

**AGENDA FOR THE
ENGLEWOOD CITY COUNCIL
STUDY SESSION
MONDAY, JANUARY 6, 2014
COMMUNITY ROOM
6:00 P.M.**



- I. Home Occupations**
Community Development Director Alan White and Senior Planner Chris Neubecker will discuss Home Occupations.

- II. Fire Study Update**
Fire Chief Andrew Marsh will discuss the South Metro Fire Study. The link to the South Metro Fire Study is as follows:
<http://www.englewoodgov.org/home/showdocument?id=9151>

- III. Emergency Management Performance Grant**
Fire Chief Andrew Marsh and EMS Coordinator Stephen Green will discuss the Emergency Management Performance Grants for 2014.

- IV. City Council Policy - Abstentions**
City Attorney Dan Brotzman and City Council will discuss the City Council Policy relating to abstentions.

- V. City Manager's Choice**
 - A. Library Remodel Update

- VI. City Attorney's Choice.**



M E M O R A N D U M

TO: City Council

THRU: Alan White, Community Development Director ✓

FROM: Chris Neubecker, Senior Planner ✓

DATE: January 6, 2014

SUBJECT: Council Request 13-072: Home Occupations

On December 2, 2013 City Council reviewed the first reading of an ordinance to modify the current regulations on Home Occupations (EMC 16-5-4 C 1). The ordinance would allow home occupations in R-1-A zone districts with additional restrictions to protect the residential character of the neighborhood. At that meeting, Council tabled this item, and decided not to hold a public hearing on December 16th as originally planned. Rather, the Council decided to hold a Study Session to further consider the proposed changes.

Adding the R-1-A zone districts to the list of zone districts where home occupations are allowed would subject the R-1-A zone district to the following restrictions and prohibitions.

Existing Regulations:

Home Occupations are currently allowed as Accessory Uses in the following zone districts: R-1-B, R-1-C, R-2-A, R-2-B, MU-R-3-A, and MU-R-3-B. The following restrictions apply:

- Only one (1) home occupation allowed per dwelling unit.
- Allowed only in main dwelling unit. Not allowed in accessory structure (garage).
- Registration with City is required.
- On premises sales allowed only for products made, grown or prepared on site.
- Off premises sales allowed for other products (Avon, Amway, Fuller Brush, etc.)
- No assistants allowed (except those that live at the residence).
- Maximum of 300 square feet used for home occupation, including storage of materials, equipment, inventory and supplies.
- Electric motors limited to $\frac{3}{4}$ horsepower each, and total of $1 \frac{1}{2}$ horsepower total (to limit noise).
- One wall sign allowed, up to one square foot. Sign must be non-illuminated, with no animation.

Prohibited as Home Occupations:

- (1) Animal hospital or kennel, animal daycare, breeders, except licensed canine and feline breeders.

- (2) Asphalt paving business.
- (3) Barbers, hairdressers, cosmetologists, beauticians or any activity involving the skin, hair or nails.
- (4) Body, mechanical repair, or modification of motor vehicles.
- (5) The sale, storage, manufacture, or assembly of guns, knives or other weapons or ammunition.
- (6) Dump trucks.
- (7) Restaurants.
- (8) Towing business.
- (9) Processes involving the dispensing, use, or recycling of hazardous or flammable substances and materials.
- (10) Automotive vehicle sales requiring a state dealer's license.
- (11) Medical Marijuana Centers.
- (12) Medical Marijuana-Infused Products manufacturers.
- (13) Optional Premises Cultivation Operation.

The home occupation regulations are somewhat unique in that the prohibited home occupations are listed, not the allowed home occupations. Any business not listed as prohibited arguably is permitted. While this provides flexibility, it also can open the door to home businesses that may not be compatible with a residential neighborhood.

Possible Additional Limitations:

Council's original direction included maintaining the exclusivity of the R-1-A zone district. Toward that end, staff prepared a list of restrictions to be considered for the R-1-A zone district. These restrictions included:

- Prohibit exterior signs
- Prohibit parking of commercial vehicles
- Prohibit customers and clients from visiting the home occupation
- Prohibit on-site sales and display of goods
- Limit parking to two customer vehicles at the site of the home occupation
- Prohibit manufacture of wine, distilled spirits and malt beverages

Planning and Zoning Commission discussions resulted in prohibiting signage as the only additional restriction for the R-1-A zone district.

Other Relevant Changes:

As staff and the Commission undertake code amendments with specific direction provided by Council, the amendment process presents an opportunity to examine and propose changes to other provisions that are poorly worded, confusing or out-of-date.

In addition to the possible limitations listed above, staff and the Commission found that the following changes would also be helpful in administering the regulations or would support creation of new businesses:

- Allow home occupations in accessory structures, such as garages.

