

**MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF LAKEWOOD**

7:00 P.M.

July 27, 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 South, 480 South Allison Parkway, Lakewood, Colorado.

ITEM 2 – ROLL CALL

Those present were: Mayor Bob Murphy, Presiding

Diana Allen
Doug Anderson
Karen Kellen
Sue King
Adam Paul
Ed Peterson
Vicki Stack

Absent: Cindy Baroway
Debbie Koop
Tom Quinn

Others in attendance: Mike Rock, City Manager
Tim Cox, City Attorney

Full and timely notice of this City Council meeting had been given and a quorum was present.

ITEM 3 – PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited and a moment of silent prayer was observed.

Mayor Murphy extended condolences to Councilman Quinn on the death of his mother.

Members of Boy Scouts Troup 814 and Troup 748 were present and introduced themselves.

Jay Hutchison, Director, Planning & Public Works, gave a brief update on the status of clean-up in Lakewood after the storm. He noted that 60 full-time workers performed some 2300 hours of work during the emergency cleanup. Some City of Lakewood buildings were damaged, and cleanup of right-of-ways will continue.

ITEM 4 – RECOGNITION OF LEW SHORT

Mayor Murphy recognized and extended appreciation and thanks to Lew Short for his 30 years of service to the Metro Waste Water Reclamation District and the Green Mountain Water Board.

Mr. Short was present and graciously accepted the recognition.

ITEM 5 – PRESENTATION – COMMENDATION -- RANDY PICKERING

Mayor Murphy extended commendations to Randy Pickering for his diligent and committed effort in helping the City of Lakewood celebrate its 40th Anniversary.

Randy Pickering extended “thanks” to all involved in helping to make Lakewood on Parade a success.

ITEM 6 – RESOLUTION 2009-36 – APPOINTING KATHLEEN HODGSON AS LAKEWOOD CITY MANAGER EFFECTIVE SEPTEMBER 14, 2009 AND APPROVING THE TERMS OF AN EMPLOYMENT AGREEMENT

A motion was made by Councilwoman Kellen, and seconded by Councilman Paul, to adopt Resolution 2009-36.

Mayor Murphy asked for public comments.

The following persons spoke in support of Resolution 2009-36 and commended City Council on appointing Kathy Hodgson as Lakewood’s new City Manager. They all extended words of congratulations and feel she will do a great job for the City of Lakewood.

Bob Zachman, 13182 W. Jewell Circle, Lakewood, CO

Karen Harrison, 1686 S. Kline Court, Lakewood, CO

Kathy Stapleton

Randy Little, 10495 W. Dakota, Lakewood, CO

Representative Max Tyler, 755 Vista Lane, Lakewood, CO

John Fox, 1133 S. Eaton Street, Lakewood, CO

Council Members also extended congratulations and well wishes to Kathy Hodgson and to the internal candidates (Larry Dorr and Jay Hutchison) and all involved in the process.

Vote: Ayes: 8 Nays: 0 Absent: 3 (Baroway, Koop, Quinn)

Councilman Paul, member of the Budget and Audit Committee, gave a brief update on the status of “transparency” in the City of Lakewood. He noted that all financial items are to be online by January 2010. The system will be more user friendly and more in line with the system used by Jefferson County and the State of Colorado.

ITEM 7 – PUBLIC COMMENT

Gerald Lopez, 1257 Allison Street, Lakewood, CO extended thanks to the City of Lakewood for the quick cleanup and the help the City gave to St. John’s Hospice. He noted too, that he’s still not received repairs from the December 2008 flood. He thanked the Elks’ Club for hosting a great 60th Anniversary celebration. He asked that RTD save the trees. He announced that all members of Lakewood High School Class of 1969 should contact him regarding their 40th year class reunion.

Kathy Stapleton, Ward 5, Lakewood CO, thanked Council for Lakewood on Parade and especially Councilwoman Stack and Councilman Paul for their help with Lakewood on Parade.

Randy Little, 10590 W. Dakota, Lakewood, CO, wanted to personally extend thanks to the City of Lakewood for its help with the tree removal from his home.

Fred Clifford, 11405 W. 17th, Lakewood, CO, congratulated the City in its efforts regarding the “transparency” issue, and he extended thanks to Natalie Menten for initiating this request.

