



City of Littleton

Littleton Center
2255 West Berry Avenue
Littleton, CO 80120

Meeting Minutes - Draft

City Council

Tuesday, August 7, 2018

7:00 PM

Council Chamber

Regular Meeting

1. Roll Call

Present: 6 - Council Member Cole, Mayor Brinkman, Council Member Driscoll, Council Member Elrod, Council Member Fey and Council Member Schlachter

Absent: 1 - Mayor Pro-Tem Valdes

2. Pledge of Allegiance

3. Approval of Agenda

4. Public Comment

If you wish to address the city council under Public Comment, please sign-in on the public speaker form, before the call to order for this meeting. Each speaker will be limited to three minutes. The city council is not authorized by the Colorado Open Meetings Law to discuss comment or take action at the meeting on any issue raised by public comment that is not part of tonight's agenda. The Mayor may refer the matter to staff to obtain additional information and report back to the Council as appropriate.

Pam Chadbourne - Opposed to Downtown Design Standards. Everything about this is wrong. Find a way to get this repealed.

5. Consent Agenda Items

- a) [Ordinance 30-2018](#) An ordinance on second reading amending Title 6, Chapter 4, sections 6-4-1 and 6-4-104(D) of the Littleton City Code
approved
- b) [Ordinance 31-2018](#) An ordinance on second reading approving administrative amendments to the retail sales and use tax code
approved
- c) [Resolution 40-2018](#) A resolution approving an intergovernmental agreement regarding a 2018 Arapahoe County Open Space Grant for Field Elementary School playground improvements
approved

- d) [Resolution 35-2018](#) A resolution approving a Memorandum of Understanding for the Collaborative Transportation Forum with the City of Aurora, City of Castle Pines, City of Littleton, City of Lone Tree, Town of Castle Rock, Town of Larkspur, Town of Parker, and Douglas County
approved
- e) [Resolution 34-2018](#) A resolution ratifying updates of the updated Downtown Design Standards and Guidelines, now entitled the "Downtown Littleton Design Standards"
approved
- f) [Resolution 39-2018](#) A resolution approving the Designs by Sundown Subdivision, Filing No. 2, Final Plat Case Number: FP18-0004
approved
- g) [Resolution 36-2018](#) A resolution approving an Intergovernmental Agreement for the Collaborative Transportation Forum with the City of Arvada, Town of Bow Mar, City of Edgewater, City of Golden, City of Lakewood, City of Littleton, Town of Morrison, Town of Superior, City of Westminster, City of Wheat Ridge, and Jefferson County
approved
- h) [ID# 18-256](#) Approval of the July 17, 2018 regular meeting minutes
approved

Approval of the Consent Agenda

Council Member Schlachter moved and Council Member Elrod seconded to approve consent agenda items 5(a) through 5(h). The vote is 6-0. The motion carries unanimously.

Aye: 6 - Council Member Cole, Mayor Brinkman, Council Member Driscoll, Council Member Elrod, Council Member Fey and Council Member Schlachter

Absent: 1 - Mayor Pro Tem Valdes

6. General Business

- a) [ID# 18-266](#) A motion regarding a salary adjustment based on the city manager's 2018 performance evaluation
Council Member Elrod moved and Council Member Driscoll seconded to approve a 3% salary adjustment based on the City Manager's 2018 performance evaluation. The vote is 6-0. The motion carries unanimously.
- Aye:** 6 - Council Member Cole, Mayor Brinkman, Council Member Driscoll, Council Member Elrod, Council Member Fey and Council Member Schlachter
- Absent:** 1 - Mayor Pro Tem Valdes

- b) [ID# 18-265](#) A motion regarding a salary adjustment based on the city attorney's 2018 performance evaluation

The City Attorney is not being recommended for a raise at this time because there was a condition in his employment contract that awarded him an increase upon admission to the Colorado Bar Association

7. Ordinances on Second Reading and Public Hearing

- a) [Ordinance 22-2018](#) An ordinance on second reading amending Ordinance No. 23, series of 2017, known as the Annual Appropriation Bill for all municipal purposes for the fiscal year beginning January 1, 2018 and ending December 31, 2018

Mayor Brinkman opened the public hearing at 7:30 p.m.

Pam Chadbourne - Opposed. Understands the defensive use of the police vehicle requested; concerned if it were ever used in an offensive way. Are there other options to protect officers that would not be able to be used in a defensive way. Against the militarization of the police.

Mayor Brinkman closed the public hearing at 7:32 p.m.

Council Member Driscoll moved and Council Member Cole seconded to approve the ordinance on second reading amending Ordinance No. 23, series of 2017, known as the Annual Appropriation Bill. The vote is 6-0. The motion carries unanimously.

