

APPROVED AS SUBMITTED ON MARCH 21, 2006

MINUTES OF PROCEEDINGS

LITTLETON CITY COUNCIL

March 7, 2006

The Littleton City Council met in regular session on Tuesday, March 7, 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
DOUG CLARK
Council Member
AMY S. CONKLIN
Council Member
PAT CRONENBERGER
Council Member
JOHN OSTERMILLER
Council Member

THOSE ABSENT: TOM MULVEY
Council Member

ALSO PRESENT: Jim Woods
City Manager
Larry Berkowitz
City Attorney
Julie K. Bower
City Clerk

1. **ROLL CALL**

Upon a call of the roll, six members were present. Council Member Mulvey was absent. The following business was transacted.

2. **PLEDGE OF ALLEGIANCE**

3. **AGENDA**

ACTION: APPROVED

4. (a) MINUTES - MINUTES OF REGULAR MEETING FEBRUARY 21, 2006

ACTION: APPROVED

4. (b) MINUTES - MINUTES OF SPECIAL MEETING FEBRUARY 21, 2006

ACTION: APPROVED

5. INTRODUCE NEW CITY EMPLOYEES -

Mr. Woods introduced the following new employees:

Valeria Fetters, Children's Library Supervisor
Rana Rasteh, Plans Examiner

6. (a) CITIZEN APPEARANCES - GUEST CITIZENS - None

6. (b) CITIZEN APPEARANCES - SCHEDULED PUBLIC APPEARANCES -

(i) JOHN MULLIN AND KATIE MOORE, LITTLETON FIRE RESCUE - 2005 LIFE SAFETY EDUCATION OUTREACH ANNUAL REPORT

Chief Mullin said one of the programs Littleton Fire Rescue was the most proud of was the public education program. It was a valuable program and had increased the safety of the community. Fire Life Safety Educator Katie Moore, had been honored by the Greater Littleton Youth Initiative for her dedication to the Life Skills Training Program.

Ms. Moore presented an overview of Littleton Fire Rescue's Life Safety Education Outreach Program. In 2005, the following public education efforts were reported:

126 station tours
196 apparatus tours
271 life safety education classes were presented
355 car seats were checked

The total number of people served through Life Safety Education activities was 18,845 and the number of citizens seen in 2005 was 38,077.

(ii) ED CHAMBERS, TOWN HALL ARTS CENTER ANNUAL REPORT

Mr. Chambers thanked Council for its financial support of the Town Hall Arts Center (THAC). He also thanked city employees Dave Stacey and Chris Gibbons.

Mr. Chambers said the Denver Post sponsorship had allowed the placing of more advertising. THAC had been able to draw the best directors in the metro area. THAC had received 27 awards or nominations last year which included best season, best musical, best director and best ensemble.

THAC had finished the fiscal year with a \$16,300 surplus and it was the second year THAC would be in the black. Sale of season tickets was 31% more than the previous year.

Mr. Chambers reminded everyone of the Annual Gala scheduled for March 31st.

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

JIM SAUNDERS
3383 AKSARBEN AVE.

Mr. Saunders expressed appreciation to the majority of Council who voted in favor of the sewer expansion project. It was time to move forward and it would have a long-term positive effect for citizens. He said it was implied at the last meeting that the city manager and city attorney should be dismissed. He disagreed and said it was very unfair to suggest that the manager and attorney were incompetent or less than honest with citizens. There were so many positive things to celebrate – THAC, parks and open space areas, the new Buck Center, Ketring Park lake restoration, historic Main Street, and the museum and library.

Mr. Saunders asked that consideration be given to citizens who served on the city's various boards and commissions. People volunteered their time for the good of the community and deserved thanks. He said Littleton faced many challenges to become the dynamic city it should be. There would always be resistance to change but we should always keep our eyes toward future. It was the citizens' responsibility to insure effective government to get us there. The goal should be to stand up for the community, help one another and say what we believed.

CANDY FIGA
CANDIDATE – HOUSE DISTRICT 38

Ms. Figa had served on the Greenwood Village City Council from 1993 through 2001. She said transportation was a major part of her platform because there was a need for sensible transportation options. She was attending tonight's meeting to listen to the city's issues.

