

APPROVED AS SUBMITTED ON MAY 15, 2007

MINUTES OF PROCEEDINGS

LITTLETON CITY COUNCIL

May 1, 2007

The Littleton City Council met in regular session on Tuesday, May 1, 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  
REBECCA KAST  
Mayor Pro Tem  
DOUG CLARK  
Council Member  
AMY S. CONKLIN  
Council Member  
JOHN OSTERMILLER  
Council Member  
BRUCE STAHLMAN  
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 APRIL 17, 2007**

**ACTION: APPROVED AS CORRECTED**

Council Member Stahlman made the following correction to page 13: “The 60-year payout was based on the probability of low growth and that probability was far less than 50% and was more likely less than 1-2% or less than 1 or 2 chances in 100 based on the probability of occurrence.”

5. **INTRODUCE NEW CITY EMPLOYEES** –

Mr. Woods introduced Orlando Aliaga, part-time custodian at the Littleton Housing Authority.

6. **(a) CITIZEN APPEARANCES** – GUEST CITIZENS – BEMIS PUBLIC LIBRARY FOUNDATION BOARD

Council Member Clark recognized the members of the Bemis Public Library Foundation Board as guest citizens. The Foundation was established in 2002 to create an endowment fund to benefit the programs and services of Bemis Library by providing a mechanism to accept bequests and donations and to apply for grants. The Friends of the Littleton Library and Museum had since established an endowment fund to benefit both the library and the museum. The Foundation Board decided to dissolve effective April 1, 2007.

During the past five years, the Foundation received gifts from members of the community and from board members themselves to purchase book display kiosks for Sophie’s Place, collection materials, furnishings for the Children’s Room and a display stand for CDs.

The Council was grateful to the following members of the community who gave of their time and expertise in the effort to develop alternative funding sources for the library:

Karen Arckey  
Fred Doennebrink  
Margaret Kruse  
Kathryn Peterson  
William Snyder  
Carol Young

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

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

DAVE MITCHELL  
1000 W. RIDGE RD.

Mr. Mitchell said citizens had every right to believe for the Wal-Mart public hearing that their presentations could be longer than 3 minutes and could cede their time to other people. Citizens expected more professional leadership of Mayor Taylor. Every Council meeting and Planning Commission meeting had allowed ceding of time. Mayor Taylor also jumped between sign up lists which caused problems because people had signed up in a way that each could give three minutes of a nine minute presentation. He reminded Mayor Taylor that he was elected and paid by the citizens of Littleton and citizens expected more professional leadership.

Mr. Mitchell said of the \$1.5 million in sales tax revenue from Wal-Mart, the city would receive approximately forty-five cents per vehicle trip.

PEGGY COLE  
2008 W. CALEY PL.

Ms. Cole had previously requested improvements to the city's website. She had received a nice response but would like to see more. She had collected signatures from 39 people requesting that the City Charter, Council's Legislative Procedures, agendas for study sessions and minutes of study session be included on the website.

JOSEPH TRUJILLO  
LITTLETON CEMETERY ASSOCIATION

Mr. Trujillo said the cemetery report had been published. The cemetery was doing well and there was currently \$600,000 in the perpetual upkeep fund. There had been 144 burials in 2006. The Board had discussed developing the cemetery's T-Zoned property into small homes for seniors.

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

- (a) Resolution approving a subgrantee agreement for the 2007 Arapahoe County Community Development Block Grant (CDBG) Program (**Resolution No. 9, Series of 2007**)
- (b) Ordinance on first reading regarding official publications (**Public hearing May 15, 2007**)
- (c) Resolution approving an intergovernmental agreement with Arapahoe County regarding the city's special election on June 19, 2007 (**Resolution No. 10, Series of 2007**)
- (d) Motion approving renewal of Reinke parking lot lease

It was moved by COUNCIL MEMBER CLARK and seconded by COUNCIL MEMBER STAHLMAN TO APPROVE CONSENT AGENDA ITEMS 7(A) - 7(D).