Aye: 6 - Council Member Cole, Mayor Brinkman, Council Member Driscoll, Council Member Elrod, Council Member Fey and Council Member Schlachter

Absent: 1 - Mayor Pro Tem Valdes

- b) [Ordinance 23-2018](#) An ordinance on second reading amending city charter section 23 regarding qualifications of council members and deleting section 29 regarding council membership rules

Mayor Brinkman opened the public hearing at 7:39 p.m.

Linda Knufinke - Opposed. Encouraging council to vote down these charter amendments. By including these items on the ballot, the possibility of passing the South Metro Fire tax increase is greatly diminished. Too many items on will clog the ballot and confuse the public. Charter amendments should only be brought forth by the Charter Review Committee.

Pam Chadbourne - Opposed. The Charter Review Committee was a way for council to get input from citizens.

Mayor Brinkman closed the public hearing at 7:42 p.m.

Council Member Schlachter moved and Council Member Driscoll seconded to approve the ordinance on second reading amending city charter section 23 regarding qualifications of council members and deleting section 29 regarding council membership rules, and referring the amendment to the voters of the City of Littleton at the November 6, 2018 election. The vote is 6-0. The motion carries unanimously.

Aye: 6 - Council Member Cole, Mayor Brinkman, Council Member Driscoll, Council Member Elrod, Council Member Fey and Council Member Schlachter

Absent: 1 - Mayor Pro Tem Valdes

- c) [Ordinance 26-2018](#) An ordinance on second reading amending city charter sections 54, 55 and 57 and deleting section 56 regarding the city attorney

Mayor Brinkman opened the public hearing at 7:50 p.m.

Linda Knufinke - Opposed. Reminds council that there is not a Charter Commission at present. Read charter section regarding the appointment of charter committee.*

**ARTICLE XV. COMMITTEES Sec. 124. Charter Review Committee. The Council shall periodically appoint a charter review committee for the purpose of performing a comprehensive review of the Charter, making recommendations to the Council for amendments, deletions or other changes to the Charter and submitting such recommendations in writing to the Council. The committee shall consist of at least fourteen registered electors of the City, or such greater number as the Council deems appropriate. (Election of 11-3-2015)*

Mayor Brinkman closed the public hearing at 7:51 p.m.

Council Member Elrod moved and Council Member Schlachter seconded to approve the ordinance on second reading amending city charter sections 54, 55 and 57 and deleting section 56 regarding the city attorney, and referring the amendment to the voters of the City of Littleton at the November 6, 2018 election. The vote is 6-0. The motion carries unanimously.

Aye: 6 - Council Member Cole, Mayor Brinkman, Council Member Driscoll, Council Member Elrod, Council Member Fey and Council Member Schlachter

Absent: 1 - Mayor Pro Tem Valdes

- d) [Ordinance 27-2018](#) An ordinance on second reading amending city charter section 58 regarding establishment, appointment, qualifications, term, etc., of judge

Mayor Brinkman opened the public hearing at 8:04 p.m.

Carol Brzeczek - Opposed. If the city is really concerned about the separation of power, maybe we go to an elected judge. Prefers to have the council appoint the judge and the associate judges.

Pam Chadbourne - Opposed. The three tiers of government are essential and doesn't want council to appoint the presiding judge. Doesn't want council to have any more power than it currently has.

Mayor Brinkman closed the public hearing at 8:06 p.m.

Council Member Driscoll moved and Council Member Elrod seconded to approve the ordinance on second reading amending city charter section 58 regarding establishment, appointment, qualifications, term, etc., of judge, and referring the amendment to the voters of the City of Littleton at the November 6, 2018 election. The vote is 6-0. The motion carries unanimously.

Aye: 6 - Council Member Cole, Mayor Brinkman, Council Member Driscoll, Council Member Elrod, Council Member Fey and Council Member Schlachter

