

APPROVED AS CORRECTED ON JANUARY 17, 2006

Legend: ■ Inserted Language
— Deleted Language

MINUTES OF PROCEEDINGS

LITTLETON CITY COUNCIL

January 3, 2006

The Littleton City Council met in regular session on Tuesday, January 3, 2006, in the Council Chambers of the Littleton Center, 2255 West Berry Avenue. The regular meeting convened at 7:00 p.m.

THOSE PRESENT: JAMES A. TAYLOR
Mayor
REBECCA KAST
Mayor Pro Tem
TOM MULVEY
Council Member
JOHN OSTERMILLER
Council Member

THOSE ABSENT: DOUG CLARK
Council Member
AMY S. CONKLIN
Council Member
PAT CRONENBERGER
Council Member

ALSO PRESENT: Jim Woods
City Manager
Larry Berkowitz
City Attorney
Nancy K. Worthington
Deputy City Clerk

1. **ROLL CALL**

Upon a call of the roll, four members were present. Council Members Clark, Conklin and Cronenberger were absent. The following business was transacted.

2. **PLEDGE OF ALLEGIANCE**

3. **AGENDA**

ACTION: APPROVED

4. **(a) MINUTES - MINUTES OF REGULAR MEETING DECEMBER 20, 2005**

ACTION: APPROVED

5. **INTRODUCE NEW CITY EMPLOYEES –**

Mr. Woods introduced the following new employees:

Mark Barons, Neighborhood Resource Coordinator
Dennis Swain, Long Range Senior Planner
David Taban, Entry Police Officer
Jeffrey Farmer, Entry Police Officer
Steven Martens, Jr., Entry Police Officer

6. **(a) CITIZEN APPEARANCES – GUEST CITIZENS – None**

6. **(b) CITIZEN APPEARANCES - SCHEDULED PUBLIC APPEARANCES – None**

6. **(c) CITIZEN APPEARANCES – UNSCHEDULED PUBLIC APPEARANCES –**

GLEN SHULZE
5965 W. MORRAINE AVE.

Glen Schulze presented the following six point update on the first responder interference and interoperability questions:

In January 2003, Boulder Sheriff Epp (Ret.) said about interoperability “A corollary is that the 800 MHz digital trunked radio system offered no advantages, and multiple disadvantages, over existing systems. Reliance on industry for technical advice is not always in the best interest of local government. In areas where State agencies have shifted to digital trunked radio and locals have not, the big picture of interoperability is actually worse than it was previously.”

In response to his request for reports of table top exercises, the City of Littleton suggested he contact Dana Hansen. Mr. Schulze and Ann Imse from Rocky Mountain News were both denied Table Top Reports from 2005 because of security reasons. However, he did get excerpts from Dana Hansen’s appearance before the Colorado Senate in March, 2005. She noted that Network First will not work with systems that do not currently operate efficiently. That was never explained.

Representative Bill Pascrell, NJ-D, in front of the Homeland Security Committee meeting on October, 2005 reported members of a House Homeland Security subcommittee lashed out at Federal Communications Commission officials Wednesday for their lackluster efforts on encouraging the development of communication systems that can work across jurisdictions. Long before the terrorist attacks of September 11, 2001, “the FCC dropped the ball” on such interoperability by not giving emergency responders the “necessary networking and bands” said Rep. Bill Pascrell of New Jersey, the panel’s ranking Democrat. The agency “left our first responders out to dry, and somebody’s got to be held accountable”.

In September, 2005, two weeks after the Association of Public-Safety Communications Officials (APCO) convention in Denver which had everyone thinking everything was okay, former Nextel head and former FCC attorney Morgan O’Brien targets solutions for disgraceful public safety communications. The co-founder and former Vice Chairman of Nextel Communications says that the condition of public safety first responders’ communications in the United States is a “total disgrace by any standard”.

