

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

Regular Session

December 16, 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 7:30 p.m.

2. Invocation

A moment of silence was observed regarding the shooting incident at Arapahoe High School on December 13, 2013.

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, Yates, 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 Black, Parks and Recreation
Director White, Community Development
Director Kahm, Public Works
Traffic Engineer Vostry, Public Works
Planner I Kirk, Community Development
Senior Planner Stitt, Community Development
Senior Planner Neubecker, Community Development
Department Assistant Bailey, Community Development
Fire Chief Marsh
Deputy Chief of Police Sanchez

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 DECEMBER 2, 2013.**

Vote results:

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

Nays: None

Abstain: Council Member Olson

Motion carried.

6. Recognition of Scheduled Public Comment

(a) Keep Englewood Beautiful Chair Roger Mattingly, along with Mayor Penn and Council Member McCaslin, presented the 2013 Holiday Lighting Awards to the recipients.

Sapphire Award:	Doug Haas	4536 S. Sherman St.
The Mr. Clause Award:	The Kloewer's	5041 S. Elati St.
North Pole Award:	The Miller Family	5051 S. Fox St.

(b) E. Scott Neff, Englewood High school student and member of the Future Business Leaders of America, addressed Council regarding opportunities for involvement with the City. He said they are looking for donations for those who need help with the membership fees. Future Business Leaders of America (FBLA) hopes to establish business partnerships with and within the City.

(c) Colleen Burke, an Englewood resident, addressed Council regarding the recreational marijuana ban. She does not believe that the advisory question should have been on the ballot and she did not feel the wording was confusing. She advocated going forward with recreational marijuana. Ms. Burke believes that the City has been responsible with medical marijuana. She is concerned about the stabilization of the City by turning it into a high rise rental capital in the Midwest. Clarkson Street has constant jaywalkers since being closed down. It is not safe.

(d) Beverly Cummins, an Englewood resident, addressed Council stating that she is tired of being ignored and of the way she is being treated. She said you have to give respect to get respect and that the Constitution states that all people are created equal. We are not here to serve you, but you are here to serve us. As far as Chick-fil-A, you are messing with my life and my livelihood. I'm afraid that when you take over that much of the block, someone else will ask for the rest of it and ruin our neighborhood. She said we also don't need more apartments.

(e) Elaine Hults, a member of Save Englewood Parks, along with Beverly Cummins, recognized staff for their efforts during a recent pool rescue at the Englewood Recreation Center. They are grateful for the efforts of the staff to save the man's life. Director Black received a certificate and gift in recognition of staff's lifesaving action.

7. Recognition of Unscheduled Public Comment

(a) Shaun Hauser, an employee of Sensible Colorado, expressed her concern about how Englewood is not handling retail marijuana. She said Council has ignored the voters and shown clear disregard. There will always be a market for marijuana in Englewood. Do you want to regulate it responsibly? Does Council want to honor the will of the voters? Elected Officials need to sometimes make difficult decisions. She urged Council to take this issue and your roles as elected officials seriously.

(b) Linda Hart, an Englewood resident, said regarding the marijuana vote, that she is familiar with the legislative language, but did find the language on the ballot confusing. She stated the way that marijuana is regulated is not the same as alcohol regulations. Ms. Hart appreciates Council taking their time on this. She is against having marijuana in her City.

(c) Bill Conkling, a Denver resident, has been in the medical marijuana business for four years and is in compliance with the Medical Marijuana Enforcement Division (MMED) and he knows the inspectors by name. He said we don't deal with the cartels. This is the second time it has been voted in by the citizens in Englewood. I strongly stress that you pay attention to what the voters said.

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 items submitted for approval on first reading.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE CONSENT AGENDA ITEM 9 (b) (i).

- (b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 65, SERIES OF 2013 (COUNCIL BILL NO. 62, INTRODUCED BY COUNCIL MEMBER GILLIT)

AN ORDINANCE AMENDING TITLE 3, CHAPTER 4, SECTIONS 1, 11(1) AND 17(3), OF THE ENGLEWOOD MUNICIPAL CODE 2000 AMENDING THE NONEMERGENCY EMPLOYEES RETIREMENT BOARD PLAN AND AMENDING AND RESTATING THE EFFECTIVE DATE OF THE PLAN DESCRIBED IN SECTION 3-4-1 TO DECEMBER 1, 2013.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, 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**

[Clerk's Note: Agenda Item 10 (a) and 10 (b) were combined into one public hearing.]

(a) A Public Hearing to gather input on Council Bill No. 63, approving the proposed Chick fil-A Speer's Broadway Planned Unit Development.

(b) A Public Hearing to gather input on Council Bill No. 64, Speer's Broadway Addition Filing No. 2, First Amendment Major Subdivision.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO OPEN THE PUBLIC HEARING TO GATHER INPUT ON COUNCIL BILL NO. 63, APPROVING THE PROPOSED CHICK-FIL-A SPEER'S BROADWAY PLANNED UNIT DEVELOPMENT AND TO GATHER INPUT ON COUNCIL BILL NO. 64, APPROVING THE SPEER'S BROADWAY ADDITION FILING NO. 2, FIRST AMENDMENT MAJOR SUBDIVISION.

