

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

Regular Session

August 19, 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 7:31 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 White, Community Development
Operations Treatment Manager Tallent, Littleton/Englewood Wastewater Treatment Plant
Senior Planner Stitt, Community Development
Housing Finance Specialist Grimmert, Community Development
Senior Planner Neubecker, Community Development
Planner II Voboril, Community Development
Police Sergeant McKay

5. Consideration of Minutes of Previous Session

(a) **COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WOODWARD SECONDED, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF AUGUST 5, 2013.**

Vote results:

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

Motion carried.

6. Recognition of Scheduled Public Comment

- (a) Frank Tsu was not present to address Council.

7. Recognition of Unscheduled Public Comment

(a) Shawn Thompson, an Englewood resident, showed some photographs and a video. He then discussed the flooding at his mother's house. He said many other residents have damage too. The cost of repair is too high for many of the people being affected.

(b) Grace Thompson, an Englewood resident, spoke regarding the damage to her house from flooding and the expense of the repairs.

(c) Paul Skizinski, an Englewood resident, spoke against the sale of the Depot. He said there are many historic societies in the State of Colorado and there is a spirit of cooperation and respect between the elected officials and the staff of each municipality and the various groups of volunteers. In some cases, there is a line item on the budget for support for the historic organization.

(d) Janet Pasterkamp, an Englewood resident, spoke against the sale of the Depot. A few years ago there was an offer for a chocolate factory and a shop...a chocolate museum. It could become like Hersey, Pennsylvania. It was for a higher dollar offer. She is not excited about a letterpress museum.

(e) Sara Harkness, an Englewood resident, spoke against the sale of the Depot. She expressed her concerns regarding the sale of the Depot and considers it to be a park. She believes that a vote of the citizens is required. She doesn't understand the benefits to the City and urged Council to reconsider.

(f) Seth Sacks, an Englewood resident, spoke against the sale of the Depot. The sale is below the land valuation.

(g) Bill McCaslin, an Englewood resident, spoke, as a former railroad employee, in favor of the sale of the Depot. He has lived in Englewood for many years and the Depot has just sat there with nothing happening to it.

(h) Pam Beets, an Englewood resident, spoke in opposition regarding the sale of our parks and public light rail expansion. She addressed precautionary principle. Selling parks is not for the public good.

(i) Michael Freemire, an Englewood resident and former elected official in another municipality, spoke regarding the difficulties in making a decision. Failure to make a decision only leads to emotional choices and is that what you want to do? Is there a requirement to sell? Is this offer the best that you are going to get? He asked the audience to think about being in Council's shoes when making this decision. What would be the best decision based on the information available?

(j) Steve Yates, an Englewood resident, asked questions of council regarding the selling of the Depot. He addressed the initiative and its petition. He questioned the term dedication.

(k) Norma Wier, an Englewood resident, said Council should listen to the people and allow the Historical Society to have the Depot.

(l) Laurett Barrentine, an Englewood resident, spoke about the right to vote on the sale of the Depot and park land.

(m) Tom Parson, a Denver resident, tried to correct the impression that is out there. He thanked everyone involved in the selection. He will be building a non-profit community center. He will not be destroying the history. The check he writes to the City and the amount he will invest are vastly different amounts. He hopes to have a public event in September.

(n) Kurt Suppes, an Englewood resident, spoke about full disclosure and allowing the people to vote on the Depot. The finances of this project bother him.

(o) Christian Wentz, an Englewood resident, disagreed with the decision and this business deal. Although he cannot vote because he is not old enough, he wanted to have his voice heard as a future voter. He believes that the right to vote is being denied.

(p) Lewis Fowler, an Englewood resident, came for the light rail presentation but thinks the finances are too low. He hopes that this be reconsidered and to form a committee to re-study it.

(q) Jan Moore, a Parker resident, wanted to know where the signup sheet was to get in line to buy property for \$30,000.00.

(r) Rosanna Frechette said she supported Tom Parson and thanked Council for selecting him. His visions for the building will bring people from all around to Englewood. You cannot go wrong with this decision.

