

**MINUTES
LAKEWOOD CITY COUNCIL
STUDY SESSION MEETING**

7:00 p.m.

July 20, 2009

Minutes are not a verbatim transcription, but rather an attempt to capture the intent of the speaker by the City Clerk.

ITEM 1 – CALL TO ORDER

Mayor Murphy called the meeting to order at 7:00 p.m. in the Council Chambers, Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

ITEM 2 – ROLL CALL

Those present were: Mayor Bob Murphy, Presiding

Diana Allen
Doug Anderson
Cindy Baroway
Karen Kellen
Sue King
Debbie Koop
Adam Paul
Ed Peterson
Tom Quinn
Vicki Stack

Staff in attendance: Mike Rock, City Manager
Paul Kennebeck, Deputy City Attorney

Full and timely notice of this Study Session had been given and a quorum was present.

ITEM 3 – PRESENTATION – STATE OF THE COURTS

The Honorable Anne Stavig, Presiding Municipal Court Judge, Lakewood, CO, after introducing staff and extending thanks for the opportunity granted her, gave a presentation highlighting the state of the Court. She explained a chart showing cases from 2007, 2008 and the first six months of 2009. There are only two full-time judges (down from three) handling the bulk of cases. Relief/part-time judges are brought in two-three times a week, thus significantly reducing salary costs for judges and some support staff, but they are still busy despite reductions. The one big concern is to make sure the public is being handled efficiently. Therefore, the dockets have been restructured; they have changed the court schedule and are running more cases throughout the day. Computers have been added to

the courtroom and Judges have case law at their fingertips which has made for more efficient presentations for both jury trials and other kinds of cases. They also help with jury selection. Additionally, a law firm has been hired as public defenders instead of having one attorney, and this has allowed the Courts to more efficiently use other staff. She said there have been significant reductions in the Marshal's office due to some retirements, but current staff has continued to do a great job. Re-evaluations are underway. They are also working on addressing the issue of persons who fail to appear for court dates. They have revamped the stay-of-fines procedures and polices, creating a much more consistent way of dealing with person who cannot pay their fines right away. This helps persons to feel that they are treated more fairly and consistently across the board.

She showed a graph of the different kinds of cases handled by Municipal Courts, and she spoke about juvenile cases/work programs. The Probation Department has applied for various grants and, as a result, they have received almost \$100,000 in new grants, which include treatment for juvenile substance abuse; adult substance abuse; juvenile alternatives to incarceration (which will pay for residential work programs, in-home detention and ankle bracelets) and adult-domestic violence treatment. She presented a slide of the Court's revenue, which has increase partly because of fine increases that are now consistent with the rest of the Metro community.

Also, she reported that a collection company has been hired (the same company used by other courts in the area) to help find people who have not paid their fines.

It was also reported that crime is down in Lakewood.

ITEM 4 – PRESENTATION – AMENDING SMOKING ORDINANCE

Janet Young, Deputy City Attorney, City of Lakewood, updated Council on Chapter 9.38 as it pertains to smoking in public places. Our current ordinance conflicts with House Bill 06-1175, the Colorado Clean Indoor Act that was passed during the 2006 legislative session. The proposed ordinance, as presented today would not impose any stricter limitations that are found in State law under this new bill, but would pass those limitations and make them apart of the municipal ordinances. What's being recommended is that smoking would be prohibited in indoor public places and buildings. Any workplaces that are not open to the public, but have four or more employees including volunteers, would have to be non-smoking. Common use areas were identified as being lobbies, elevators, restaurants, hallways in both public and private buildings. This does not include private residential units and condominiums or private rooms in nursing homes. An entryway, as defined by State Statue, is any entryway that is within 15 feet of the main or principal entrance to a public building—this area would have to be smoke free. Smoking would be permitted on a side patio if it is not within 15 feet of the main entrance way to the restaurant or bar. However, Council can impose an distance of more than 15 feet. Also, smoking is permitted in cigar-tobacco bars that were established as

of December 31, 2005, and places of employment that are not open to the public and have three or less employees and volunteers.

She noted that Lakewood's current ordinance regarding smoking in public places is out of date and unenforceable. If the proposed ordinance is adopted, it would allow police agents and Code Enforcement officers the ability to issue citations for violation of the State's Clean Indoor Air Act.