Vote results:

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

Motion carried and the Public Hearing opened.

All testimony was given under oath.

Planner 1 Kirk presented background on both Council Bills and the development plans for the site.

Those speaking on behalf of the proposed development included:

Zell Cantrell, a ZC3 representative
Steve Lewis, a Chick fil-A representative

The meeting recessed at 9:26 p.m.

The meeting reconvened at 9:36 p.m. with all City Council Members present.

Ladd Vostry, City of Englewood Public Works Traffic Engineer

Public comment:

Chris Diedrich, an Englewood resident, lives close to the site. He said he is here due to a concern for the type of development being put in and not directly against Chick fil-A. He wondered about something similar to the Light Rail Corridor Plan. He believes that people don't like the used car dealerships and the big parking lots. Mr. Diedrich doesn't think it is a good idea to get rid of single family residences in order to put in a big parking lot. He would like to see a third party traffic study completed. He would like to see a mixed use development go in. Mr. Diedrich wondered why the decision must be made tonight.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO CLOSE THE PUBLIC HEARING TO GATHER INPUT ON COUNCIL BILL NO. 63, APPROVING THE PROPOSED CHICK-FIL-A SPEER'S BROADWAY PLANNED UNIT DEVELOPMENT AND TO GATHER INPUT ON COUNCIL BILL NO. 64, APPROVING THE SPEER'S BROADWAY ADDITION FILING NO. 2, FIRST AMENDMENT MAJOR SUBDIVISION.

Vote results:

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

Nays: None

Motion carried and the Public Hearing closed.

11. Ordinances, Resolutions and Motions

(a) Approval of Ordinances on First Reading

There were no items submitted for approval on first reading.

(b) Approval of Ordinances on Second Reading

(i) Council Bill No. 63, approving the proposed Chick-fil-A Speer's Broadway Planned Unit Development was considered.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEM 11 (b) (i) – ORDINANCE NO. 66, SERIES OF 2013.

ORDINANCE NO. 66, SERIES OF 2013 (COUNCIL BILL NO. 63, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE APPROVING THE REZONING OF 3085 SOUTH BROADWAY AND 3066 – 3090 SOUTH ACOMA STREET FROM A MU-B-2 AND MU-R-3-A ZONE DISTRICTS TO A PLANNED UNIT DEVELOPMENT (PUD).

COUNCIL MEMBER JEFFERSON MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO CONTINUE THE SECOND READING SO IT OCCURS AT THE NEXT MEETING OF JANUARY 6, 2014.

Vote results:

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

Motion defeated.

Vote results on original motion to approve Ordinance No. 66, Series of 2013:

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

Motion carried.

(ii) Council Bill No. 64, approving the Speer's Broadway Addition Filing No. 2, First Amendment Major Subdivision was considered.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER YATES SECONDED, TO APPROVE AGENDA ITEM 11 (b) (ii) – ORDINANCE NO. 67, SERIES OF 2013.

ORDINANCE NO. 67, SERIES OF 2013 (COUNCIL BILL NO. 64, INTRODUCED BY COUNCIL MEMBER WILSON)

AN ORDINANCE APPROVING THE SPEER'S BROADWAY ADDITION FILING NO. 2, FIRST AMENDMENT, MAJOR SUBDIVISION LOCATED AT 3085 SOUTH BROADWAY AND 3066 – 3090 SOUTH ACOMA STREET IN THE CITY OF ENGLEWOOD, COLORADO.

Vote results:

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

Motion carried.

(c) Resolutions and Motions

(i) Senior Planner Stitt presented a recommendation from the Community Development Department to approve, by motion, authorization for the Housing Rehabilitation Fund to commence eviction proceedings on the property located at 3685 South Fox Street.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) - AUTHORIZATION FOR THE HOUSING REHABILITATION FUND TO COMMENCE EVICTION PROCEEDINGS ON THE PROPERTY LOCATED AT 3685 SOUTH FOX STREET.

Vote results:

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

Motion carried.

12. General Discussion

(a) Mayor's Choice

(b) Council Members' Choice

(i) A Resolution approving the City of Englewood's "Aid to Other Agencies" contributions for 2014 was considered.

MAYOR PENN MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 12 (b) (i) – RESOLUTION NO. 77, SERIES OF 2013, LESS THE IN-KIND CONTRIBUTION FOR THE CHAMBER.

RESOLUTION NO. 77, SERIES OF 2013

A RESOLUTION SPECIFYING AID TO OTHER AGENCIES FOR 2014 BY THE CITY OF ENGLEWOOD, COLORADO.

Vote results:

Ayes: Council Members Yates, McCaslin, Wilson, Penn, Jefferson, 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 10:27 p.m.

 /s/ Loucrishia A. Ellis
City Clerk