- Add language to clarify that the administrative or clerical functions of businesses would be allowed for home occupations that are otherwise prohibited. (Example: Bookkeeping and office functions of a landscaping business would be allowed).
- Remove the limitation of only one (1) home occupation per dwelling unit. The Commission wanted to allow multiple businesses in one residence, since a homeowner and/or spouse could operate one or more businesses.
- Deleting the word "incidental" in favor of the word "secondary" in the introductory paragraph. This was done since "incidental" implies something that happens merely by chance or without intention. However, starting a new business deserves extensive thought and planning, and is usually not incidental.
- Require that home occupations register with the City prior to start of operations. Otherwise, registration may not happen in a timely manner.
- Limitations on use of electric motors could be removed from the regulations. Noise and other impacts to neighbors could be addressed by referring to Title 15 dealing with all nuisances.

The Planning and Zoning Commission discussed the items above in great detail. After several study sessions and a public hearing, and also based on our understanding of the City Council's goal, staff prepared the attached code amendments. We believe these amendments meet the overall goal of the City Council and help to preserve the exclusivity of the R-1-A district. However, we also understand that some of these changes exceed the changes originally contemplated by City Council. The staff and Commission believe that the proposed changes help balance the need to support small businesses while protecting neighborhood character.

Questions:

Following are some questions for the City Council to consider in amending the home occupation regulations:

1. Are the restrictions, prohibitions and changes proposed sufficient to protect the character of the neighborhood while allowing for a reasonable home occupation on the lot? Do these same restrictions and prohibitions sufficiently protect the R-1-A neighborhoods?
2. Should home occupations be allowed in accessory structures, such as a garage?
3. Should the number of home occupations be limited in one per dwelling unit?
4. Should customers and clients be allowed at home occupations in the R-1-A districts?
5. Should parking of commercial vehicles be limited at home occupations? (This may conflict with Citizen Ballot 2D concerning parking vehicles on private property.)

Next Steps

Once Council has reached consensus on the direction of these regulations, we will work with the City Attorney's office to determine the process for introducing a revised ordinance.

**ATTACHMENT
HOME OCCUPATIONS
Section 16-5-4 C**

The home occupation regulations are as follows (with new language shown in underline, and language removed shown in ~~strikethrough~~):

1. *Home Occupation.* Occupations ~~customarily incidental~~ secondary to the principal use as a residence may be allowed when conducted in the same dwelling, provided the following standards are met:

a. *Districts Allowed.* Home occupations are allowed in the following districts: R-1-A, R-1-B, R-1-C, R-2-A, R-2-B, MU-R-3-A, and MU-R-3-B. ~~Only one (1) home occupation shall be permitted per dwelling unit.~~ Home occupations may also be permitted accessory to principal residential uses located in nonresidential districts (e.g., in a manufactured home park located in an industrial district, in a PUD that allows residential uses, or in any residential dwelling unit otherwise approved by the City) provided the home occupation complies with all requirements of residential district home occupations herein.

b. *Where Allowed on Site.* The home occupation shall be operated entirely within the dwelling unit or within an accessory structure, and only by the person or persons maintaining a dwelling unit ~~therein~~ in the residential use. The home occupation shall not have a separate outside entrance. ~~The home occupation shall not be conducted in a detached accessory structure.~~

c. *Registration.* All home occupations shall register with the City prior to start of operations.

d. *Sales.*

(1) *On the Premises.* The sale on the premises of items that have been made, grown, or prepared on the premises shall be permitted. The sale on the premises of any item that has not been made, grown, or prepared on the premises shall be prohibited.

(2) *Off the Premises.* Sales off the premises of such items as personal or household goods such as those products offered by Avon, Amway, Fuller Brush, Watkins, etc., shall be permitted.

e. *Operational Requirements.*

(1) No assistants or employees that are not residents of the principal dwelling unit shall ~~be employed in~~ work at the ~~home occupation~~ residence/dwelling unit.

(2) The hours and manner of such uses and the noise impacts created thereby shall not interfere with the peace, quiet, or dignity of the neighborhood and adjoining properties which creates a nuisance under Title 15 of this Code.

(3) Incidental storage shall be allowed for items made on the premises and/or sold off the premises consistent with this Section. All storage shall be indoors, including all materials, equipment, inventory and supplies.

(4) The home occupation, including storage of materials, equipment, inventory, and/or supplies, shall not utilize more than three hundred (300) square feet of indoor space; provided, however, that this does not apply to permitted home care accessory uses.

~~(5) The use of electric motors shall be limited in power, with a total limitation of one and one-half (1 1/2) horsepower, and no single unit over three fourths (3/4) horsepower.~~

(5) Only one exterior sign, up to a maximum of one (1) square foot in area, shall be allowed. The sign shall be affixed to the building, and shall be unlighted and unanimated. A Sign Permit shall be required.