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

Nays: None.

Absent: Council Member Mulvey.

MOTION CARRIED: 6 to 0

8. **(a) SECOND AND FINAL READING ON ORDINANCES AND PUBLIC HEARINGS –**  
**ORDINANCE ON SECOND READING TO DESIGNATE BEGA PARK AS AN**

**HISTORIC LANDMARK AND INCLUDE IT IN THE MAIN STREET HISTORIC DISTRICT**

**ACTION: ORDINANCE NO. 10, SERIES OF 2007**

Mr. Berkowitz read the ordinance by title.

Andrea Mimnaugh, Historic Preservation Planner, entered the following exhibits into the record:

- Exhibit A – City staff report and attachments
- Exhibit B – Application and attachments
- Exhibit C – City COMPLAN (by reference)
- Exhibit D – Littleton Historic Preservation Code (by reference)
- Exhibit E – Proof of posting
- Exhibit F – Proof of publication
- Exhibit G - Public hearing roster

Ms. Mimnaugh said Bega Park was located at 2200 West Main Street. The property had been used as a park for over 100 years and pre-dated many of the current buildings on Main Street. The city had owned the park since 2004 and had contracted with South Suburban Parks and Recreation District to maintain it since 1973.

Bega Park had provided a natural setting in downtown since 1895. For many years it was known as Rio Grande Park because the city leased it from the railroad for \$1 per year. Bega Park became the official name in 1973 in honor of the first sister city relationship between Australia and the U.S.

The Historical Preservation Board held a public hearing on March 19, 2007 and voted unanimously to recommend approval of the request for landmark designation and inclusion into the Main Street Historic District. Staff recommended approval of the designation based upon the park's exemplification of Littleton's cultural and social heritage of the community, its importance in creating a sense of identity, its role as an established visual feature of the community and its location within the established physical and social pattern of the Main Street Historic District.

Mayor Taylor opened the public hearing.

LEBRUN HUTCHISON  
6730 S. DELAWARE ST.

Mr. Hutchison thanked staff for the assistance he received in researching the history of the park. He said Bega Park had always been included as part of "Historic Downtown Littleton". Mr. Hutchison said when it was first designated as a park, the park was known as Midway Park or City Park. He presented a slide presentation and asked Council to approve the ordinance.

BILL HOPPING

## HISTORICAL PRESERVATION BOARD

Mr. Hopping said not including the park in the original Historic District was an oversight on the Board's part. It was an important place to all citizens.

Council Member Stahlman said the first meeting of the Historical Preservation Board he attended dealt with the Bega Park designation. He said the depth of research Mr. Hutchison had done was impressive.

It was moved by MAYOR PRO TEM KAST and seconded by COUNCIL MEMBER CONKLIN THAT THE PUBLIC HEARING BE CLOSED; THAT THE ORDINANCE DESIGNATING BEGA PARK, LOCATED AT 2200 WEST MAIN STREET, AS AN HISTORIC LANDMARK AND IT BE INCLUDED IN THE MAIN STREET HISTORIC DISTRICT BE APPROVED ON SECOND AND FINAL READING; THAT THE HISTORIC DESIGNATION WAS JUSTIFIED IN THAT THE PROPERTY WAS OVER 40 YEARS OF AGE, IT EXEMPLIFIED THE CULTURAL, POLITICAL AND SOCIAL HERITAGE OF THE COMMUNITY, IT ENHANCED A SENSE OF IDENTITY IN THE COMMUNITY, IT WAS AN ESTABLISHED AND FAMILIAR NATURAL SETTING OF THE COMMUNITY, AND IT WAS PART OF THE PHYSICAL AND SOCIAL FABRIC OF MAIN STREET; THAT THE ORDINANCE BE PUBLISHED BY TITLE ONLY; AND THAT THE COUNCIL PRESIDENT BE AUTHORIZED TO AFFIX HIS SIGNATURE THERETO.