(s) Matthew Crabtree, an Englewood resident, read an email questioning the connection between the Parsons and the Tomassos. He questioned the prior sale opportunities of the property. He stated that the Englewood Historical Society offered to lease the land.

(t) Joseph Barrentine, an Englewood resident, said your choice does not reflect the voice of your citizens. The citizens deserve a vote.

(u) Elaine Hults, an Englewood resident, said she wondered about the money. She attended meetings about the land across the street from the Depot. She wondered why the Depot is being sold.

(v) Richard Kelley, a Littleton resident, said he is a published historian. He is excited about Mr. Parson's vision. He is making an item donation to Mr. Parson. He views Mr. Parson's vision as a gift to the community.

Council responded to Public Comment.

8. Communications, Proclamations and Appointments

There were no communications, proclamations or appointments.

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 McCASLIN SECONDED, TO APPROVE CONSENT AGENDA ITEMS 9 (b) (i), (ii), (iii), (iv), (v), (vi) and (vii).

- (b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 36, SERIES OF 2013 (COUNCIL BILL NO. 33, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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) ORDINANCE NO. 37, SERIES OF 2013 (COUNCIL BILL NO. 34, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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

(iii) ORDINANCE NO. 38, SERIES OF 2013 (COUNCIL BILL NO. 36, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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.

(iv) ORDINANCE NO. 39, SERIES OF 2013 (COUNCIL BILL NO. 38, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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

(v) ORDINANCE NO. 40, SERIES OF 2013 (COUNCIL BILL NO. 39, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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.

(vi) ORDINANCE NO. 41, SERIES OF 2013 (COUNCIL BILL NO. 40, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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.

(vii) ORDINANCE NO. 42, SERIES OF 2013 (COUNCIL BILL NO. 42, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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

Vote results:

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

Motion carried.

(c) Resolutions and Motions

There were no resolutions or motions submitted for approval.

10. **Public Hearing Items**

(a) **COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO OPEN THE PUBLIC HEARING TO GATHER INPUT ON COUNCIL BILL NO. 37, AUTHORIZING AMENDMENTS TO TITLE 16: UNIFIED DEVELOPMENT CODE REGARDING DISTILLERIES, BREWERIES AND WINERIES.**

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.

Chris Neubecker, Senior Planner from Community Development, presented the amendments to Title 16: Unified Development Code regarding distilleries, breweries and wineries.

Amy Sposato, an Englewood resident, spoke for the progressiveness in Englewood. She said Englewood is lacking great restaurants and great bars. She said we need to bring people to Englewood and considers this a positive movement.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO CLOSE THE PUBLIC HEARING TO GATHER INPUT ON COUNCIL BILL NO. 37, AUTHORIZING AMENDMENTS TO TITLE 16: UNIFIED DEVELOPMENT CODE REGARDING DISTILLERIES, BREWERIES AND WINERIES.

Vote results:

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

Nays: None

Motion carried and the Public Hearing closed.

(b) COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO OPEN THE PUBLIC HEARING TO GATHER INPUT ON ADOPTING THE ENGLEWOOD LIGHT RAIL CORRIDOR PLAN AS A SUPPLEMENTARY PLANNING DOCUMENT IN SUPPORT OF ROADMAP ENGLEWOOD: THE 2003 ENGLEWOOD COMPREHENSIVE PLAN.

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.

Planner II Voboril presented background information regarding the Englewood Light Rail Corridor Plan as a Supplementary Planning Document in support of Roadmap Englewood: The 2003 Englewood Comprehensive Plan. He detailed zoning changes, plans, and byways.

Aaron Coalwell, an Englewood resident, said he and his boss do not have a problem with this plan. Their main concern is that they are planning on an employee expansion and they don't want to be forced out of the property. They just signed a long term lease.

Michael Sroczyński, an Englewood business owner, said that this meeting is only a formality. He doesn't think Council knows what the industrial businesses do or how they do it. Mr. Sroczyński thinks this will be very expensive. Parking will be an issue. Industrial workers do not want residents in their areas.

