



# City of Littleton

## Meeting Minutes - Draft

### City Council

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Tuesday, October 6, 2020

6:30 PM

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#### Virtual Regular Meeting

#### 1. Roll Call

**Present:** 7 - Mayor Valdes, Council Member Driscoll, Council Member Elrod, Council Member Fey, Mayor Pro-Tem Melin, Council Member Milliman and Council Member Grove

#### 2. Approval of Agenda

#### 3. Comments / Reports

a) City Manager

*Update on COVID-19 communications strategy, working with other city managers and county staff. We've been looking for opportunities to approach the state for exceptions to the state health order, and we've been fairly successful. Our data is a little more unique than other areas and we've tried to take advantage of that to allow more flexibility with our businesses. Important thing to remember is the exceptions occur at the county level, not the city level so it is essential for the city managers to work together with the county on this approach. We have been seeing an increase in the number of positive tests within the county. It is time for us to reinforce the communication message here, from the county, through the cities, to our citizens and businesses; wash our hands, wear a mask, maintain our social distancing. I've asked Kelli Narde to work with the county and other cities in getting that message out, and in enlisting our businesses to share that information. It is our responsibility to ensure we take on these "best practices" to avoid having further restrictions put in place.*

b) City Attorney

*No report*

c) Council Members

*Council Member Milliman - Thank you to the city manager for sharing important information on COVID-19 case increases. A big thank you to the Littleton Police Department. They've recently responded to two incidents in District IV. They responded accordingly and professionally. Very thankful to have Chief Stephens and his department in our community.*

*Council Member Grove - Attended the NGAC meeting last Thursday night. They had a lively discussion on micromobility. They've been working with our Public Works department and providing input. Reviewing pros and cons. They're not ready to put it into anything formal. We'll be hearing about that from them in the near future. The*

*DIEB (Diversion, Inclusion, Equity and Belonging) subcommittee also met last week and they're working on getting a list of topics together. They are focused on learning more about the LIRC and how that program assists immigrants and getting their peers to vote in the upcoming election. Future topics will be education, safety in our communities, homelessness, mental health, early childhood education, and the senior resource center at Bemis. They will work with Council Member Fey when addressing the homelessness issue.*

*Council Member Fey - Clarification on SMHO: South Metro Housing Options, the low-income housing agency in Littleton. SMHO has 583 housing units for 1225 households; 46% of these households are disabled or elderly. One of the things we hear often from citizens is "the 71 houses". These houses account for about 10% of the housing and the important thing is they are very expensive to maintain. These 10% cost \$329 per unit to maintain, almost twice as much as the other remaining units. These houses are owned by HUD. HUD provides little, if any, maintenance funds for these properties. SMHO is responsible for maintaining the properties; local expense for property we don't own. HUD wants to sell these properties to qualifying lower income buyers. They will still help with our need for affordable housing. There is no plan to redevelop the properties. Current residents would have the first option to buy the houses, if the income-qualify and if they're interested in home ownership.*

*Council Member Elrod - Attended a DRCOG meeting. Littleton was awarded another grant for \$589,000 for the synchronization of our traffic lights. Also had a presentation from J.J. Ament of the Denver Economic Development Corporation. This covers the greater Denver area which does include Littleton. A few take-aways from that presentation: Q3 (the third fiscal year quarter) is a recovery quarter; things are looking up, Littleton was ranked 50th in unemployment, DIA was the top ranking airport in July and August, and consumer spending is actually back up. Pointed out that Colorado is known for many of our outdoor industries, and marijuana as well.*

*Council Member Driscoll - No report*

*Mayor Pro Tem Melin - Attending the South Platte Working Group last week. They are interested in hearing from municipalities involved in the group about priorities for the river corridor. If council has some things in mind, let me know so I can convey that information.*

d) Mayor

*Met with the director of SMHO and asked if they would come in and do a presentation on some of the issues that Council Member Fey had brought up. Reminder of council study session on October 13.*

#### **4. Citizen Appearances - None**

#### **5. Public Comment**

Citizens wishing to provide public comment prior to the meeting, or who wish to participate via phone, please see instructions listed at the top of the agenda.

*Jeannie Erickson - Concerned about 71 houses discussed by Council Member Fey. Does not want to see them sold.*

*Pam Chadbourne - Doesn't buy the argument that the maintenance cost is too much for the city to undertake on the 71 SMHO houses.*

*Kyle Schlachter - Agree that attainable and affordable housing is very important. City council needs to set the direction to make policies to allow different types of housing to be created in different areas.*

