

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

Regular Session

February 18, 2014

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<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 7:41 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, 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 Gryglewicz, Finance and Administrative Services
Director White, Community Development
Director Fonda, Utilities
Director Black, Parks and Recreation
Deputy Police Chief Sanchez
Streets Maintenance Manager Hagan, Public Works
Fleet/ServiCenter Manager White, Public Works
Water Production Supervisor Clark, Utilities
Senior Planner Neubecker, Community Development
Fire Chief Marsh

5. Consideration of Minutes of Previous Session

(a) **COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE THE MINUTES OF THE REGULAR CITY COUNCIL MEETING OF FEBRUARY 3, 2014.**

Vote results:

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

Nays: None

Motion carried.

6. Recognition of Scheduled Public Comment

(a) Jason Clark, Water Production Supervisor addressed City Council regarding the dedication of the Ultraviolet Disinfection System at the Allen Plant to the late Joe Pershin, former Water Production Administrator at the Plant.

7. Recognition of Unscheduled Public Comment

(a) David Gilbert, an Englewood resident, spoke about property owned by the Englewood Environmental Foundation, the plaza and the amphitheater, and the signage indicating the banning of certain practices including panhandling, petitioning, camping and the distribution of flyers. These are Freedom of Speech rights that must be reinstated and with the proper signage.

(b) Doug Cohn, an Englewood resident, spoke about Pete Seeger's song "If I Had a Hammer" and what it stood for. Don't be the misrepresentation listed in the song, but be equal and make the rules fair, he said. Don't discriminate and allow freedom.

(c) Elaine Hults, an Englewood resident, said she heard that a Council Member said that they do not want citizen input. She does not think that the park land should have been sold. She believes in free speech. This is still a democracy.

(d) Laura Phelps, an Englewood resident, said she discovered a deadline in a process called Creative Districting. It's on March 3, 2014. I have reached out to several staff and board members, she said. Colorado Creative Industries is facilitating Creative Districts. It started three years ago. This process has become more competitive. We need to produce a letter of interest. By missing this deadline, it would set us back two to three years. This could be used as a tool for economic development. Please allow Director White to complete this letter.

Council responded to Public Comment.

8. Communications, Proclamations and Appointments

(a) A proclamation declaring the month of February as African American History Month was considered.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE A PROCLAMATION DECLARING THE MONTH OF FEBRUARY AS AFRICAN AMERICAN HISTORY MONTH.

Vote results:

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

Motion carried.

9. Consent Agenda

(a) Approval of Ordinances on First Reading

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

(i) COUNCIL BILL NO. 8, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT ENTITLED "EAST METRO AUTO THEFT TEAM (EMATT) MEMORANDUM OF UNDERSTANDING FOR PARTICIPATING AGENCIES" BETWEEN THE COLORADO STATE PATROL, THE COUNTIES OF ARAPAHOE AND

DOUGLAS AND THE CITIES OF AURORA, COMMERCE CITY AND ENGLEWOOD TO COMBAT AUTO THEFTS AND VEHICLE INSURANCE FRAUD IN THE EAST METRO AREA.

(ii) COUNCIL BILL NO. 9, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE OF A VICTIM ASSISTANCE LAW ENFORCEMENT (VALE) GRANT FROM THE VICTIM ASSISTANCE LAW ENFORCEMENT BOARD OF THE 18TH JUDICIAL DISTRICT.

(iii) COUNCIL BILL NO. 10, INTRODUCED BY COUNCIL MEMBER OLSON

A BILL FOR AN ORDINANCE AUTHORIZING THE CITY OF ENGLEWOOD, COLORADO TO APPLY FOR AND ACCEPT FUNDING FROM THE U.S. DEPARTMENT OF JUSTICE – OFFICE OF JUSTICE PROGRAMS, FOR THE PURCHASE OF BULLET PROOF VESTS.

(b) Approval of Ordinances on Second Reading

(i) ORDINANCE NO. 6, SERIES OF 2014 (COUNCIL BILL NO. 7, INTRODUCED BY COUNCIL MEMBER OLSON)

AN ORDINANCE AUTHORIZING AN INTERGOVERNMENTAL AGREEMENT ENTITLED “EQUITABLE SHARING AGREEMENT AND CERTIFICATION” BETWEEN THE UNITED STATES DEPARTMENT OF JUSTICE, UNITED STATES DEPARTMENT OF TREASURY AND THE CITY OF ENGLEWOOD, COLORADO ACCEPTING FORFEITURE MONIES DURING FISCAL YEARS 2014, 2015, 2016 AND 2017.

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

(a) **COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO REOPEN THE PUBLIC HEARING (CONTINUED FROM FEBRUARY 3, 2014) TO GATHER INPUT ON COUNCIL BILL NO. 60, AUTHORIZING AMENDMENTS TO TITLE 16: UNIFIED DEVELOPMENT CODE REGARDING HOME OCCUPATIONS.**

Council Member Olson recused herself from the hearing.

Vote results:

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

Motion carried and the Public Hearing opened.

All testimony was given under oath.

Director White said discussion about this zoning issue has occurred for many years. Technology has impacted the way businesses operate. Home based businesses are a part of our growing economy. We need to balance the growth and the needs of the neighbors. This ordinance strikes a balance.

Senior Planner Neubecker said this topic was brought to us. We believe that there may already be some home operations. This will allow home based businesses in the R-1-A District that currently doesn't allow them.

There are limitations set forth in the ordinance. Mr. Neubecker detailed the differences as to what would be allowed with this ordinance and what would not be allowed.

