

APPROVED AS CORRECTED ON FEBRUARY 20, 2007

Legend: ■ Inserted Language
— Deleted Language

MINUTES OF PROCEEDINGS

LITTLETON CITY COUNCIL

February 6, 2007

The Littleton City Council met in regular session on Tuesday, February 6, 2007, 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
DOUG CLARK
Council Member
AMY S. CONKLIN
Council Member
TOM MULVEY
Council Member
JOHN OSTERMILLER
Council Member

THOSE ABSENT: REBECCA KAST
Mayor Pro Tem

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

1. **ROLL CALL**

Upon a call of the roll, five members were present. Mayor Pro Tem Kast was absent. The following business was transacted.

2. **PLEDGE OF ALLEGIANCE**

3. **AGENDA**

ACTION: APPROVED

4. **(a) MINUTES - MINUTES OF REGULAR MEETING JANUARY 16, 2007**

ACTION: APPROVED

5. **INTRODUCE NEW CITY EMPLOYEES** – None

6. **(a) CITIZEN APPEARANCES** – GUEST CITIZENS –

(i) **ALDORA GAUTHIER - LITTLETON POLICE DEPARTMENT CITIZEN AWARD PRESENTATION**

Mayor Taylor said Council was pleased to recognize Aldora Gauthier as Guest Citizen.

Interim Police Chief Bruce Beckman said the Police Department was proud to recognize Aldora Gauthier with the Citizen's Award and commended her for her courage to help someone in need. On April 9, 2006, Ms. Gauthier was driving home from work when she witnessed a horrible traffic accident on Mineral Avenue near Jackass Hill Road. Ryan Oliver's car had jumped the median and crashed into the car directly in front of Aldora. Mr. Oliver was ejected from his vehicle which landed on top of his leg. His car was smoking and the back end had caught on fire. A bus driver put the flames out with a fire extinguisher and then went back to the bus to notify his dispatcher. Mr. Oliver was still trapped, in shock and in pain. Ms. Gauthier organized other bystanders and they lifted the vehicle off Mr. Oliver before police and fire rescue personnel arrived at the scene.

(ii) **MICKY KEMPF - LITTLETON POLICE DEPARTMENT CITIZEN AWARD PRESENTATION**

Mayor Taylor said Council was also pleased to recognize Mickey Kempf as Guest Citizen.

Interim Chief Beckman said the Police Department was proud to recognize Mickey Kempf with the Citizen's Award and commended him for his invaluable assistance in solving a very serious crime. In the early hours of June 17, 2006, police officers responded to a hit and run traffic accident. A man in a wheelchair had been struck by a car which had fled the scene. Officers collected auto glass and paint chips from the accident scene and sought the assistance of Mickey Kempf, co-owner of Bradford Auto Body. Mr. Kempf has been an expert in the automotive repair business for more than 27 years. he examined the collected evidence and was able to accurately confirm specific information regarding the make, model and year-range of the suspect vehicle, resulting in a "tip" that led to the arrest of a suspect and the seizure of the hit and run vehicle. Mr. Kempf's willingness to give his own time and expertise was a significant factor that led to the successful conclusion of the case.

6. **(b) CITIZEN APPEARANCES** - SCHEDULED PUBLIC APPEARANCES – MARC OGNOSKY, ARAPAHOE MENTAL HEALTH CONSUMER ADVOCATE

Mr. Ogonosky, 5829 South Datura Street, asked Council to help support the development of a new drop-in and regularly attended mental health center that would bring together all of the

consumers of the mental health community as a whole. He requested a grant in the amount of \$35,000 in order to adequately open the new facility. Mr. Ogonosky would also be requesting support from the Arapahoe County Commissioners, the cities of Englewood, Sheridan and Denver. The money would be put to wonderful use in forwarding mental health care to a new level as well as a new approach.

Council Member Conklin asked if there was a proposed location for the center?

Mr. Ogonosky was looking at a location near University & Hampden.

Council Member Clark asked when Council's service contracts were due to be reviewed?

Ms. Narde said discussion was scheduled for the April study session.

Council Member Clark requested an informational memo before the study session.

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

DALE SHIELDS
5635 S. CROCKER ST.