(6) No window displays shall be allowed and no sample commodities shall be displayed outside the dwelling.

g. *Prohibited Uses.* In no event shall any home occupation include the following business or commercial activities (except for the administrative or clerical functions related to these businesses, such as bookkeeping, marketing, and customer phone calls.):

(1) Animal hospital or kennel, animal daycare, breeders, except licensed canine and feline breeders.

(2) Asphalt paving business.

(3) Barbers, hairdressers, cosmetologists, beauticians or any activity involving the skin, hair or nails.

(4) Body, mechanical repair, or modification of motor vehicles.

(5) The sale, storage, manufacture, or assembly of guns, knives or other weapons or ammunition.

(6) Dump trucks.

(7) Restaurants or food preparation.

(8) Towing business.

(9) Processes involving the dispensing, use, or recycling of hazardous or flammable substances and materials.

(10) Automotive vehicle sales requiring a state dealer's license.

(11) Medical Marijuana Centers.

(12) Medical Marijuana-Infused Products manufacturers.

(13) Medical Marijuana Optional Premises Cultivation Operation.

(14) Manufacture of wine, distilled spirits, or malt beverages.

(15) Landscaping supplies, installation, maintenance or repair.

h. Additional Restrictions in the R-1-A district:

Within the R-1-A district, the following additional restrictions shall apply for Home Occupations:

1. No exterior signage shall be allowed in the R-1-A district.

C i t y o f E n g l e w o o d
F i r e D e p a r t m e n t

To: Gary Sears, City Manager

From: Andrew Marsh, Fire Chief

Date: December 26, 2013

Subject: Fire Study Update

Fire Department staff is currently analyzing an initial study from South Metro Fire Rescue Fire Rescue Authority regarding the feasibility of the Englewood Fire Department and Littleton Fire Rescue joining the Authority. The staff analysis includes identifying alternatives and determining the pros and cons of joining the Authority versus remaining as a municipal fire department. The goal is to report back to the City Manager and City Council with our preliminary findings by February 2014.

On December 2, 2013, the City of Englewood received an unsolicited inquiry from Denver Fire Department about the possibility of it having the opportunity to submit a service proposal. Before considering such a proposal from Denver, fire department staff requests direction from City Council. Options include declining the offer from Denver or considering its proposal as staff continues its analysis of the South Metro proposal.

As background, in January 2013 the City of Englewood and the City of Littleton received the final "Cooperative Efforts Feasibility Study" from its consultant, Emergency Services Consulting International (ESCI). The Study concluded that the savings from a merger of the fire departments for the two jurisdictions would be less than \$100,000, and no further action was taken regarding a potential merger. One of the recommendations of the Study included the possibility of merging with a fire authority. Since South Metro Fire Rescue Authority is adjacent to both jurisdictions on the east, South Metro decided to embark on its own study about the possibility of the Englewood Fire Department and Littleton Fire Rescue joining the Authority. In April 2013, Englewood Fire Department, Littleton Fire Rescue and South Metro entered into a non-binding Memorandum of Understanding (MOU) in which the parties agreed to share information necessary for South Metro to prepare an initial analysis at its own cost regarding a merger of the three organizations.

On October 3, 2013, the City of Englewood received an initial, written proposal from South Metro regarding the possibility of the Englewood Fire Department and Littleton Fire Rescue joining the Authority. The proposal was distributed the next day to all fire department staff, department directors, and members of City Council. Fire Department staff, with the assistance of other City departments, is now conducting its own analysis of the South Metro proposal, which includes the option of remaining as a separate municipal fire department. Two meetings have been held with fire department staff--including representatives from each rank in the field--and department directors to identify questions and gather information for our analysis. Deputy City Manager Mike Flaherty is assisting us with coordination of this process.

A third meeting is scheduled on January 8, 2014 and will include representatives from South Metro Fire Rescue Authority, which will provide an opportunity to ask questions about their proposal. Fire Department staff then plans to prepare a report regarding our analysis of the South Metro proposal.

Memorandum

To: Andrew Marsh, Fire Chief
From: Steve Green,
EMS/Emergency Management Coordinator
Date: 12/18/2013
Re: EMPG FFY 2014 Application

Chief Marsh,

Each year, the Englewood Office of Emergency Management applies to the State of Colorado for assistance in funding the City of Englewood's emergency management program, through the Emergency Management Performance Grant (EMPG) program. We are doing so again, for the Federal Fiscal Year 2014, in the amount of \$85,421.25. This grant request is sent through the Colorado Department of Public Safety, Division of Homeland Security and Emergency Management, who manages funds that are made available from the FEMA.

Funds from the EMPG are used to pay the wages of a part-time (currently 30 hours per week) Emergency Management Specialist, purchase equipment and provide training across the City for preparedness, mitigation, response and recovery activities, and to make the City more resilient.