## **6. Consent Agenda Items**

- a)     **Ordinance 36-2020**     Ordinance 36-2020: An ordinance on second reading to be known as the "Annual Appropriation Bill," adopting the annual budget for all municipal purposes of the City of Littleton, Counties of Arapahoe, Douglas, and Jefferson, State of Colorado, for the fiscal year beginning January 1, 2021 and ending December 31, 2021  
**approved**
- b)     **Ordinance 35-2020**     Ordinance 35-2020: An ordinance on second reading establishing the tax levy of 2.0 mills to defray the costs of municipal government of the City of Littleton, Counties of Arapahoe, Douglas, and Jefferson, State of Colorado, for the City's Fiscal Year beginning January 1, 2021 and ending December 31, 2021  
**approved**
- c)     **Ordinance 38-2020**     Ordinance 38-2020: An ordinance on second reading of the City of Littleton, Colorado, as the governing body of the City of Littleton, Stormwater and Flood Management Utility Enterprise, adopting the 2021 budget  
**approved**
- d)     **Ordinance 37-2020**     Ordinance 37-2020: An ordinance of the second reading of the City of Littleton, Colorado, as the governing body of the City of Littleton, Sewer Utility Enterprise, adopting the 2021 budget  
**approved**
- e)     ID# 20-257     Motion to approve expenditure of CARES Act funds  
**approved**
- f)     ID# 20-249     Motion to cancel city council's regular meeting on November 3, 2020  
**approved**
- g)     ID# 20-252     Approval of the September 15, 2020 virtual regular meeting minutes  
**approved**

## **Approval of the Consent Agenda**

**Council Member Elrod moved and Council Member Milliman seconded to approve the consent agenda. The vote is 7-0. The motion carries unanimously.**

## **7. General Business - None**

## **8. Ordinances on Second Reading and Public Hearing**

- a) Ordinance 34-2020 Ordinance 34-2020: An ordinance on second reading approving Phase II amendments to Title 10 of the City Code relative to Downtown development
- Staff presentation - Kathleen Osher, Director of Community Services with Jennifer Henninger, Community Development Director, Mike Sutherland, Deputy Director of Community Development, and Brian Mabry, Consultant with Kendig Keast Collaborative*
- Mayor Valdes opened the public hearing at 7:26 p.m.*
- Frank Atwood - Opposed*
- Kyle Schlachter - Supports as is; does not support proposed council amendments 1-4 (from council packet)*
- David Ortiz - Agrees with Kyle Schlachter*
- Alexis Barrera - Supports as is; does not support proposed council amendments 1-4 (from council packet)*
- Kim DeCero - Supports as is*
- Rob Hall - Supports; does not support proposed council amendment 4 on height restrictions*
- Kate Peterson - Supports as is; does not support proposed council amendments 1-4 (from council packet)*
- John Craig - Does not support proposed council amendment 4*
- Julia Montano - Supports as is*
- Maureen Whelan - Echoes those in favor*
- John Strong - Concerns about rezoning of the old CA use to not allow businesses. The reason I moved this house to this zone district was to have a home-based business once I retired.*
- Eric Veith - Supports as is; does not support proposed council amendments 1-4 (from council packet)*
- Kathryn Roy, Love INC - Supports as is; does not support proposed council amendments 1-4 (from council packet)*
- Pam Chadbourne - Opposed*
- Mayor Valdes closed the public hearing at 7:56 p.m.*
- Council Member Milliman moved and Council Member Elrod seconded to**

approve the ordinance on second reading approving Phase II amendments to Title 10 of the City Code relative to Downtown development with the seven conditions recommended by Historical Preservation Board and Planning Commission.

**Amend #1:** Council Member Grove moved and Council Member Fey seconded to further amend the proposed amended Title 10 of the Littleton Municipal Code relative to Downtown development under 10-2-18 (A) Purpose (1) to add the yellow highlighted text to the first sentence so it reads "The DT, Downtown District, which is centered around a National Register Historic District and local Landmark District, provides for residential, nonresidential, and mixed-use development within the City's Downtown. And add 10-2-18 (A) Purpose (2) to Main Street is an historic district with numerous historic landmarks. Any new development should complement historic character of buildings from the turn of the century commercial area (Main Street) or housing and commercial buildings around a commercial Main Street (DT, DNR and DMU) from 1890 to 1955. The vote is 2-5, with Mayor Valdes, Mayor Pro Tem Melin, and Council Members Driscoll, Elrod, and Milliman voting no. The motion to amend fails.

**Amend#2:** Council Member Elrod moved and Council Member Grove seconded to further amend the proposed amended Title 10 of the Littleton Municipal Code relative to Downtown development under Figure 10-2-18, Character Area Map, to extend the Downtown Transition Area (DTA) southward to Little's Creek. The vote is 5-2, with Council Members Milliman and Fey voting no. The motion to amend carries.