PAUL MALINOWSKY
REPRESENTATIVE OF EHDC
8085 S. LOGAN DR.

Mr. Malinowsky said EHDC was a private non-profit corporation that was not affiliated with the Englewood or Littleton housing authorities. EHDC had purchased a property at 298 West Powers, the Spruce Apartments. The goal was to renovate the property. EHDC wanted to apply to Arapahoe County for a \$250,000 HOME grant and needed local government support. The goal was to keep the rent affordable and the grant money would be used to offset debt service and to rehab the building.

CAROL BRZECZEK
2000 W. RIDGE RD.

Ms. Brzeczek attended the special meeting on February 21st regarding sewer rates and spoke with Mr. Giardina of Red Oak about the error made in the 2005 report and the glossing over of that error in the 2006 Red Oak report.

The 2005 report showed that the inside and outside city users would be charged the same 12% increase for treatment costs. Last May, Marty Brzeczek informed Council that inside users were charged a 19% increase that resulted in an overcharge of \$10.97 for each residential user. Although the amount of the overcharge was insignificant, it was significant that the error had gone without acknowledgement or correction. That type of behavior and disregard undermined the Council's credibility.

The 2006 report showed the 2005 treatment rate for the inside users was corrected to be the same as the outside users – a 12% increase, but the collection increase went from a 7% increase to a 52% increase. When asked about the 2005 error and the 2006 change, Mr. Giardina acknowledged it but said the percentages did not matter and that users in the city were going to be charged an additional \$26.46 no matter what.

Ms. Brzeczek said what Mr. Giardina was actually saying was that the collection and treatment costs might or might not have gone up, but the city needed to collect an additional \$26.46 to meet the financial obligations for the expansion of the sewage treatment plant. Few of Council still contended that the current users were not paying for the expansion of the plant and Mr. Giardina had said "current rate payers were going to have to pony up." If the last tap came on line in 60 years, then that was when it would be paid for by tap fees. She urged everyone to ask Council Member Clark for a copy of his report on the sewer rates and tap fees.

Ms. Brzeczek requested that the ordinance for sewer rates be pulled from the consent agenda and be thoroughly discussed at tonight's meeting.

MARTIN BOLT
6187 S. WINDERMERE WAY

Mr. Bolt was horrified by the minutes of the proceedings for last Tuesday's study session. He said there was a presentation by Council Member Clark and a discussion that went on for over an hour. He said the minutes were signed by the city clerk, Julie K. Bower. Mr. Bolt found Ms. Bower to be competent and thorough and he could not believe it was typical of something from Ms. Bower. He was curious to know why there was such briefness in the minutes of the study session.

JACK RANDALL
2600 W. MAIN ST.

Mr. Randall was pleased that channel 8 was back on the air. He wondered if there had been any further discussion about putting more meetings on and some of the old programs. He urged Council to put the Planning Commission meetings back on channel 8 also.

PAT MCCALL
340 W. JAMISON #7

Mr. McCall asked if Council had considered selling the treatment facility to Denver. He had seen the rates go up 60% in the last three years.

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

- (a) Ordinance on first reading approving Littleton Village rezoning and General PD Plan (**Public hearing March 21, 2006**)
- (b) Ordinance on first reading setting sanitary sewer utility rates, fees and charges for 2006 (**Pulled by Council Member Clark**)
- (c) Motion approving request to close Nevada Street for Historic Downtown Littleton farmers market

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

Ayes: Council Members Conklin, Kast, Taylor, Cronenberger, Ostermiller and Clark.

Nays: None.

Absent: Council Member Mulvey.

MOTION CARRIED: 6 to 0

7. **CONSENT AGENDA – ORDINANCE ON FIRST READING SETTING SANITARY SEWER UTILITY RATES, FEES AND CHARGES FOR 2006**

ACTION: APPROVED ON FIRST READING - PUBLIC HEARING APRIL 4, 2006

Council Member Clark said it appeared to be the same rates except for the tap fees, which were higher than what was recommended by the Red Oak study. He did not understand how that figure was derived. The whole point of raising the tap fees was to lower the treatment fees. It did not make sense to raise one without lowering the other.

Mayor Taylor said those answers would be available on the public hearing date.

Council Member Clark asked if the rates were passed, when would the new rates go into effect?