The minimum requirement for the grant is a soft-match, which may include existing payroll expenditures made by the City. One other opportunity for the City is to consider a hard match, which would reduce the actual outlay of funds for items the City has already budgeted funds. This might include, for example, connectivity for management personnel, which could be considered within the scope of emergency management activities.

RULES OF ORDER AND PROCEDURE
FOR THE ENGLEWOOD CITY COUNCIL

I. City Council Meetings

A. Regular Meeting

Regular meetings of the City Council shall be held in the City Hall on the first and third Mondays of each month at 7:30 P.M. or at such other time and day as City Council may, from time to time, designate; provided, however, that when the day fixed for any regular meeting falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday.

B. Special Meetings

The Mayor shall call special meetings of the City Council whenever in his-her opinion the public business may require it, or at the express written request of any three (3) members of the City Council. Whenever a special meeting shall be called, a summons or a notice in writing signed by the Mayor or City Manager shall be served upon each member of the City Council, either in person or by notice left at his/her place of residence, stating the date and hour of the meeting and the purpose for which such meeting is called, and no business shall be transacted thereat except such as is stated in the notice. Notice of a special City Council meeting may be announced by the Mayor at any regular City Council meeting and when so announced, a written notice shall not be required. Notice of special City Council meeting, whether written or oral, shall be served, at least twenty-four (24) hours before the special meeting is to be held, upon each Council Member not absent from the City or from the regular City Council meeting when announced; provided, always, that if, after diligent effort is made to give notice of any such meeting to all members of City Council, notice of the same cannot be given due to an inability to locate any member, a majority of the City Council may waive notice of special City Council meeting in writing or by affirmative ballot, and such waiver shall be specifically noted in the minutes of the meeting. Notice may be waived by the entire membership of City Council in any case.

C. Executive Session

An executive session may be convened on call of the Mayor or by a majority vote of the members of City Council. Attendance at the executive session shall be limited to the members of the City Council, and Council may invite such other persons as may be required for advice and information.

The City Council may call an executive session to deal with the following items:

- (1) The sale or purchase of property for public purposes;
- (2) Attorney/client privileges;
- (3) Special security arrangements;

- (4) Negotiations with employees or employee organizations;
- (5) Personnel issues.

Under executive session, no formal vote shall be taken on any matter under discussion.

II. The Presiding Officer

A. Mayor

The presiding officer of the City Council shall be the Mayor who shall be elected by secret ballot by the members of the City Council at the second meeting in November after each general municipal election. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the City Council. He/she shall state every question coming before the City Council, announce the decision of the City Council on all subjects, and decide all questions of order, subject, however, to an appeal of the City Council, in which event a majority vote of those Council Members present and voting shall govern and conclusively determine such questions awarded. He/she shall vote on all questions, his/her name being called last, he/she shall sign all ordinances adopted by the City Council during his/her presence.

B. Mayor Pro Tem

The Mayor Pro Tem shall be elected by secret ballot by the members of the City Council at the second meeting in November after each general municipal election. The Mayor Pro Tem shall serve as Mayor during the absence or disability of the Mayor and in case of a vacancy in the office of the Mayor pending a selection of a new successor.

C. Chairman

The Mayor, or in his/her absence the Mayor Pro Tem, shall call the City Council to order.

In the absence of the Mayor and Mayor Pro Tem, the City Clerk or Deputy City Clerk shall call the City Council to order, whereupon a temporary chairman shall be elected by the members of the City Council. Such temporary chairman shall serve as presiding officer of the City Council until the arrival of the Mayor or the Mayor Pro Tem, at which time the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the City Council.

III. Roll Call

Before proceeding with the business of the City Council, the City Clerk or his/her deputy shall call the roll of the members, and the names of those present shall be entered in the minutes.

IV. Quorum

Five (5) members of the City Council shall constitute a quorum at the regular or special meeting of the City Council. In the absence of the quorum, the presiding officer shall, at the instance of any three (3) members present, compel the attendance of absent members.

V. Officers and Employees

A. Election of Officers and Oath of Office

A majority vote of all members of City Council shall be required to elect a Mayor and Mayor Pro Tem. A member of the Judiciary shall administer the oath of office to the Mayor, Mayor Pro Tem and the City Council no later than the next regular meeting following the election.

B. Appointments by the Mayor

Whenever the Mayor submits an appointment to be made with the advice and consent of City Council consideration of such appointment, that appointment shall be deferred until the next meeting, or except that by general consent or majority vote of the City Council, the appointment may be effective immediately.

C. City Manager

The City Manager or his designated representative shall attend all meetings of the City Council unless excused by the City Council. He/she shall keep the City Council fully advised as to the financial conditions and needs of the City. He/she may make recommendations to the City Council and may take part in discussions on all matters concerning the welfare of the City but shall have no vote in the meetings of City Council.