APCO’s Project 39, running from 2000 to 2004, produced over 146 pages of first responder radio problems in the 800 MHz band from cell phone towers operated by Nextel, Cingular, ATT, etc.

Before coming to Denver, Mr. Schulze had made five trips to Washington, D.C. to make technical presentations before the FCC, and as a result, had some experience in working with the FCC. The FCC’s performance from 2001 to 2005 in managing the first responders 700, 800 and 900 MHz spectrum assignments unquestionably demonstrates total lack of understanding by the FCC of radio science and the impact of the interference problems they have created resulting in subsequent endangerment to first responders and to the public they risk their lives to protect. The FCC should be exposed as incompetent and made to be accountable for this tragic life threatening bureaucratic nightmare.

The problems with first responder interference and interoperability were not solved.

Mayor Taylor said he appreciated Mr. Schulze giving Council information and pointing out some of the dilemmas of trying to solve the communication problems with different agencies.

7. **CONSENT AGENDA** - (ordinances and resolutions read by title) –
ACTION: APPROVED - ITEM 7(A)

- (a) Resolution specifying where notices of public meetings are to be posted (**Resolution No. 1, Series of 2006**)

It was moved by MAYOR PRO TEM KAST and seconded by COUNCIL MEMBER OSTERMILLER TO APPROVE CONSENT AGENDA ITEM 7(A).

Ayes: Council Members Mulvey, Taylor, Kast and Ostermiller.

Nays: None.

Absent: Council Members Conklin, Cronenberger and Clark.

MOTION CARRIED: 4 to 0

8. **(a) SECOND AND FINAL READING ON ORDINANCES AND PUBLIC HEARINGS** – None

9. **(a) GENERAL BUSINESS** – None

10. **(a) CONSIDERATION OF COMMITTEE, COMMISSIONS AND BOARD MATTERS** – None

11. **(a) ORDINANCES ON FIRST READING** – None

12. **(a) RESOLUTIONS** – None

13. **REPORTS** -

(a) **CITY MANAGER** – Mr. Woods said Kelli Narde had provided Council a detailed memo in response to Council Member Clark's concerns about the omission of his picture from the calendar. There had been a unique set of circumstances with the close election and slow vote count. Ms. Narde's memo had detailed the time pressures with the calendar contracts that had resulted from the election delays. Council Member Clark's comments had been taken very seriously and the pictures were in no way intended to be any type of slight of Council Member Clark.

Mr. Woods said paramedic Travis Roberts would be taking a leave of absence to serve a one year contract in Iraq as a firefighter. For security purposes, Mr. Roberts could not say exactly where he would be assigned. The contract was with a civilian contractor. Mr. Woods wished Mr. Roberts good luck and Godspeed.

Mr. Woods said Council would meet with the board of the Littleton Public Schools on January 24. The agenda had not been finalized. The state legislators had been invited for a breakfast meeting on January 26. There had been no response yet from the legislators.

Mr. Woods said a meeting with BIAAC had not been scheduled, and suggested they be added to the February 14 Study Session agenda.

CITY ATTORNEY – None

(b) **COUNCIL MEMBERS** -

COUNCIL MEMBER MULVEY – Council Member Mulvey said he had received telephone calls asking what was the difference between having concerts at the Methodist Church or Catholic Church and having a concert at South Suburban Christian Church? He asked if that subject would be brought to Council?

Mr. Berkowitz said that was not a matter that would go to City Council. It would go to the Board of Adjustment ~~this month~~ **January 19th**. Any possible ordinance changes that were needed or were desired could be discussed by City Council. As he understood the issue, under Community Development's interpretation, because the church was in a PUD (**Planned Unit Development**) as requested by the church, the only use listed was "church". The distinction was whether or not renting to an outside entity would be considered adding a "concert hall use".