**Amend #3:** Council Member Grove moved and Mayor Valdes seconded to further amend the proposed amended Title 10 of the Littleton Municipal Code relative to Downtown development under Table 10-4-18 (M), Apartment Building Type Standards For Minimum sloping roof form (hip or gable) as percentage of building in plan view in the DTA column change "N/A" to "25%" For Roof Slope change "N/A" to "5:12 or steeper; 3:12 or steeper for porches, add-ons, etc." The motion is WITHDRAWN

**Amend #4:** Mayor Pro Tem Melin moved and Council Member Driscoll seconded to further amend the proposed amended Title 10 of the Littleton Municipal Code relative to Downtown development and 10-2-18 (E) Parking and Access as follows: Under 10-2-18(E)3(a)l, Multi-Family Dwellings (not including single-family attached) For multi-family and mixed -use developments (for example, a stand-alone apartment building type or buildings), one space shall be required per unit. The vote is 6-1, With Council Member Fey voting no. The motion to amend carries.

**Amend #5:** Council Member Elrod moved and Council Member Milliman seconded to further amend the proposed amended Title 10 of the Littleton Municipal Code relative to Downtown development and under 10-2-18 (E) (5) remove the Planning Commission condition and restore the minimum required off-street surface parking spaces by up to 50 percent of required spaces. The vote is 4-3, with Council Members Driscoll, Fey, and Grove voting no. The motion to amend carries.

**Amend #6:** Council Member Elrod moved and Mayor Pro Tem Melin seconded to further amend the proposed amended Title 10 of the Littleton Municipal Code relative to Downtown development and under 10-2-18 (E) (5) (b) change the

distance of a proposed development to be located within 1,000 feet of a RTD light rail station. The vote is 6-1, with Council Member Fey voting no. The motion to amend carries.

**Amend #7:** Council Member Grove moved and Council Member Fey seconded to further amend the proposed amended Title 10 of the Littleton Municipal Code relative to Downtown development under Table 10-4-18 (M), Apartment Building Type Standards, Table 10-4-18 (O), Mixed Use Building Type Standards, and Table 10-4-18 (Q), Office - Institutional Building Type Standards change Maximum Height (number of stories / feet) from "5 stories / 65'" to "4 stories / 55'". The vote is 5-2 with Council Members Driscoll and Milliman voting no. The motion to amend carries.

**Amend #8:** Council Member Grove moved and Council Member Fey seconded to further amend the proposed amended Title 10 of the Littleton Municipal Code relative to Downtown development and Table 10-4-18 for single family detached, single family attached, multi-family, live-work, mixed use, commercial and office have a percentage of at least 25% in the cell above where there's a description of roof slope in DTA. The vote is 3-4, Mayor Pro Tem Melin and Council Members Driscoll, Elrod, and Milliman with voting no. The motion to amend fails.

**Amend #9:** Council Member Grove moved and Council Member Fey seconded to further amend the proposed amended Title 10 of the Littleton Municipal Code relative to Downtown development under figure 10-4-18 (B) to make the maximum building height the same for all buildings types and therefore change the maximum height for mixed-use buildings in DTA from 4 stories/55 feet to 3 stories/45 feet. The vote is 3-4, with Mayor Pro Tem Melin and Council Members Driscoll, Elrod and Milliman voting no. The motion to amend fails.

**Vote on main motion as amended is 7-0. The motion carries unanimously.**

**Aye:** 7 - Mayor Valdes, Council Member Driscoll, Council Member Elrod, Council Member Fey, Mayor Pro Tem Melin, Council Member Milliman and Council Member Grove

**b) Ordinance 39-2020**

Ordinance 39-2020: An emergency ordinance imposing a 90-day temporary moratorium on all new development within the downtown area as set forth in Figure 10-2-18-Character Area Map in the Phase II Amendments to Title 10 relative to Downtown Development, and upon the submission, acceptance, processing, or approval of any site development plans, demolition permit, applications or plans approvals, or other types of approval by the City of Littleton related to such activities

*Staff presentation - Reid Betzing, City Attorney*

*\*\*Council consensus to continue the meeting past 10:00 p.m.*

*Mayor Valdes opened the public hearing at 10:03 p.m.*

*Pam Chadbourne - Appalled by council's actions tonight.*

*Mayor Valdes closed the public hearing at 10:06 p.m.*

Council Member Driscoll moved and Council Member Fey seconded to approve an emergency ordinance imposing a 90-day temporary moratorium on all new development within the downtown area as set forth in the Phase II Amendments Map, figure 10-2-18, and upon the submission, acceptance, processing, or approval of any site development plans, demolition permit, applications or plan approvals, or other types of approval by the City of Littleton related to such activities. The vote is 7-0. The motion carries unanimously.

**Aye:** 7 - Mayor Valdes, Council Member Driscoll, Council Member Elrod, Council Member Fey, Mayor Pro Tem Melin, Council Member Milliman and Council Member Grove

## **9. Adjournment**

Mayor Valdes adjourned the meeting at 10:07 p.m.

<b><u>Order Amendments Presented</u></b>	<b><u>Proposed Amendment # (from packet materials)</u></b>
1	Amendment 1
2	Amendment 2
3	Amendment 3 – WITHDRAWN
4	Amendment 5 – Part 1
5	Amendment 5 – Part 2
6	Amendment 5 – Part 3
7	Amendment 4
8	N/A
9	N/A