Joe Margotte, 14259 W. Virginia Drive, Lakewood, CO, extended a thank you to Council for the opportunity to speak about the Elks 60th Anniversary and to the City for helping to make the celebration a success.

Public comments were closed.

CONSENT AGENDA

Consent Agenda Items 8 - 12 were read into the Record by the City Clerk.

ITEM 8 – ORDINANCE O-2009-36 – REPEALING AND REENACTING CHAPTER 9.38 OF THE LAKEWOOD MUNICIPAL CODE PERTAINING TO SMOKING IN PUBLIC PLACES

ITEM 9 – ORDINANCE O-2009-37 – ADDING SECTIONS 9.32.075, 9.32.085, 9.32.265, 9.32.266, 9.32.325, 9.32.390, AND 9.32.400 AND AMENDING SECTIONS 9.32.010, 9.32.020, 9.32.030, 9.32.050, 9.32.070, 9.32.080, 9.32.090, 9.32.100, 9.32.170, 9.32.260, 9.32.270, 9.32.280, 9.32.320 OF CHAPTER 9.32 TO TITLE 9 OF THE LAKEWOOD MUNICIPAL CODE PERTAINING TO PARKS AND RECREATION

ITEM 10 – ORDINANCE O-2009-38 – SUBMITTING PROPOSED AMENDMENTS TO THE LAKEWOOD CITY CHARTER TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD AT THE REGULAR MUNICIPAL ELECTION ON NOVEMBER 3, 2009; AND FURTHER DECLARING AN EMERGENCY

ITEM 11 – APPROVING MINUTES OF CITY COUNCIL MEETING

Regular City Council Meeting	June 8, 2009
Special City Council Meeting	June 27, 2009
Special City Council Meeting	June 29, 2009

ITEM 12 – ACCEPTING MINUTES OF THE BOARDS AND COMMISSIONS

Advisory Commission for an Inclusive Community Meeting	June 17, 2009
Lakewood Head Start Meeting	August 25, 2008
Lakewood Head Start Meeting	January 12, 2009
Lakewood Head Start Meeting	May 11, 2009

Mayor Murphy asked for comments.

There were no public comments.

Councilman Anderson asked that Item 10 be removed from the Consent Agenda for separate vote.

A motion was made by Councilwoman Kellen, and seconded by Councilman Paul, to approve Council Minutes, accept all minutes for Boards and Commissions, order all ordinances introduced on first reading to be published into the Denver Post Newspaper for public hearing set for dates included in the ordinances, and to adopt resolutions, *excluding* Item 10 - Ordinance O-2009-38 – Submitting Proposed Amendments to the Lakewood City Charter To A Vote of the Registered Electors of the City of Lakewood at the Regular Municipal Election on November 3, 2009; and further declaring an emergency, all of which are included in the Consent Agenda Items, for the record and introduced by the City Clerk.

Vote: Ayes: 8 Nays: 0 Absent: 3 (Baroway, Koop, Quinn)

ORDINANCES ON SECOND READING AND PUBLIC HEARINGS

ITEM 13 – ORDINANCE O-2009-33 – DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTERESTS IN PROPERTY FOR PUBLIC PURPOSES FOR THE CONSTRUCTION OF SIDEWALK IMPROVEMENTS ALONG THE EAST SIDE OF WADSWORTH BOULEVARD, FROM 22ND AVENUE NORTH TO 23RD PLACE AND ALONG THE WEST SIDE OF SHERIDAN BOULEVARD FROM ELLSWORTH AVENUE NORTH TO 4TH AVENUE, AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS

There were no public comments.

A motion was made by Councilwoman Kellen and seconded by Councilman Paul, to adopt Ordinance O-2009-33 on second and final reading.

Vote: Ayes: 8 Nays: 0 Absent: 3 (Baroway, Koop, Quinn)

ITEM 14 – ORDINANCE O-2009-34 – DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTERESTS IN PROPERTY FOR PUBLIC PURPOSES FOR THE CONSTRUCTION OF SIDEWALK IMPROVEMENTS ALONG WEST 14TH AVENUE, FROM DEPEW STREET TO SHERIDAN BOULEVARD, AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS

There were no public comments.