Absent: 1 - Mayor Pro Tem Valdes

- e) [Ordinance 28-2018](#) An ordinance on second reading amending city charter section 117 regarding revocable licenses and deleting section 118 regarding revocable permits
- Mayor Brinkman opened and closed the public hearing at 8:11 p.m. with no citizens wishing to speak*
- Council Member Elrod moved and Council Member Cole seconded to approve the ordinance on second reading amending city charter section 117 regarding revocable licenses and deleting section 118 regarding revocable permits, and referring the amendment to the voters of the City of Littleton at the November 6, 2018 election. The vote is 6-0. The motion carries unanimously.**
- Aye:** 6 - Council Member Cole, Mayor Brinkman, Council Member Driscoll, Council Member Elrod, Council Member Fey and Council Member Schlachter
- Absent:** 1 - Mayor Pro Tem Valdes
- f) [Ordinance 25-2018](#) An ordinance on second reading amending city charter section 27 regarding council meetings
- Mayor Brinkman opened the public hearing at 8:28 p.m.*
- Paul Bingham - Opposed. This section of the charter was last changed in 2013 by a citizen initiative in response to an excessive number of executive sessions being conducted. The charter section as a result of this citizen initiative allows for council to meet in executive session for only two reasons. The amendment would add several other reasons to hold an executive session. Asks council not to approve these changes to the charter as presented.*
- Pam Chadbourne - Opposed. Continue this item to a later date. It doesn't need to go on the ballot this year. Executive sessions should be targeted and limited. Agrees that amendment 5 for personnel issues should be allowed; all others rejected. If you pass this, there will be consequences to council.*
- Stew Meagher - In favor. Wants executive sessions reinstated in the best interest of the citizens of Littleton. Prohibition of executive sessions in Littleton ties Council's hands and acts against the interest of the citizens at large.*
- Linda Knufinke - Opposed. Citizen initiative of 2013 was a result of abuse of council calling executive sessions for reasons not required by state law. The current charter language was the intent of the voter.*
- Jerry Hill - Opposed. Doesn't like "secret" meetings. Everything should be kept in the open.*
- Carol Brzeczek - Opposed. This change in the charter was directed to council by the city attorney. To the attorney, what is in the charter is what the citizen's asked for and would like the attorney to accommodate the decision that the voters made. This change from the citizens was brought about because of abuse of executive sessions. The "privilege" needed to be removed.*
- Mayor Brinkman closed the public hearing at 8:45 p.m.*

Council Member Schlachter moved and Council Member Elrod seconded to approve the ordinance on second reading amending city charter section 27 regarding council meetings.

Council Member Elrod moved and Council Member Schlachter seconded to amend the main motion to amend Ordinance No. 25-2018 by adding the following language to page 2, Line 7 at the end of the sentence: an executive session under this section may only be held by a majority of a quorum present plus one vote.

Council Member Fey called the question. No second required. The vote to call the question is 5-1, with Council Member Elrod voting no. The motion carries.

Vote on the amendment is 5-1, with Council Member Driscoll voting no. The motion to amend carries.

Vote on the amended main motion is 5-1, with Council Member Fey voting no. The motion carries.

Aye: 5 - Council Member Cole, Mayor Brinkman, Council Member Driscoll, Council Member Elrod and Council Member Schlachter

Nay: 1 - Council Member Fey

Absent: 1 - Mayor Pro Tem Valdes

8. Comments / Reports

a) City Manager

No report

City Attorney

No report

b) Council Members

Council Member Elrod - Lots of DRCOG meetings, Arapahoe, Douglas, and Jefferson County Transportation Forum meetings. We are approaching the phase of submitting projects; Littleton is in a very good position. There is good collaboration and support for projects specific to Littleton, particularly the PEL study for Santa Fe. Feel confident that will be presented as a regional project.

Council Member Fey - The District III meeting on July 21 had 62 attendees. The director of the Highline Canal Conservancy was the speaker. / Have attended seven meetings for Envision Littleton. Encourages anyone who has not attended a meeting to complete an online survey so that voices will be heard for individual "visions" for Littleton.

Council Member Schlachter - August 15 is City Hall "Selfie" Day. / The delegation from Bega Australia will be here on August 9 and will be spending 10 days on the Front Range. A "welcome" will be held at Bega Park on August 9 from 3:30 to 5:30.

Council Member Driscoll - Great weekend this past weekend at the Criterium. There

is a concert in Bega Park on Saturday (Little Jam). Look forward to seeing everybody at Western Welcome Week.

Council Member Cole - The Library Board reported at their meeting last week that the summer outreach program(s) are going gangbusters!

c) Mayor

c) Mayor - Shout out to staff who had anything to do with the Criterium. The evolution over the past six years has been amazing! Over 90% of sponsorships were from local businesses supporting this event. The racers say that this is one of their favorite races. The field of racers has more than doubled and they're coming from all over the country. This is the first year the race was televised nationally. / The city is currently dealing with some concerns surrounding a gun store and shooting range. This is not an area that would have been a concern 20 or 30 years ago but is understandably one now. Would like council to support asking the City Attorney and staff to do some research on a couple of items that can be brought back to study session. 1) Should we consider some amendments to our zoning code for the city to provide more specific designations for gun ranges. What would it mean to modify some of the land-use chart. 2) Consider amending the city code to regulate some of the operational practices of a retail gun store such as lighting, safety, security, etc.

9. Adjournment

Mayor Brinkman adjourned the regular city council meeting at 9:36 p.m.

The public is invited to attend all regular meetings or study sessions of the City Council or any City Board or Commission. Please call 303-795-3780 at least forty-eight (48) hours prior to the meeting if you believe you will need special assistance or any reasonable accommodation in order to be in attendance at or participate in any such meeting. For any additional information concerning City meetings, please call the above referenced number.