Mr. Shields had a letter signed by nine residents of the 5600 block of Crocker Street. The letter requested a role in the process of selecting a new District II representative. The letter requested that the interviews and all deliberations be open to the public and televised on Channel 8. The letter also requested that District II residents be able to question the candidates.

Mayor Taylor said the interviews were normally held in the community room and were open to the public. Council would be conducting the interviews and residents should forward specific questions to members of Council. The length of the interviews had not yet been determined.

Council Member Clark suggested all of the candidates sit at the dais and Mayor Taylor would act as moderator, asking the questions. It would be televised and residents from District II could submit questions. The same questions would be asked of all candidates. After the questions were done, Council would sit down and vote on it. He said the interviews should be televised and there should be a time limit for each response.

Council Member Mulvey supported the interviews being televised.

Council Member Conklin said it would be an intimidating process for the candidates. She would need time to think about the suggestion.

Council Member Ostermiller wanted to see how many applicants there were. He preferred interviewing one candidate at a time so the Council could ask follow-up questions based on

candidates' responses. The person's term would be for 9 months and if he or she ran for election, they would be taking part in candidate forums prior to the election.

Mayor Taylor wanted to mull it over and talk about it at next week's study session and reach a consensus.

CAROL BRZECZEK
2000 W. ARAPAHOE RD.

Ms. Brzeczek said Council's interview process was flawed because not all applicants were asked the same questions based on Council's familiarity with the candidates. Council's deliberations should be done with the public present. The public had the right to hear the rationale for the selection. She asked Council to conduct a very open process and televise the interviews. She said it was time for Council to abide by the open meetings law when selecting board and commission members and the District II representative.

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

- (a) Resolution for local review of Historic Tax Credit (**Resolution No. 3, Series of 2007**)
- (b) Ordinance on first reading to approve The Enclave rezoning and general planned development plan (**Public hearing March 6, 2007**)
- (c) Resolution for the City of Littleton, Colorado Sewer Utility Enterprise amending the 2007 budget (**Resolution No. 1, Series of 2007**)
- (d) Ordinance on first reading to approve an amendment to the Newton General Planned Development Plan for property known as River's Edge at Aspen Grove (**Public hearing March 20, 2007**)
- (e) Motion approving agreement with Robert Henderson, Artist, for purchase of artwork for Danny Dietz Memorial

It was moved by COUNCIL MEMBER CLARK and seconded by COUNCIL MEMBER OSTERMILLER TO APPROVE CONSENT AGENDA ITEMS 7(A) – 7(E).

Ayes: Council Members Mulvey, Conklin, Taylor, Ostermiller and Clark.

Nays: None.

Absent: Mayor Pro Tem Kast.

MOTION CARRIED: 5 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 had received a request from the Arapahoe County Director of Community Corrections to re-appoint Joan Schroer to the Community Corrections Board and to appoint Linda Suttle as the alternate.

It was moved by COUNCIL MEMBER CONKLIN and seconded by COUNCIL MEMBER CLARK TO APPOINT JOAN SCHROER TO THE COMMUNITY CORRECTIONS BOARD AND TO APPOINT LINDA SUTTLE AS ALTERNATE.

Ayes: Council Members Mulvey, Conklin, Taylor, Ostermiller and Clark.

Nays: None.

Absent: Mayor Pro Tem Kast.

MOTION CARRIED: 5 to 0

Mr. Woods said it was time to allocate the city's private activity bonds. The city usually allocated them to a metro area pool. However, this year the city had an application for a manufacturing facility that was being funded by the Colorado Housing Finance Agency (CHFA). The company was called Exhibit and it was in the process of purchasing a facility in Hilltop. CHFA had approved \$2.3 million in funding. The company had 18 employees and was expanding that by 10. It fit into the city's economic gardening of trying to help small businesses grow. The city's allocation of bonds was \$1.7 million and it was recommended that \$1 million be allocated for the project and \$700,000 be allocated to the mortgage revenue pool. He would bring a resolution if Council favored the recommended allocations.

Council Member Clark requested a written memo before making a decision.

Mayor Taylor said the Metro Mayors Caucus needed to make a decision and he would inform them that the city's allocation would be \$700,000. He asked if Council had any objections?