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

Nays: Council Members Clark.

Absent: Council Member Mulvey.

MOTION CARRIED: 5 to 1

### 9. **(a) GENERAL BUSINESS – PROCLAMATION FOR HISTORIC PRESERVATION MONTH**

Mayor Taylor proclaimed the month of May as "Preservation Month" in the city of Littleton. The National Trust created Preservation Month in 1971 to highlight grassroots efforts around the country. Through the years, Preservation Month had grown into an annual event observed in towns and cities across the nation.

Designation of Preservation Month in Littleton would help draw attention to local preservation efforts made by dedicated individuals and celebrate the role of history in people's lives.

Mr. Hopping said all of the major events took place in downtown Littleton. The focus was on saving buildings and parks but what really happened was a community was created there. It was a significant time and he appreciated the proclamation.

Mayor Pro Tem Kast said there were two events scheduled – on May 9<sup>th</sup>, the Historical Preservation Board was hosting a discussion on “Historic Windows and Energy Efficiency” and on May 20<sup>th</sup>, Historic Littleton, Inc. was sponsoring a free walking tour of downtown.

It was moved by MAYOR PRO TEM KAST and seconded by COUNCIL MEMBER OSTERMILLER TO PROCLAIM THE MONTH OF MAY AS HISTORIC PRESERVATION MONTH IN THE CITY OF LITTLETON.

Ayes: Council Members Conklin, Kast, Taylor, Stahlman, 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 - None**

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

12. **(a) RESOLUTIONS – None**

13. **REPORTS -**

- (a) **CITY MANAGER** - Mr. Woods advised Council that staff was moving forward with the recruitment process for a new finance director and police chief. Finalists had been selected and would be identified in a press release. An assessment center for the finance director would be held on May 11<sup>th</sup> and the assessment center for the police chief finalists would be held on May 18<sup>th</sup>. He said Council Member Ostermiller had volunteered to assist with the assessment panel for the finance director and asked if any other Council member would like to participate on the police chief assessment panel?

Council Member Clark agreed to serve on an assessment panel for the police chief.

- (b) **CITY ATTORNEY** – Mr. Berkowitz said Mayor Taylor had forwarded some potential changes to the publication ordinance that had been adopted on first reading tonight. The changes included what amounted to clerical corrections and a change to the limit regarding the purchase of supplies for special improvement districts from \$500 to \$1500 to correspond with what was currently in the Charter. If Council agreed, he would prepare appropriate amendments for the next meeting.

Council agreed to the amendments.

- (c) **COUNCIL MEMBERS -**

**COUNCIL MEMBER CLARK** – None

**COUNCIL MEMBER CONKLIN** – Council Member Conklin thanked staff for the tour of the facilities she participated in along with Council Member Stahlman. It was very informative.

Council Member Conklin said the candidate orientation session held on April 25<sup>th</sup> went well.

Council Member Conklin said the Littleton Leadership Retreat planning was progressing.

Council Member Conklin reported the following from the Colorado Municipal League (CML) Board meeting: a letter to Governor Ritter requesting HB 1008 be vetoed; there was a presentation on local government transportation needs; potential of selling Lottery; and CML and CU were partnering to put together an educational program for city managers and finance officers. The CML Energy Issues Committee toured an oil rig to learn about the energy extraction industry.

**MAYOR PRO TEM KAST** – Mayor Pro Tem Kast attended the Tri-Cities meeting. Sheridan had presented information on the redevelopment project at Hampden & Santa Fe. The original concept of the Tri-Cities project was Santa Fe beautification. The monument signs that were part of the plan had never been erected. She said there was a lot of enthusiasm for the signs.

Mayor Pro Tem Kast said in March of 2000, Council voted to allow the temporary RTD parking lot at Mineral and Santa Fe light rail station. It was very controversial at that time and was supposed to be in existence for two years while a parking structure was constructed. Seven years later the temporary parking lot was still there. She suggested that RTD come back before Council so that the topic could be renewed.