D. City Attorney

The City Attorney, either in person or by assistant, shall attend all meetings of the City Council. Any member of the City Council may at any time call upon the City Attorney for an oral or written opinion relative to any municipal matter or for the preparation of a bill for an ordinance upon any subject.

E. City Clerk

The City Clerk shall be ex officio Clerk of the City Council and shall be responsible for keeping the minutes of the meeting; and either the Clerk or a deputy shall perform such other and further duties in the meeting as may be ordered by the Mayor, City Manager or City Council. On the Thursday before each regular City Council meeting, the Clerk shall have delivered to each Council Member a copy of the complete summary of minutes for the preceding meeting.

F. Officers and Employees to Attend Council Meetings

The head of any department or any officer or any employee of the City, when requested by the City Manager, shall attend any regular or special meeting and confer with the City Council on matters relating to the City.

VI. Duties and Privileges of Council Members

A. Seating Arrangement

Members shall occupy their respective seats in the Council Chamber assigned to them by the Mayor. But any two or more members may exchange seats by joining in a written notice to the Mayor to that effect.

B. Presiding Officer

The Mayor or such other member of the City Council as may be presiding, may move, second and debate from the Chair, subject only to such limitations of debate as are by those rules imposed on all members and shall not be deprived of any of the rights and privileges of a Council Member by reason of his acting as the presiding officer.

C. Getting the Floor

Every member desiring to speak shall address the chair and, upon recognition by the presiding officer, shall confine himself/herself to the question under debate avoiding all personalities and indecorous language.

D. Interruptions

A member once recognized shall not be interrupted when speaking unless it be to call him/her to order or as herein otherwise provided. If a member, while speaking, be called to order, he/she shall cease speaking until the question of order be determined and if in order, he/she shall be permitted to proceed.

E. Privilege of Closing Debate

The Council Member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

F. Remarks Entered into Minutes

A Council Member may request through the presiding officer the privilege of having an abstract of his/her statement on any subject under consideration by the City Council entered in the minutes. If the City Council consents thereto, such statement shall be entered in the minutes.

G. Right of Appeal

Any member may appeal to the City Council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state his/her reason for the same. The presiding officer may briefly explain his/her ruling; but there shall be no debate on the appeal and no other member shall participate in the discussion. The presiding officer shall then put the question: "Shall the decision of the chair be sustained?" If a majority of the members present vote "Yes" the ruling of the chair is sustained; otherwise, it is overruled.

H. Voting

A vote shall be taken by recording "Aye" and "Nay" votes by use of voting lights, with the "Aye" and "Nay" being read into the permanent record by the City Clerk or a deputy. A vote shall be taken upon the passage of all ordinances and resolutions, on the appointment of any officer, on all motions concerning the expenditures of funds,

and entered in the minutes of the City Council proceedings. Every ordinance shall require the affirmative vote of the majority of all members of the City Council for passage. No member of the City Council shall vote on any question in which he/she has a financial interest other than the common public interest or on any question concerning his/her own conduct but on all other questions each member who is present shall vote unless excused by the unanimous consent of the remaining members present.

Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office. Application to be excused from voting must be made before the votes are called for. The member having briefly stated the reason for his/her request, the decision thereon shall be made without debate.

I. Synopsis of Debate

The Clerk may be directed by the presiding officer with the consent of the City Council to enter in the minutes a synopsis of the discussion on any question coming regularly before the City Council

J. Personal Privilege

The right of a member to address the City Council on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motives are assailed, questioned, or impugned.

K. Dissents and Protests

Any member shall have the right to express dissent from, or protest against, any ordinance or resolution of City Council and shall have the reason therefore entered in the minutes. Such dissent or protest must be couched in respectful language and presented to City Council not later than the next regular meeting following the date of passage of the ordinance or resolution in question.

L. Excusal During Meeting

No member may leave the City Council Chamber while in regular session without permission from the presiding officer.

VII. Council Procedure

A. Order of Business

All meetings, except executive meetings of the City Council, shall be open to the public. The matters to be deliberated by the City Council shall be considered and disposed of in the following order except where otherwise decided by a majority vote of City Council members present at said meeting:

- (1) Call to order.
- (2) Invocation.
- (3) Pledge of Allegiance.
- (4) Roll Call.
- (5) Consideration of minutes of previous session.
- (6) Recognition of Scheduled Public Comment.
- (7) Recognition of Unscheduled-Public Comment
- (8) Communications Proclamations and Appointments.