Mr. Blosten said the rates would be effective one week after publication of the ordinance. He said Roxborough could pay the tap fees one year in advance.

It was moved by COUNCIL MEMBER OSTERMILLER and seconded by COUNCIL MEMBER CONKLIN THAT THE ORDINANCE IMPLEMENTING SEWER FEES AND CHARGES FOR 2006 BE APPROVED ON FIRST READING AND A PUBLIC HEARING BE SCHEDULED FOR APRIL 4, 2006.

Ayes: Council Members Conklin, Kast, Taylor, Cronenberger and Ostermiller.

Nays: Council Member Clark.

Absent: Council Member Mulvey.

MOTION CARRIED: 5 to 1

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

9. **(a) GENERAL BUSINESS – RECONSIDER REQUEST BY EHDC FOR LETTER OF SUPPORT OF GRANT APPLICATION**

Mayor Taylor said the Littleton Housing Authority took the position that it would be a benefit to the city by upgrading a complex that needed help. The Housing Authority did send a letter of support for the grant application.

It was moved by MAYOR PRO TEM KAST and seconded by COUNCIL MEMBER CONKLIN TO FORWARD A LETTER OF SUPPORT TO ARAPAHOE COUNTY FOR EHDC'S APPLICATION FOR HOME FUNDS.

Council Member Clark said the rates would be the same. A private company was buying a complex that was not low-income and when it was done, the rates would not be any lower. All they were doing was taking government money to help their profit. He did not see any benefit.

Mayor Pro Tem Kast said the company was non-profit and the money would be used to upgrade the units and keep the rents affordable.

Council Member Conklin said the goal was to provide affordable housing.

Mayor Taylor said the grant was going to be used to renovate and upgrade the building. Without the grant, rents would go up and with the grant, rents would stay the same.

FRANK TRUJILLO
EXECUTIVE DIRECTOR
EHDC

Mr. Trujillo said the grant money served two purposes – to reduce the debt service to keep the rents affordable and to renovate the building.

Council Member Cronenberger said the difference was the rents would stay the same but there would be an investment in upgrading the building which might not have happened otherwise. The area could use that kind of investment.

Council Member Ostermiller said now that more information had been provided, support of the grant application should not be withheld.

The vote on the motion was:

Ayes: Council Members Conklin, Kast, Taylor, Cronenberger, Ostermiller and Clark.

Nays: None.

Absent: Council Member Mulvey.

MOTION CARRIED: 6 to 0

10. (a) CONSIDERATION OF COMMITTEE, COMMISSIONS AND BOARD MATTERS – MOTION APPROVING APPOINTMENTS TO BOARDS AND COMMISSIONS

It was moved by COUNCIL MEMBER CRONENBERGER and seconded by COUNCIL MEMBER CONKLIN THAT THE FOLLOWING APPOINTMENTS BE MADE TO THE:

BOARD OF ADJUSTMENT

THOMAS ARCKEY AS A REGULAR MEMBER FOR A TERM EXPIRING MARCH OF 2009

ROGER SMITH, JR. AS A REGULAR MEMBER FOR A TERM EXPIRING MARCH OF 2008

RAYMOND KOERNIG, JR. AS ALTERNATE 1 FOR A TERM EXPIRING MARCH OF 2008

LINDA RINEHART AS ALTERNATE 2 FOR A TERM EXPIRING MARCH OF 2009

BUILDING BOARD OF APPEALS

MATTHEW CASHMAN AS A REGULAR MEMBER FOR A TERM EXPIRING MARCH OF 2008

DAN FLYNN AS ALTERNATE 1 FOR A TERM EXPIRING MARCH OF 2009

CHARLES MARTINEZ AS ALTERNATE 2 FOR A TERM EXPIRING MARCH OF 2009

BUSINESS/INDUSTRY AFFAIRS ADVISORY COMMITTEE

DEBORAH BAKER FOR A TERM EXPIRING MARCH OF 2009

DENNIS HANSEN FOR A TERM EXPIRING MARCH OF 2009

DOUGLAS HAUCK FOR A TERM EXPIRING MARCH OF 2009

ELECTION COMMISSION

WILLIAM SARBER FOR A TERM EXPIRING MARCH OF 2010

FINE ARTS COMMITTEE

EMILIA CASSIDY FOR A TERM EXPIRING MARCH OF 2009

AL CLERIHUE FOR A TERM EXPIRING MARCH OF 2009

KATHERINE MCMURRAY FOR A TERM EXPIRING MARCH OF 2009

NANCY JACKSON FOR A TERM EXPIRING MARCH OF 2009

HISTORICAL PRESERVATION BOARD

KEVIN KOERNIG FOR A TERM EXPIRING MARCH OF 2009

STEVEN EKMAN FOR A TERM EXPIRING MARCH OF 2009

HOUSING AUTHORITY

JAMES TAYLOR FOR A TERM EXPIRING MARCH OF 2011

AARON HEUMANN FOR A TERM EXPIRING MARCH OF 2008

LIBRARY BOARD

GRETCHEN TRAIL FOR A TERM EXPIRING MARCH OF 2009

TSEGAYE HAILU FOR A TERM EXPIRING MARCH OF 2009
YOONJOO MAGER FOR A TERM EXPIRING MARCH OF 2007

LIQUOR AUTHORITY

LESLIE AZNAR AS A REGULAR MEMBER FOR A TERM EXPIRING MARCH OF 2009

JUSTIN KNIGHT AS ALTERNATE 1 FOR A TERM EXPIRING MARCH OF 2008

MUSEUM BOARD

KEVIN BURKE FOR A TERM EXPIRING MARCH OF 2009

WILLIAM PARRISH FOR A TERM EXPIRING MARCH OF 2009

PLANNING COMMISSION

BRAD UHLIG AS A REGULAR MEMBER FOR A TERM EXPIRING MARCH OF 2009

DONALD KNIGHT AS ALTERNATE 1 FOR A TERM EXPIRING MARCH OF 2009

KARINNE WIEBOLD AS ALTERNATE 2 FOR A TERM EXPIRING MARCH OF 2009

RIVERFRONT AUTHORITY

C. DALE FLOWERS FOR A TERM EXPIRING MARCH OF 2011

TREE COMMITTEE

JULIA DUGGAN FOR A TERM EXPIRING MARCH OF 2009

R. D. ANDREWS FOR A TERM EXPIRING MARCH OF 2009

VICTIM ASSISTANCE COMPENSATION BOARD

PAT SPINDLER FOR A TERM EXPIRING MARCH OF 2009

FRANK ATWOOD FOR A TERM EXPIRING MARCH OF 2009

Ayes: Council Members Conklin, Kast, Taylor, Cronenberger, Ostermiller and Clark.

Nays: None.

Absent: Council Member Mulvey.

MOTION CARRIED: 6 to 0

Council Member Cronenberger asked that letters go out as soon as possible to notify the applicants. Traditionally, Council members had not publicly discussed the results of the interviews until the letters went out. This year, a citizen had chosen to sit in on the interviews and Council deliberations. She said applicants might have an expectation that the interviews would be private, so future applicants should be advised that the interviews were open to the public.

Mayor Taylor said there were still some unfilled vacancies. He said the vacancies would be advertised and applications would be accepted. Mayor Taylor said a draft letter had been prepared for board and commission members regarding attendance and voting expectations. He directed Ms. Bower to prepare and send out the letters.

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

12. **(a) RESOLUTIONS** – None

13. **REPORTS** -

- (a) **CITY MANAGER** – Mr. Woods reported the city had closed on the sale of the old sewer plant property.

Mr. Woods reminded Council of their breakfast with high school student council representatives on March 23rd at the service center.

- (b) **CITY ATTORNEY** – None

- (c) **COUNCIL MEMBERS** -

COUNCIL MEMBER MULVEY – Absent

COUNCIL MEMBER CONKLIN – Council Member Conklin appreciated the copy of a letter in support of the South Platte River Chatfield Reallocation Environmental/Ecosystem Restoration.

Council Member Conklin attended the Museum Board meeting.

Council Member Conklin reminded everyone of the Greater Littleton Youth Initiative fundraiser on April 5th at the Fox and Hound.

Council Member Conklin attended the Colorado Water Law Conference. She said it was fabulous and learned that residents would be paying a lot more for water.