Those providing public comment included: Brent Kirkpatrick, Ron Pickens, Ida May Nicholl, John Gerlick, and Kimberly Cowger.

Mr. Pickens gave the City Clerk a copy of the Hampden Hills "Declaration of Building and Use Restrictions" document, which was entered into the record.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO CLOSE THE PUBLIC HEARING (CONTINUED FROM FEBRUARY 3, 2014) TO GATHER INPUT ON COUNCIL BILL NO. 60, AUTHORIZING AMENDMENTS TO TITLE 16: UNIFIED DEVELOPMENT CODE REGARDING HOME OCCUPATIONS.

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 additional items submitted for approval on first reading. (See Agenda Item 9 (a) – Consent Agenda.)

(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 Gryglewicz presented a recommendation from the Finance and Administrative Services Department to approve a resolution authorizing a transfer and supplemental appropriation of funds for Building System Replacements, Road and Bridge Repair, Permit Tracking System development, and a Solar Garden Project in the total amount of \$567,000.00.

COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER WILSON SECONDED, TO APPROVE AGENDA ITEM 11 (c) (i) – RESOLUTION NO. 37, SERIES OF 2014.

RESOLUTION NO. 37, SERIES OF 2014

A RESOLUTION APPROVING A SUPPLEMENTAL APPROPRIATION OF FUNDS TO THE 2014 BUDGET FOR A VARIETY OF CAPITAL PROJECTS THAT WERE NOT INCLUDED IN THE 2014 BUDGET.

Vote results:

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

Motion carried.

(ii) Manager Hagan and Manager White presented a recommendation from the Public Works Department to approve, by motion, the purchase of an oil distributor for the Streets Division. Staff recommends awarding the contract to Macdonald Equipment Company, the lowest acceptable bidder, in the amount of \$60,493.00.

COUNCIL MEMBER OLSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AGENDA ITEM 11 (c) (ii) – A CONTRACT WITH MACDONALD EQUIPMENT COMPANY FOR THE PURCHASE OF AN OIL DISTRIBUTOR FOR THE STREETS DIVISION IN THE AMOUNT OF \$60,493.00.

Vote results:

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

Motion carried.

(iii) Manager Hagan and Manager White presented a recommendation from the Public Works Department to approve, by motion, the purchase of a dump truck for the Streets Division. Staff recommends purchasing the vehicle thorough the state bid in the amount of \$75,378.00.

COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AGENDA ITEMS 11 (c) (iii) – THE PURCHASE OF A DUMP TRUCK FOR THE STREETS DIVISION THROUGH THE STATE BID IN THE AMOUNT OF \$75,378.00.

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) **COUNCIL MEMBER GILLIT MOVED, AND COUNCIL MEMBER McCASLIN SECONDED, TO APPROVE AN EMERGENCY MORATORIUM TO ALLOW THE TWO CURRENT APPLICANTS FOR MEDICAL MARIJUANA OPTIONAL PREMISES CUILTIVATION LICENSES TO BE REVIEWED BY THE LIQUOR AND MEDICAL MARIJUANA LICENSING AUTHORITY TO DETERMINE IF THEY HAD POSTED THEIR PUBLIC HEARING NOTICES CORRECTLY AND IF FOUND TO BE INCORRECT, THEY WOULD HAVE TO WAIT UNTIL THE SIX MONTH MORATORIUM HAS ENDED TO REAPPLY AND TO DECLARE A SIX MONTH MORTORIUM ON ANY FUTURE MEDICAL MARIJUANA APPLICATIONS.**

Vote results:

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

Motion defeated.

(ii) Registration for NLC Congressional Cities Conference in Washington, D.C. from March 8 to 10, 2014 was discussed.

MAYOR PENN MOVED, AND COUNCIL MEMBER JEFFERSON SECONDED, TO APPROVE REGISTRATION OF COUNCIL MEMBERS YATES, McCASLIN, JEFFERSON, AND GILLIT TO ATTEND THE NLC CONGRESSIONAL CITIES CONFERENCE IN WASHINGTON, D.C. FROM MARCH 8 TO 10, 2014

Vote results:

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

Motion carried.

(iii) **COUNCIL MEMBER WILSON MOVED, AND COUNCIL MEMBER GILLIT SECONDED, TO APPROVE AN EMERGENCY MORATORIUM TO ALLOW THE TWO CURRENT**

APPLICANTS FOR MEDICAL MARIJUANA OPTIONAL PREMISES CULTIVATION TO BE REVIEWED BY THE LIQUOR AND MEDICAL MARIJUANA LICENSING AUTHORITY TO DETERMINE IF THEY HAD POSTED THEIR PUBLIC HEARING NOTICES CORRECTLY AND IF FOUND TO BE INCORRECT, THEY WOULD BE ALLOWED TO CORRECT THE POSTING IMMEDIATELY AND TO DECLARE A SIX MONTH MORTORIUM ON ANY FUTURE MEDICAL MARIJUANA APPLICATIONS.

Vote results:

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

Motion carried.

13. City Manager's Report

City Manager Sears did not have any matters to bring before Council.

14. City Attorney's Report

(a) City of Englewood and Colorado Intergovernmental Risk Sharing Agency v. Delvin Harrell and Industrial Claims Appeals Office, Supreme Court Case No: 2014SC123 was discussed.

MAYOR PENN MOVED, AND COUNCIL MEMBER OLSON SECONDED, TO CONTINUE THE SUPREME COURT CASE NO. 2014SC123.

Vote results:

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

Motion carried.

15. Adjournment

MAYOR PENN MOVED TO ADJOURN. The meeting adjourned at 9:56 p.m.

/s/ Loucrishia A. Ellis
City Clerk