Police Chief Kevin Paletta spoke about enforcement and noted that the stance, thus far in regards to the Colorado Clean Air Act, was more along the lines of education and compliance. There have been efforts made to get businesses to comply with the current State Statute, and since the State law passed, only one county summons has been issued for smoking violation. If/when the proposed ordinance passes, he feels in addition to education and compliance, there will be an increase in summons issued. Prioritization of enforcement will be handled as would be for any calls for service. However, calls regarding damages to individuals and/or properties would become a higher priority than someone who's smoking within 15 feet of an entrance way.

He noted that if the current ordinance is repealed by Council, it would revert to State Statute and Lakewood Police would still have the responsibility of enforcement, but Lakewood officers would not be able to issue municipal summons.

After some discussion, it was the consensus of Council to move this ordinance forward to second reading on August 10, 2009.

ITEM 5 – PRESENTATION – AMENDING CHAPTER 9.32 REGARDING PARKS AND RECREATION

Janet Young, Deputy City Attorney, City of Lakewood, said this proposal is to update numerous minor provisions in Chapter 9.32, to address current issues that are being done in Lakewood's parks, and to address current issues to reflect changes in State law. The presentation included recommendations about alcohol, especially use of it in Walker Branch Park by intoxicated transients. Presently, it is okay to consume 3.2% fermented malt beverages and malt liquors in all City parks, but not on public streets or sidewalks. This proposal is to allow the Director of Community Resources the ability to make the decision as to which Lakewood Parks consumption of alcoholic beverages is allowed. Signs will be posted to inform the public that possession and/or consumption is prohibited in that park.

The presentation also noted recommendations regarding firearms. The proposed amendment would make it clear that it is illegal to openly carry firearms in City parks or City facilities. The amendment would also update our ordinance to reflect Senate Bills 03-24 and 03-25.

Recommendations regarding park rangers would clarify their enforcement authority and make it against the law to interfere with a park ranger, to disobey the lawful order of a park ranger or give false information to a park ranger during an investigation into the commission of a crime or traffic violation. She also listed specific provisions of the proposed ordinance.

As discussion ensued, various scenarios and opinions were given and it was consensus of Council to move this amendment forward to second reading on August 10, 2009.

ITEM 6 – PRESENTATION – CHARTER CHANGE REGARDING SPECIAL ELECTIONS

Margy Greer, City Clerk, City of Lakewood, asked Council to pass an ordinance to allow placing a question on the upcoming November 3, 2009 Ballot that would amend Sections 13.1 and 13.2 of the Lakewood City Charter regarding Initiative and Referendum Petition elections. She explained that the proposal is to give Council the authority to schedule citizen initiated ordinances and referenda to the first Tuesday in November so that the vote could be conducted as a coordinated election with Jefferson County, and to give City Council the discretion to hold special elections. Included in the reasons for this proposal – it would create a huge cost savings to the City if there is a coordinated election; voter turnout would increase; the current 90-day timeframe to complete the process of printing and mailing ballots is almost impossible.

After a brief discussion, it was the consensus of Council to move this item forward to second reading on August 10, 2009.

ITEM 7 – UPDATE – 2010 BUDGET SCHEDULE

Mike Rock, City Manager, spoke briefly about the upcoming Budget Study Session that's scheduled for 1:00 p.m. on August 24, 2009. He noted that the budget process is a constant effort in that the City is either preparing, adopting, revising or auditing the budget. He noted that Council makes policy decision on how the expenditures of public funds should work. He mentioned that the audited expenditure amounts for the 2008 City Budget was \$95.3 million. The proposed budget for 2010 is \$95.2 million, noting that the budget is just a little less than it was two years ago. The 2010 Target Fund Balance that was projected two years ago was \$19.3 million and the projected fund balance in the proposed budget is \$19.4 million, which is significant in view of the current economy. The State's required fund balance is 3%; the Target Fund Balance for the City of Lakewood is 10%; the current fund balance is 20%--proof of the healthy management of City funds. He gave other specifics that will result in budget savings for 2010.

ITEM 8 – OPEN DISCUSSION

None.

ITEM 9 – REPORTS

Mayor Murphy and City Council Members reported their attendance at previous meetings and events and announced upcoming neighborhood meetings and events.

ITEM 10 – ADJOURNMENT

There being no further business to come before the Council; Mayor Murphy adjourned the meeting at 9:23 p.m.

Submitted by,

Margy Greer, City Clerk