FOR A FARM IN THE LITTLETON/ENGLEWOOD WASTEWATER TREATMENT PLANT BIOSOLIDS MANAGEMENT PROGRAM.

Vote results:

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

Motion carried.

(ii) Deputy City Manager Flaherty presented a recommendation from the City Manager's Office to consider a bill for an ordinance approving the sale of the Historic Englewood Depot to Tom and Patti Parson.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (ii) - COUNCIL BILL NO. 35.

COUNCIL BILL NO. 35, INTRODUCED BY COUNCIL MEMBER WOODWARD

A BILL FOR AN ORDINANCE AUTHORIZING THE SALE OF THE ENGLEWOOD DEPOT PROPERTY TO TOM AND PATTI PARSON.

COUNCIL MEMBER GILLIT OFFERED THIS AMENDMENT ON AGENDA ITEM 11 (a) (ii) - COUNCIL BILL NO. 35, THAT HE WOULD SAY YES TO THIS SALE PENDING THE NOVEMBER ELECTION AND THE RESULTS OF THE ELECTION OF THE PEOPLE.

COUNCIL MEMBER GILLIT'S STATEMENT DID NOT RECEIVE A SECOND.

Vote results on motion to approve Council Bill No. 35:

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

Motion carried.

(iii) Senior Planner Neubecker presented a recommendation from the Community Development Department to adopt a bill for an ordinance authorizing amendments to Title 16: Unified Development Code regarding distilleries, breweries and wineries. Staff further recommends City Council set August 19, 2013 as the date for the Public Hearing on this matter.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WOODWARD SECONDED, TO APPROVE AGENDA ITEM 11 (a) (iii) - COUNCIL BILL NO. 37 AND TO SET AUGUST 19, 2013 AS THE DATE FOR THE PUBLIC HEARING ON THIS MATTER.

COUNCIL BILL NO. 37, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE AMENDING TITLE 16, CHAPTERS 5 AND 11 PERMITTING DISTILLERIES, BREWERIES AND WINERIES IN THE CITY OF ENGLEWOOD.

Vote results:

Ayes: Council Members Jefferson, McCaslin, Wilson, Penn, Woodward, 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) Manager of Open Space Lee presented a recommendation from the Parks and Recreation Department to authorize by motion, a contract for the construction of Northwest Greenbelt Playground Project to the lowest acceptable bidder, Richdell Construction, Inc. in the amount of \$227,995.00.

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) - A CONTRACT WITH RICHELLE CONSTRUCTION, INC. FOR THE CONSTRUCTION OF NORTHWEST GREENBELT PLAYGROUND PROJECT IN THE AMOUNT OF \$227,995.00.

Vote results:

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

Motion carried.

(ii) Treatment Division Manager Stowe presented a recommendation from the Littleton/Englewood Wastewater Treatment Plant Supervisory Committee to authorize by motion, a construction contract for the Plant Gates Repair and Replacement Project located at the Littleton/Englewood Wastewater Treatment Plant. Staff recommends awarding the contract to the lowest acceptable bidder, Stanek Constructors Inc., in the amount of \$ 421,000.00.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (ii) - A CONSTRUCTION CONTRACT WITH STANEK CONSTRUCTORS INC., FOR THE PLANT GATES REPAIR AND REPLACEMENT PROJECT LOCATED AT THE LITTLETON/ENGLEWOOD WASTEWATER TREATMENT PLANT IN THE AMOUNT OF \$ 421,000.00.

Vote results:

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

Motion carried.

12. **General Discussion**

(a) Mayor's Choice

(b) Council Members' Choice

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE THE USE OF DISCRETIONARY FUNDS FOR COUNCIL MEMBER WOODWARD TO ATTEND THE NATIONAL LEAGUE OF CITIES SUMMER MEETING IN RANCHO CORDOVA, CALIFORNIA FROM AUGUST 15-17, 2013.

Vote results:

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

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 8:31 p.m.

 /s/ Loucrishia A. Ellis
City Clerk