- (9) Consent Agenda items.
- (10) Public Hearing items.
- (11) Ordinances, Resolutions and Motions.
- (12) General Discussion:
 - Mayor's Choice.
 - Council Member's Choice.
- (13) City Manager's report.
- (14) City Attorney's report.
- (15) Adjournment

The business of all regular meetings shall be transacted in the order provided for above unless City Council, by a majority vote of all members present, shall suspend the rules and change the order. On the Thursday preceding the regular City Council meeting, or at such other day as the City Manager, from time to time, shall determine, the City Manager will have delivered to each Council Member an agenda showing the order of business and indicating the public hearings to be anticipated as a result of previous action of City Council, planning or other commissions. Also listed will be ordinances for first or second reading, petitions previously presented to the Clerk's office and a list of the reports of special committees, the City Manager or City Attorney. At each meeting it shall be asked by the presiding officer if there are objections or are corrections to be made to the summary of minutes of the preceding meeting as published. If there are no objections, the summary of minutes shall be approved.

B. Precedence of Motions

When a question is before the City Council, no motion shall be entertained except:

- (1) To fix the hour of adjournment;
- (2) To adjourn;
- (3) To lay on the table;
- (4) To ask for the previous question;
- (5) To postpone to a certain day;
- (6) To refer;
- (7) To amend; and
- (8) To postpone indefinitely.

These motions shall have precedence in the order indicated. Any such motion, except a motion to amend a motion to postpone indefinitely, shall be put to a vote without debate.

C. Motions to be Stated by Chair - Withdraw

Any member may demand that a motion be put in writing. A motion may not be withdrawn by the mover without the approval of City Council.

D. Division of Question

If the question contains two or more divisible propositions, the presiding officer may and upon request of a member divide the same.

E. Amend To Strike Out, Etc.

On an amendment to strike out and insert, the paragraph to be amended shall be read, as it stands, first. Then the words proposed to be stricken out and those to be inserted shall be read; finally, the paragraph as it would stand, if so amended, shall be read.

F. Amend an Amendment

An amendment of a motion shall be in order, but one to amend an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.

G. Motion to Postpone

All motions to postpone, except a motion to postpone indefinitely, may be amended as to time. If the motion to postpone indefinitely is carried, the principal question shall be declared lost.

H. Ayes and Nays

On the passage of every ordinance or resolution, and on the appointment of any officer, on all motions concerning the expenditure of funds, the vote shall be taken by Ayes and Nays and entered in full in the record. Every member present shall be required to vote unless excused for cause by unanimous consent of the remaining members of the City Council present. The vote shall be for or against a pending ordinance or resolution and not the report of the committee thereon.

I. Reconsideration

A motion to reconsider any action taken by the City Council may be made at any time subject only to the following limitations.

Passage of an ordinance may be reconsidered at any time prior to the time such ordinance becomes effective. Any action of the City Council having as its ultimate purpose the vesting of any contractual or quasi-contractual right may be considered at any time before the actual vesting of such right. A motion to reconsider must be made by a member of the prevailing side but may be seconded by any member. A motion to reconsider may be made at any time and have precedence over all other motions, and while the maker of the motion has the floor, it shall be debatable. Nothing herein shall be construed to prevent any member of the City Council from making or remaking the same or any other motion at the subsequent meeting of the City Council.

J. Emergency Ordinances

Emergency ordinances WHICH ARE necessary for the immediate preservation of public property, health, peace or safety, must be unanimously approved by a quorum present at any meeting of the City Council. The facts showing such urgency and need shall be specifically stated in the ordinance. Emergency ordinances shall take effect immediately upon final passage and shall be published within seven (7) days thereof. No ordinance making a grant of any special privilege, levying taxes, incurring indebtedness, authorizing borrowing money, or fixing rates charges by any city-owned utility shall ever be passed as an emergency measure unless the indebtedness, or the

borrowing of money has received prior voter approval, or the indebtedness does not require voter approval under Article X, Section 20 (TABOR) of the State Constitution.

- K. Procedure in Absence of Rule Roberts Rules of Order, Revised shall govern the procedure of the meeting in all cases where applicable and where consistent with the Charter or the rules of proceedings herein fixed by the City Council.
- L. Anonymous Communications
Unsigned communications shall not be introduced at City Council meetings.
- M. Tie Votes
In case of a tie in votes on any proposal, the proposal shall be considered lost.
- N. Ordinances, Resolution, Motions and Contracts
 - (1) Introduction
All ordinances and resolutions shall be introduced to the City Council in printed or written form. Ordinances, resolutions, and other matters or subjects requiring action by the City Council must be introduced by a member of the City Council except that the City Manager or City Attorney may present ordinances, resolutions and other matters or subjects to the City Council, and any City Council member may assume sponsorship of ordinances, resolutions or subjects.
 - (2) Review
All proposed ordinances shall be reviewed by the City Attorney and bear his/her certification that they are in correct form. The City Manager shall attach to each proposed ordinance a brief digest of the provision thereof and where it is proposed to amend an existing ordinance. Said digest shall indicate the change sought to be made and shall also show the name of the department or party at whose request the proposed ordinance was prepared.
 - (3) Procedure of Passage
An ordinance may be introduced as a bill at any regular meeting by any member of the City Council. Upon introduction, the bill shall be read or printed a first time in full and City Council may set the day and hour at which City Council shall hold a public hearing thereon. A bill, before its final passage, shall be presented at one additional meeting of the City Council, which meeting must be held no earlier than seven (7) days after publication of the bill for an ordinance in its final amended form, except in the case of an emergency ordinance. After final passage, every ordinance shall again be published by reference or in full as City Council may determine.
 - (4) Substitute Ordinances
If an ordinance is proposed as an amendment to an existing ordinance, it shall be reported as a substitute ordinance. A substitute ordinance shall be accompanied by an exhibit showing the part of the original ordinance to be amended, properly identified by page, section, or paragraph, referencing to the original ordinance, and having a line drawn through the parts stricken out and that part added shown in italics or in a different colored ink or underscored. Copies of the exhibits shall be furnished to each member of City Council.