A motion was made by Councilwoman Kellen and seconded by Councilman Paul, to adopt Ordinance O-2009-34 on second and final reading.

Vote: Ayes: 8 Nays: 0 Absent: 3 (Baroway, Koop, Quinn)

ITEM 15 – ORDINANCE O-2009-35 (AMENDED 07/27/2009) AUTHORIZING THE CITY OF LAKEWOOD TO ACQUIRE CERTAIN REAL PROPERTY (INCLUDING A FACILITY LOCATED THEREON AT 870 PARFET STREET, LAKEWOOD, COLORADO) FROM THE SCHMIDT FAMILY L.L.L.P. (A COLORADO LIMITED LIABILITY LIMITED PARTNERSHIP); AND TRANSFERRING TITLE OF THE PROPERTY TO MUNICIPAL CAPITAL MARKETS GROUP, INC., AND ENTERING INTO AN ANNUALLY RENEWABLE LEASE PURCHASE AGREEMENT BETWEEN MUNICIPAL CAPITAL MARKETS GROUP, INC., AS LESSOR, AND THE CITY, AS LESSEE, FOR THE PURPOSE OF PUBLIC SAFETY USE AND THE EXPANSION OF THE POLICE ACADEMY TO A REGIONAL TRAINING FACILITY; AUTHORIZING THE EXECUTION OF A PURCHASE AND SALE AGREEMENT, A FACILITY LEASE PURCHASE AGREEMENT AND DOCUMENTS RELATED THERETO; FURTHER AUTHORIZING THE CITY MANAGER TO ENTER INTO A PURCHASE AND SALE AGREEMENT FOR THE PROPERTY LOCATED AT 1955 S. KIPLING STREET TO OFFSET THE COST TO EQUIP THE FACILITY SPACE AS A REGIONAL TRAINING FACILITY; AUTHORIZING A SUPPLEMENTAL BUDGET APPROPRIATION OF \$2,330,000; AUTHORIZING CONVEYANCE OF A NON-EXCLUSIVE EASEMENT TO W. HERB L.L.C. FOR INGRESS AND EGRESS ACROSS PROPERTY OWNED BY THE CITY, LOCATED AT 1050 QUAIL STREET AND PROVIDING OTHER MATTERS RELATING THERETO; FURTHER, DECLARING AN EMERGENCY

Michele Tovrea, Division Chief, Support Services, said there is a need to secure a crime evidence and storage facility that would accommodate the City's needs in the future. She gave a brief history of the proposed project with a detailed description of the building they have found. In addition to being an evidence and storage facility, the building will also be used by the Police Academy. She extended thanks to all for their help in getting this project together.

There were no public comments.

A motion was made by Councilwoman Kellen, and seconded by Councilman Paul, to adopt Ordinance O-2009-35 on second and final reading.

Council members extended thanks to Chief Tovrea for doing a great job on this project.

Discussion ensued.

Vote: Ayes: 6 Nays: 2 (Anderson, Stack) Absent: 3 (Baroway, Koop, Quinn)

Tim Cox, City Attorney, acknowledged that this ordinance has an emergency clause attached to it which requires a vote of eight Council members, regardless of the number of members present. The passage of the ordinance by a vote of 6/2 is passage of the ordinance but without the emergency clause. Therefore, there is a 30-day referendum period before the ordinance can take effect. A closing has been scheduled.

Mike Rock, City Manager, indicated that Staff will have to renegotiate and hopefully, we will still have the deal.

ITEM 16 – GENERAL BUSINESS

ITEM 10 – ORDINANCE O-2009-38 – Submitting Proposed Amendments To The Lakewood City Charter To A Vote Of The Registered Electors Of The City Of Lakewood At The Regular Municipal Election On November 3, 2009; And Further Declaring An Emergency

A motion was made by Councilwoman Kellen, and seconded by Councilman Paul, to adopt Ordinance O-2009-38.

Vote: Ayes: 6 Nays: 2 (Anderson, Stack) Absent: 3 (Baroway, Koop, Quinn)

ITEM 17 – REPORTS

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

ITEM 18– ADJOURNMENT

There being no further business to come before the Council; Mayor Murphy adjourned the meeting at 9:00 p.m.

Submitted by:

Margy Greer, City Clerk