Council Member Ostermiller supported Mayor Pro Tem Kast's suggestion. It had been long enough for RTD to decide what to do with that property. With the development of River's Edge, the entire area would be developed and it was time to discuss it with RTD.

Council agreed to schedule a discussion with RTD.

Council Member Conklin requested information on the bill in the legislature to allow RTD to charge for parking.

Council Member Clark said if the city wanted it to be permanent, then that should be the tone of the discussion.

Mr. Woods said staff could do some technical work so that Council was better informed and a study session would be scheduled.

Mayor Pro Tem Kast said three members of Council voted against it in 2000 because those members did not want to see a sea of asphalt but preferred a parking structure to free it up for transit-oriented development.

Mayor Taylor thought it was premature. If RTD was going to put several thousands of dollars into it, it should be coordinated with the Ensor property development.

A majority of Council agreed to schedule a study session.

Council Member Clark said more parking was needed down there and suggested a temporary parking lot across Mineral on the Ensor property.

**COUNCIL MEMBER STAHLMAN** – Council Member Stahlman said the letter to the people at Virginia Tech was very well done.

Council Member Stahlman attended the following meetings: Woodlawn Merchants' Association which was continuing to interject energy into the shopping center; a District II meet and greet session last night at the museum, which 35-40 people attended; attended the final presentation on Progress Park/Promise Park planning suggestions; and a presentation from the Chicago Chamber of Commerce regarding Chicago's program to get people with disabilities into the workforce and he suggested that B/IA and the South Metro Denver Chamber of Commerce get plugged into it.

Council Member Stahlman attended a public forum meeting on April 19<sup>th</sup> and three Council members attended. He said there were comments regarding minute taking at study sessions. He asked if it would be possible, on a trial basis, to have the city clerk attend the study sessions and produce more detailed minutes?

Mr. Woods said the issue was turn-around time. If there was a fairly extensive regular meeting one week and then a fairly extensive study session the next, it would be almost impossible for Ms. Bower to produce minutes the following week.

Ms. Bower said an hour of meeting time took approximately 2-3 hours of transcription time. Many times, it took the full two weeks to turn around the regular meeting minutes and in most cases, there would be no way the study session minutes could be produced within a week. She said the study sessions would have to be conducted in a more formal way because for a lot of the discussion she would be relying on the digital recording, so for example only one Council member at a time would be able to speak. She requested that if Council

decided to proceed with full minutes, it begin at the first study session in July because of the upcoming special election.

Mr. Woods said the actual legal requirements of taking minutes were pretty minimal and what had evolved was Council's expectation of what was included in the minutes.

Mayor Pro Tem Kast said she would expect only a brief synopsis of what the discussion had been.

Council Member Ostermiller said there was no need to include the presentation in the minutes but instead what questions Council asked and the discussion. He wanted to clarify how much detail would be put into the minutes.

Council Member Conklin agreed to a 6-month trial period, with Ms. Bower keeping track of how much time it actually took and the cost.

It was moved by COUNCIL MEMBER STAHLMAN and seconded by COUNCIL MEMBER CLARK THAT COMMENCING AT THE FIRST STUDY SESSION IN JULY, THE CITY CLERK PROVIDE MINUTES OF REASONABLE DETAIL WITH REASONABLE TURN AROUND TIME NOT TO EXCEED THIRTY DAYS AND THAT THE CITY CLERK REPORT BACK IN SIX MONTHS REGARDING HOW THE PROCESS WAS WORKING AND WHETHER OR NOT IT SHOULD BE CONTINUED.

Mayor Taylor asked the definition of reasonable detail?

Council Member Clark said it was important to have a record of Council discussion and decision but not necessarily the presentation that was made at the study session. The discussion should reflect enough detail for people to understand what the vote was.