(5) Sponsorship

If a Councilperson has requested an ordinance that persons name should appear on the ordinance.

O. Addressing the City Council

Any person desiring to address the City Council shall first secure the permission of the presiding officer to do so, and speak at the appropriate time listed on the agenda.

(1) Written Communications

Interested parties may address the City Council by written communications in regard to matters then under discussion.

(2) Verbal Communications

Formal verbal communications are allowed only when scheduled on the Agenda. Interested parties may address the City Council by verbal communications on any matter concerning the City's business to any matter over which the City Council has control; provided, however, that preference shall be given to those persons who may have notified the City Manager in advance of their desire to speak in order that the same may appear on the agenda of the City Council.

(3) Reading of Protests

Interested persons may address the City Council by reading of protests, petitions or communications, relating to zoning, sewer and street proceedings, hearing on protests, appeals and petitions, or similar matters in regard to subjects then under consideration.

P. Manner of Addressing/Time Limit

Each person addressing the City Council shall give his name and address for the record and shall limit their address to a reasonable time. The length of such remarks may be specifically limited by the presiding officer. All remarks shall be addressed to the City Council as a body and not to any member thereof. No persons other than the City Council and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the City Council, without the permission of the presiding officer. No question shall be asked a City Council Member except through the presiding officer.

Q. Decorum

While the City Council is in session, the members must preserve order and decorum. A member shall neither, by conversation or otherwise, delay nor interrupt the proceedings, nor the peace of the City Council, nor disturb any member while speaking, nor refuse to obey the orders of the City Council or its presiding officer.

R. Suspension of Rules

Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended at any meeting of the City Council by a majority vote of all members of the City Council. The vote on any such suspension shall be taken by ayes and nays and entered in the record.

S. Amendment of Rules

These rules may be amended or new rules adopted by majority vote of all members of the City Council. Any such amendment(s) shall be submitted in writing at the preceding regular meeting and shall be placed on the agenda of the City Council.

T. Public Hearing

All those desiring to be heard on a particular issue at a regular public hearing before City Council may list their names, indicating on which side of the issue, whether for or against, they wish to speak. This list will be handed to the presiding officer who will have all those who are listed step forward to attest by sworn oath that all evidence they present will be the truth. If both sides of the issue are represented by one or more individuals, the City Council will set the length of time to be heard. Each side will be given an equal time to present their case. This will be a total time within which all those desiring to be heard will be confined.

Following the presentations of those in favor, then those opposed, the petitioner will be given a few minutes for rebuttal. At any stage in the hearing, either side may cross-examine any witnesses heretofore presented, but the time for this will be included in the original time allotted. Following the rebuttal of the petitioner, the presiding officer will declare the hearing closed and the questions remanded to City Council for consideration. If any City Council member wishes more information from any individual who spoke at the hearing, he/she may direct questions only through the presiding officer, to the individual and the response will be limited to the answer of the question as stated.

VIII. Passage Procedure

A. A STEP BY STEP PROCESS - ORDINANCES

Ordinances are used primarily for the passage of legislative matters and penal in nature. In addition certain agreements must be approved by ordinance and certain budgetary matters likewise require ordinance approval.

THE PASSAGE OF AN ORDINANCE - a step-by-step process:

At the first reading, the ordinance is "proposed" and is known as a "bill for an ordinance." It will have a previously assigned council bill number on the document. There are several reasons for this. First, the number is assigned so that it can be numerically identified by all parties involved. When it goes to Council, it becomes an official document which must be dealt with in some manner. That manner is approval, failure to approve, tabling, etc. To be effective, ordinances require two readings.

APPROVAL OF THE COUNCIL BILLS:

I ask that the City Clerk read the item or Council Bill.