Council had no objection.

- (b) **CITY ATTORNEY** – Mr. Berkowitz would be including a memo in Thursday's packet regarding appointing special counsel for construction litigation and workers compensation litigation.
- (c) **COUNCIL MEMBERS** -

COUNCIL MEMBER MULVEY – Council Member Mulvey asked who owned the pedestrian bridge that crossed Santa Fe over to light rail and why the city spent money to electrify the bridge?

Mr. Blosten said the bridge was owned by RTD and the city did not spend any money to electrify the bridge.

Council Member Mulvey asked if Christmas lights and or a welcome to Littleton sign could be placed on the bridge?

Mr. Blosten would discuss the matter with RTD.

COUNCIL MEMBER CONKLIN – Council Member Conklin thanked the Fire Department for the tour of the fire stations.

Council Member Conklin attended the CML board meeting and the board was updated on pending legislation.

Council Member Conklin said it was reported at the Museum Board meeting that attendance was down in December and January.

Council Member Conklin listened to the testimony regarding Qwest's request for a statewide franchise. She was anxious to see if the bill made it out of committee.

Council Member Conklin explained that it had always been her intent and desire to refer the Wal-Mart issue to the voters. She was going to make a motion to do that but upon research, that would not be a wise move because it would violate the city's process. It could be interpreted as a takings by Wal-Mart.

COUNCIL MEMBER OSTERMILLER – Council Member Ostermiller met with the city's fire protection partners, Littleton Fire Protection District and the Highlands Ranch Metro District. There was a discussion of two of the options – buying a house in TrailMark and staffing it with medical response personnel; and staffing Station 16 with full-time medical response personnel

but no formal requests were made to do anything. Station 16 was currently staffed 30% of the time with medical response personnel. Response time information was also discussed. Both Littleton Fire Protection District and Highlands Ranch felt the numbers did not show any benefit to them for either option. Chief Mullen would be talking with Action Care.

Mr. Woods said one of the seven options was a dedicated Action Care service contract for TrailMark.

COUNCIL MEMBER CLARK – None

MAYOR PRO TEM KAST – Absent

- (d) **MAYOR TAYLOR** – Mayor Taylor distributed the latest information from the South Platte Working Group.

He announced the following appointments to the Ad hoc Citizens Budget Committee: Rick Acres, Karl Berry, Mary McGlone, Mark Michael and Bill Snyder. The committee's mission was to look at issues concerning TABOR.

- (e) **DRCOG** – Mayor Taylor reported at the board meeting, the 2030 Metro Vision Plan was adopted as well as the 2020 Clean Water Plan, the 2030 Regional Transportation Plan and the Air Quality Conformity document. The board approved policy statements on both state and federal legislation and adopted several resolutions on transportation issues and accepted the final report on the urban growth boundary.

Mayor Taylor had been the alternate to the board and requested he be appointed as the regular representative to the board.

It was moved by COUNCIL MEMBER CLARK and seconded by COUNCIL MEMBER OSTERMILLER TO APPOINT MAYOR TAYLOR AS THE CITY'S REPRESENTATIVE TO THE DRCOG BOARD.

Ayes: Council Members Mulvey, Conklin, Taylor, Ostermiller and Clark.

Nays: None.

Absent: Mayor Pro Tem Kast.

MOTION CARRIED: 5 to 0

It was moved by COUNCIL MEMBER OSTERMILLER and seconded by COUNCIL MEMBER MULVEY TO APPOINT COUNCIL MEMBER CONKLIN AS THE ALTERNATE TO THE DRCOG BOARD.

Ayes: Council Members Mulvey, Conklin, Taylor, Ostermiller and Clark.

Nays: None.

Absent: Mayor Pro Tem Kast.

MOTION CARRIED: 5 to 0

14. **ADJOURNMENT** - There being no further business, Mayor Taylor adjourned the meeting at 8:09 p.m. on Tuesday, February 6, 2007.

Julie K. Bower, City Clerk/Recording Secretary

FOLLOWING THE REGULAR MEETING, COUNCIL CONDUCTED A STUDY SESSION TO DISCUSS CAMPAIGN FINANCE