MAYOR PRO TEM KAST – Mayor Pro Tem Kast said, regarding the South Platte River Chatfield Reallocation Environmental/Ecosystem Restoration, she still had some questions about what the environmental impact would be and had some reservations about the project.

Mayor Pro Tem Kast complimented Neighborhood Coordinator Mark Barons for researching the telephone checks for senior citizens. He was able to find a free program through DRCOG that was available.

Mayor Pro Tem Kast asked how much longer the black fencing would remain on Prince Street.

Mr. Blosten said it was a silt erosion control fence required by the state permit. It could not be removed until groundcover was established.

Mayor Pro Tem Kast said Council had received invitations to the library reception for the Bulgarian librarians and the Fine Arts dedication at the courthouse.

Mayor Pro Tem Kast attended the Library Board meeting and learned about the homebound free delivery program for city residents. The library had equipment for the visually impaired. She suggested that the Braille conversion machine be used for Council's Christmas card for the Center for the Blind.

COUNCIL MEMBER CRONENBERGER – Council Member Cronenberger said the farmers market in downtown would be a wonderful event and a fun tradition.

Council Member Cronenberger said the Historical Preservation Board was doing a terrific job. The new owner of the Louthan House was undertaking a major renovation. The building was not in the Main Street Historic District but the owner wanted to request some type of grant. The Board had considered forwarding the request to Council for grant money but she had explained that there were no funds in the budget. The Board also discussed the log building at Hudson Gardens that was on the List of Merit. It had experienced some structural difficulties and the solution proposed was not appropriate.

Council Member Kast asked if Council should send a letter to the South Suburban Board regarding the situation and urge them to reconsider the proposed solution.

Bill Hopping, Historical Preservation Board, said he would be happy to see some interaction with South Suburban regarding the matter. The walls were bowing and proposed solution was to place vertical logs on the outside to stabilize the walls. It would really detract from the look of the building.

Mayor Taylor suggested that Mr. Hopping give a presentation to the South Suburban Board during a study session regarding the matter.

Council agreed to send a letter to the South Suburban Board.

COUNCIL MEMBER OSTERMILLER – Council Member Ostermiller reported the following from the 18th Judicial District Facilities meeting: there was a group working on an evacuation plan for the region and the goal was to have a plan in place by December 1st; there were 20 courtrooms currently in Arapahoe County and 19 were occupied; one new judge would be added in July and seven new judges between now and 2010; and all district grand jury cases would be heard in Douglas County.

Council Member Ostermiller said the Littleton Fire Protection District election had been cancelled and Cindy Hathaway and Scott Foster were declared elected. The issue of administrative fees would be discussed at the budget committee meeting next week.

COUNCIL MEMBER CLARK– Council Member Clark said the city’s goal used to be to keep older folks in their homes as long as possible. He asked for a list of all of the programs the city and county offered for seniors and that the information be published in the Littleton Report.

Ms. Narde said Council had requested updated information at the meeting two weeks ago and she was in the process of gathering the information. A brochure could be developed.

Council Member Clark said March 21st was Caucus Night and was also the meeting where the Marathon project was on the agenda. He suggested delaying the start of the meeting to allow attendance at caucuses.

Mayor Taylor said the Planning Commission spent three hours on the issue at its public meeting.

Council did not support delaying the start of the Council meeting on March 21st.

- (d) **MAYOR TAYLOR** – Mayor Taylor reported the following on the Historic Downtown Littleton Merchants: presentation from the Police Department; a lady’s sample tour was planned; and there were several new businesses and offices opening in downtown.

Mayor Taylor attended the Rocky Mountain Alliance presentation on economic trends in the seven county metro area and the Urban Land Institute’s excerpt on changes that shape the regional development industry and how to get re-use of existing buildings.

Mayor Taylor reviewed invitations, reports, thank you notes and items received in the mail.

Mayor Taylor had received an email from the National League of Cities (NLC) that a senator was proposing legislation to require all local law enforcement officers to enforce all federal immigration laws. It was pre-emption of local control and a big unfunded mandate. The NLC would be opposing the legislation.

(e) **DRCOG** – None

14. **ADJOURNMENT** - There being no further business, Mayor Taylor adjourned the meeting at 8:49 p.m. on Tuesday, March 7, 2006.

Julie K. Bower