On Englewood's agenda, Bills for Ordinances are dealt with under Section 11. A Bill for an Ordinance is individually dealt with in this section; that is, each item in Section 11 is taken separately and by itself.

At a Councilperson's request, the City Clerk reads the title of the bill out loud and Council reads the bill silently (generally, this has been done prior to the meeting to keep the meeting moving quickly).

Should a Councilperson desire to sponsor a bill, he/she would state as follows: YOUR HONOR, I MOVE THAT COUNCIL BILL NO. ____ BE APPROVED or an alternative I MOVE AGENDA ITEM _____. Another Councilperson, if he/she wants to discuss or seek approval of the bill, may second the motion. This is done as follows: "YOUR HONOR, I SECOND THE MOTION."

At that point in time, the Mayor would request if there is any debate. Just because a person sponsored or seconded a bill does not mean that they necessarily have to speak in favor of the bill. It may be awkward for a person to sponsor a bill because their name then appears on the ordinance, and if they vote against the bill or oppose the bill, their name would then be associated with approval of the bill.

Once a call for the question is made, such as, "I CALL THE QUESTION," the Mayor would then request a vote, which is electronically recorded. The City Clerk then advises the Mayor of the vote, identifying the ayes and nays, the Mayor will announce whether the Ordinance is passed or defeated.

The Bill for an Ordinance is published in full. Thereafter, at a subsequent meeting (more than 7 days after publication in final amended form), the Ordinance is presented for second reading under the Consent Agenda approval items. Approval may be done in mass, that is, all items previously approved may be approved in batch, or they may be removed from the Consent Agenda. Ordinances approved under the Consent Agenda are automatically assigned a number by the City Clerk and are not individually read by title.

Removal from the Consent Agenda allows debate on the subject. For instance, under the Consent Agenda (which appears under Section 9 of the Council Agenda,) the Mayor will ask, "IS THERE ANYONE ON COUNCIL WHO WOULD DESIRE TO HAVE A MATTER REMOVED FROM THE CONSENT AGENDA?" At that point, the Councilperson would state, "I REQUEST THAT ITEM ____ BE REMOVED FROM THE CONSENT AGENDA." This does not require a motion or vote. Merely requesting removal is sufficient. When an item is removed from the Consent Agenda, the items remaining should be approved in mass. Assumption is that they would all be approved; otherwise, a Councilperson would request removal. Those items removed are considered after all other Consent Agenda items have been approved. The procedure should be to deal with the items in the same order as they appear on the agenda, each to be debated and voted upon separately, except for those removed.

When it comes time to approve a Council Bill on second reading, which has been withdrawn from the Consent Agenda, it is still identified with its Council Bill Number, but it is in proposed ordinance form. At some point, usually before discussion, a councilperson would ask that the Clerk read Council Bill NO. ___, or Agenda Item NO. ____; the Clerk then reads the item by title. A Councilperson would then state as follows: "YOUR HONOR, I MOVE FOR APPROVAL OF COUNCIL BILL __," OR "YOUR HONOR, I MOVE FOR APPROVAL OF AGENDA ITEM NO. ____." A second is made, discussion follows, and then the vote is taken, much as in the case of the first reading.

Publication by title then occurs after final reading and passing.

AMENDING ORDINANCES:

- (1) After first reading or even at first reading, a Councilperson may desire to amend an ordinance. A motion must be made to amend the ordinance with the specifics of the amendment identified and stated in the motion which would be much like the following: "I MOVE TO AMEND COUNCIL BILL NO. ____, SECTION ____, TO INCLUDE THE FOLLOWING WORDING: _____." If the Council Bill has already been assigned an Ordinance number, then the motion would be: "I MOVE TO AMEND ORDINANCE NO. _____,..." There must be a second and then debate can occur. The amendment is first voted on and then the ordinance is voted on.

NOTES:

- (1) There may be more than two readings of an ordinance. Where an ordinance is amended, it must first be published in its final amended form before last reading.
- (2) Publication dates and notice requirements may dictate that an ordinance not come back at the next meeting of City Council.
- (3) Ordinances are always dealt with in the positive the "motion is to approve." The motion is always made to approve not to disapprove.

B. A STEP BY STEP PROCEDURE - RESOLUTIONS

Resolutions are used for formal approval of nonlegislative measures.

The Procedure for approval is:

"I ASK THAT THE CLERK ASSIGN THE RESOLUTION A NUMBER AND READ THE RESOLUTION BY TITLE."

Alternative - I move item _____. The Clerk assigns the Resolution a number and states the number, then reads the title.

I MOVE THE PASSAGE OF RESOLUTION NO. ____, SERIES OF 19__.

Resolution No. 66, Series of 1990

Ordinance No. 1, Series of 1995
(Amending the order of business and addressing the Consent Agenda)

Ordinance No. 36, Series of 2004
(Amending the order of business and addressing the Order of Business)