Mr. Woods said in the late 1990s, there had been an extensive discussion about church uses and accessory uses. In some cases, it had been handled through a PUD process. For example, St. Mary's had to get a conditional use permit for the addition of the school. A hearing was held giving the surrounding neighborhood a chance to voice their comments about parking and other issues. A proposed concert season with the sale of tickets was different from a Christmas concert. This was a complex and complicated issue. The difference was the degree of intensity and the commercialization. A concert season with the sale of tickets would be setting a precedent without the neighborhood having an opportunity for input. That did not mean it should not be allowed.

Council Member Mulvey said St. Mary's was having quite a few concerts.

Mr. Woods said if Council desired to have any type of promotional event allowed in churches, the rules should be changed for everybody.

Council Member Mulvey said he had received calls from citizens living on Fremont Avenue who were in favor of the concerts.

Mayor Taylor said if changes were made to the PUD, the subject would go before both the Planning Commission and City Council. He asked when the flow of information would stop between Council and citizens about the issue, was it when an application for a change in a PUD was filed?

Mr. Berkowitz said there was no clear line on a lot of zoning processes.

He would take a conservative reading on what protected the City, and what information was general knowledge. He had no knowledge of any request for a PUD change on this issue at this time. The former Marathon property issue was different, everyone knows about that proposed development.

Mayor Pro Tem Kast asked if Board of Adjustment hearings were posted in the same manner as Planning Commission hearings?

Mr. Berkowitz said yes, it was a quasi-judicial proceeding.

COUNCIL MEMBER CONKLIN – Absent

MAYOR PRO TEM KAST – Mayor Pro Tem Kast said the police facility would be one of the topics discussed at the retreat. Pete Schroder sent an e-mail to council members detailing some ideas concerning that topic. Mayor Pro Tem Kast suggested ideas and questions received by Council should be directed to Jim Woods before the retreat to allow time to gather any information needed. This would assure Council had the details needed at the retreat to discuss the topic and answer questions.

Mayor Pro Tem Kast said there would be long sessions at the retreat, and suggested having dinner brought in.

Council Member Mulvey said he was not in favor of that suggestion.

Mayor Taylor said none of the questions that needed to be answered were easy, and he would like Council to stay in session Friday evening in order to come to a conclusion on the police facility.

Mayor Pro Tem Kast said a decision needed to be made by January 5.

Mayor Pro Tem Kast reported Mayor Taylor had been appointed Vice Chair of the Conference Planning Committee for next year's National League of Cities (NLC) meeting.

Mayor Pro Tem Kast thanked Mr. Cortese for the memo concerning the Bemis House contract. She said Historical Littleton, Inc. had offered to provide funding to Western Welcome Week to help with the restoration of the inside of the building. Mr. Bemis was the founder of the Littleton Historical Society and had donated his collection of historical photos to the museum.

COUNCIL MEMBER CRONENBERGER – Absent

COUNCIL MEMBER OSTERMILLER – None

COUNCIL MEMBER CLARK– Absent

- (d) **MAYOR TAYLOR** – Mayor Taylor congratulated Mr. Berkowitz on the closing of Christals. Other cities were looking at our ordinances.

Mr. Berkowitz said he appreciated the compliment, however, the credit was due to a lot of people. Council had been very clear as to what they wanted. His staff, other attorneys, Community Development, Jan Dickinson, Ernie Rose and the Police Department had also worked hard this issue.

Mayor Taylor congratulated Julie Bower on her Master Municipal Clerk (MMC) designation.

Mayor Taylor had copies of Metro Community Provide Network, City of Greenwood Village newsletter, DRCOG list of short courses for 2006, and Jefferson County Public Library communication for any council member who had not received them.

Mayor Taylor said the Littleton Police Department had been recognized by the National Night Out Program for their 2005 participation in Littleton.

- (e) **DRCOG** – None

14. **ADJOURNMENT** - There being no further business, Mayor Taylor adjourned the meeting at 7:35 p.m. on Tuesday, January 3, 2006.

Nancy K. Worthington
Deputy City Clerk/Recording Secretary