John Spedding, an Englewood property owner, said his property now looks toward the Sheridan apartments. There are many companies who support this change. The project is already mixed use. He is in favor of this project. He is glad that CDOT is involved with this project. He encouraged citizens to come out and support the vision.

Pam Beets, an Englewood resident, said she has mixed feelings about this project. There are many opportunities, but she is concerned about traffic through the neighborhoods. There are problems that need to be solved first. Trust is a factor that is missing.

Lewis Fowler, an Englewood resident, said the ratio of equity properties to rental properties should be looked at.

Seth Sacks, an Englewood resident, asked if the City of Sheridan owns the land west of Santa Fe. He inquired about a light rail parking lot in Sheridan.

Clinton Keithline, an Englewood business owner, feels that City Council does not recognize the businesses that currently exist. The businesses are afraid that they will lose their business locations and have to relocate.

Bev Cummins, an Englewood resident, said she is here for the little people. You keep selling all of the property that is Englewood. You are taking Englewood away from us.

Aaron Reid, an Englewood resident, said a common thread with the comments made tonight is that Englewood is growing and some people do not want this growth. He stated that we need to have safety awareness and use common sense when placing buildings at a location.

Marilyn Anderson, an Englewood resident, said her son would not rent in Englewood as he does not feel it is safe.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO CLOSE THE PUBLIC HEARING TO GATHER INPUT ON ADOPTING THE ENGLEWOOD LIGHT RAIL CORRIDOR PLAN AS A SUPPLEMENTARY PLANNING DOCUMENT IN SUPPORT OF ROADMAP ENGLEWOOD: THE 2003 ENGLEWOOD COMPREHENSIVE PLAN.

Vote results:

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

Nays: None

Motion carried and the Public Hearing closed.

The meeting was recessed at 9:30 p.m.

The meeting reconvened at 9:43 p.m. with all City Council Members present.

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 3685 South Fox Street.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (i) - COUNCIL BILL NO. 41.

COUNCIL BILL NO. 41, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE AUTHORIZING THE REDEMPTION AND SALE OF PROPERTY ACQUIRED THROUGH THE HOUSING REHABILITATION PROGRAM LOCATED AT 3685 SOUTH FOX STREET IN THE CITY OF ENGLEWOOD, COLORADO.

Vote results:

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

Nays: None

Motion carried.

(ii) City Clerk Ellis presented a recommendation from the City Clerk's Office to adopt a bill for an ordinance submitting to a vote of the registered electors of the City of Englewood, at the next scheduled Municipal Election, a proposed initiative relating to the dedication of Park property.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO APPROVE AGENDA ITEM 11 (a) (ii) - COUNCIL BILL NO. 43.

COUNCIL BILL NO. 43, INTRODUCED BY COUNCIL MEMBER GILLIT

A BILL FOR AN ORDINANCE SUBMITTING TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF ENGLEWOOD AT THE NEXT SCHEDULED MUNICIPAL ELECTION A QUESTION REGARDING OFFICIAL DESIGNATION OF PARK PROPERTY WITHIN THE CITY OF ENGLEWOOD.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO AMEND COUNCIL BILL NO. 43, TO REMOVE THE WHEREAS FROM THE BILL AS THEY WERE NOT IN THE BALLOT LANGUAGE.

Vote results on amendment:

Ayes: Council Members Gillit

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

Motion defeated.

Vote results on motion to approve Council Bill No. 43:

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

Nays: None

Motion carried.

(b) Approval of Ordinances on Second Reading

(i) Council Bill No. 35 approving the sale of the Historic Englewood Depot to Tom and Patti Parson was considered.

COUNCIL MEMBER WOODWARD MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (b) (i) – ORDINANCE NO. 43, SERIES OF 2013.

ORDINANCE NO. 43, SERIES OF 2013 (COUNCIL BILL NO. 35, INTRODUCED BY COUNCIL MEMBER WOODWARD)

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

Vote results:

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

Nays: Council Members Jefferson, Gillit

Motion carried.

(c) Resolutions and Motions

There were no resolutions or motions submitted for approval.

12. General Discussion

(a) Mayor's Choice

(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 10:45 p.m.

/s/ Loucrishia A. Ellis
City Clerk