Mayor Pro Tem Kast said every comment that each Council member made would not be necessary.

Council Member Clark said if the city began televising the study sessions, the level of detail would not need to be as substantial.

Ms. Narde said the equipment needed to televise the study sessions was not as expensive as first thought. She would be presenting information to Council in June.

Mayor Taylor said he would cast a very reluctant and suspicious yes vote.

Council Member Ostermiller asked if the digital recording of the meetings was a

permanent record?

Ms. Bower said the written minutes were the permanent record of Council meetings and the recordings were usually destroyed after a few years.

Council Member Clark asked if the electronic recording could constitute a permanent record for minutes?

Mr. Berkowitz said the written minutes provided went far beyond what was legally required which was the date of the meeting, who was present, the motion made, who made and seconded it, the vote and how each person voted. He said to use the recording as the official record, Council would have to listen to the recording before it could be approved.

The vote on the motion was:

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

Nays: None.

Absent: Council Member Mulvey.

MOTION CARRIED: 6 to 0

**COUNCIL MEMBER OSTERMILLER** – Council Member Ostermiller congratulated Business/Industry Affairs Director Chris Gibbons for his nomination by the South Metro Denver Chamber as “Community Leader of the Year.” It was a new award and there were two other nominees. The winner would be announced at the Small Business Luncheon on May 11<sup>th</sup>.

Council Member Ostermiller said the Littleton Rotary Club, the Optimist Club, the Littleton Lions Club and the Sunrise Rotary Club of Littleton along with the Tree Committee, participated in the planting of another 70 trees along the Rail Spur Trail. He thanked city staff and South Suburban staff for their help and advice.

Council Member Ostermiller said at Council’s breakfast meeting with the Planning Commission, there was a very good discussion on incentives to get developers to do what the city wanted regarding development. He asked if a discussion of some of those ideas could be continued at a study session which would include a discussion on where the city was going with regard to infill development and should there be incentives.

Council agreed.

Council Member Clark requested information on the cost of a few of the incentives mentioned such as another light on Broadway which would require the removal of highway designation and the cost of leasing a parking lot.

**COUNCIL MEMBER MULVEY** – Absent

- (d) **MAYOR TAYLOR** – Mayor Taylor said a vacancy on the Littleton Housing Authority (LHA) had occurred. It was the resident client position on the Authority. He said LHA Director Dan Burnham had found another resident client who was interested in serving. He asked if Council wanted to interview the applicant first or just make an appointment?

Council decided to interview the applicant.

Mayor Taylor said the Wild on Littleton Block Party was scheduled for June 12<sup>th</sup>. He asked if Council wanted to start the study session at 4:00 p.m. so that Council would be done in time to participate in the festivities?

It was moved by COUNCIL MEMBER CLARK and seconded by COUNCIL MEMBER OSTERMILLER TO CHANGE THE START TIME OF THE STUDY SESSION ON JUNE 12, 2007 FROM 7:00 P.M. TO 4:00 P.M.

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

Nays: Mayor Pro Tem Kast.

Absent: Council Member Mulvey.

MOTION CARRIED: 5 to 1

- (e) **DRCOG** – Mayor Taylor said the ad hoc committee looked at shuttle buses and carpools. The recommendation panel had 27 projects and was only able to fund 3 of the projects. At the regular board meeting the recommendation from the Transportation Finance Committee was accepted. A discussion on the urban growth boundaries was held and on the Weld County communities that would be joining DRCOG.

14. **ADJOURNMENT** - There being no further business, Mayor Taylor adjourned the meeting at 8:49 p.m. on Tuesday, May 1, 2007.

---

Julie K. Bower, City Clerk/Recording Secretary

IMMEDIATELY FOLLOWING THE REGULAR MEETING, COUNCIL HELD A STUDY SESSION TO DISCUSS ACQUISITION OF A PORTION OF THE OXBOW OPEN SPACE PROPERTY