

August 21, 2007

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

Council-Manager Form of Government

Regular Meeting - 6:00 p.m.

A regular meeting of the Council of the City of Fort Collins was held on Tuesday, August 21, 2007, at 6:00 p.m. in the Council Chambers of the City of Fort Collins City Hall. Roll Call was answered by the following Councilmembers: Brown, Hutchinson, Manvel, Ohlson, Poppaw, Roy, and Troxell.

Staff Members Present: Atteberry, Krajicek, Roy.

Citizen Participation

K-Lynn Cameron, Larimer County Open Lands Program, thanked Council for the donation to assist the County in purchasing the Hermit Park Open Space.

Trudy Haines, 625 Hinsdale, Friends of Hermit Park Citizens' Committee representative, thanked Council for the donation to conserve Hermit Park for all citizens.

Eric Sutherland, 631 LaPorte, expressed concern about the City's sponsorship of the Rocky Mountain Sustainable Living Fair. He felt views expressed at the Fair regarding undocumented workers were inappropriate and there was too much emphasis on the use of biofuels.

Cheryl Distaso, 135 South Sunset Street, thanked Council for the creative solutions proposed during the discussion of the exterior property maintenance standards changes. She urged Council to consider a resolution urging withdrawal of U.S. troops from Iraq.

Joe Kissell, 913 West Oak, commended Council for creative ideas on ways to help people meet the proposed changes to minimum exterior property standards. He urged Council to adopt a resolution calling for the immediate withdrawal of U.S. troops from Iraq.

Cliff Bettinghouse, 1925 Creekwood, stated his son, Matt, died in a motorcycle crash after being chased by CSU police. He questioned why the CSU police needed to chase his son and stated they violated the Traffic Code by participating in the chase.

Gail Zirtzlaff, 2048 Manchester, stated the house next door to hers had many Code violations and she had received no response to complaints she had made to the building inspector and the police.

Bruce Lockhart, 2500 East Harmony Road, spoke against the Mason Street Corridor as citizens had voted against the project in the past and had not shown interest in the project.

Al Bacilli, 520 Galaxy Court, stated he did not support giving any funds to the Chamber of Commerce and asked if the City gave funds to the Northern Labor Trades Council. He wanted vendor fees to stay with the City and not be refunded.

Citizen Participation Follow-up

Councilmember Roy spoke about the Mason Street Corridor and stated citizens had never voted on the Mason Street Corridor as a stand-alone project.

Councilmember Ohlson stated his concerns about the emphasis placed on biofuels. He wanted the City to distance itself from the use of biofuels in its policies. As part of the 2008-2009 budget process, vendor fees are being reviewed and changes may be made. He asked what other private organizations receive funding from the City and what were the reasons for the organizations to receive these funds. He requested a response to Mr. Bettinghouse's questions regarding the CSU police chase.

Mayor Hutchinson asked for clarification of the federal funds for the Mason Street Corridor. City Manager Atteberry stated federal funds were a critical part of the Corridor Project. The recommended 2008-2009 Budget will contain the required local share of funds to match the federal funds. There are also state funds involved in the Project, as well. The bulk of funding is being requested from the Federal Transit Administration.

Councilmember Ohlson thanked Larimer County and the Friends of Hermit Park Citizens' Committee for raising the funds in a short time frame to purchase Hermit Park.

Agenda Review

City Manager Atteberry stated Item #20 *First Reading of Ordinance No. 098, 2007, Authorizing the Lease of City-owned Property at 214 North Howes Street, Along with Related Parking Rights at 220 North Howes Street, for up to Five Years* contained a revised version of the Ordinance. Item #23 *Resolution 2007-073 Accepting the Improvements in the Timberline and Prospect SID #94, the Statement of the City Engineer Showing the Cost of Said District and the Assessment Roll Prepared by the Financial Officer for Said District* had a revised Exhibit C to reflect the corrected Assessment Roll.

CONSENT CALENDAR

6. Consideration and Approval of the Minutes of the July 17, 2007 Regular Meeting.
7. Second Reading of Ordinance No. 082, 2007, Amending Section 23-115 of the City Code to Allow for the Vacation of City Right-of-Way in Situations Where the Vacated Right-of-Way Will Still Be Used For Other Public Purposes.

Section 23-115 of the City Code establishes a process whereby the City Council may vacate public rights-of-way in the City. It requires a finding by the Council that the public right-of-way to be vacated is no longer needed for "any public" purpose. Sometimes it may be in the best interests of the City to vacate a right-of-way even though the real property underlying the right-of-way may still be needed and used for some other municipal purpose such as utility lines. This Ordinance, unanimously adopted on First Reading on July 17, 2007, changes the wording of Section 23-115(a) to better address this type of situation.

8. Second Reading of Ordinance No. 083, 2007, Calling a Special Municipal Election to Be Held in Conjunction with the November 6, 2007 Larimer County Coordinated Election.

This Ordinance, unanimously adopted on First Reading on July 17, 2007, calls a Special Municipal Election to be held in conjunction with the November 6, 2007 Larimer County Coordinated Election, and preserves the opportunity for Council to place initiated or referred issues on the November ballot.

9. First Reading of Ordinance No. 084, 2007, Appropriating Unanticipated Grant Revenue in the General Fund for the Poudre Valley Health System Choose the Right Road Driving Program.

Poudre Valley Health System ("PVHS") developed a comprehensive prevention program called "Choose the Right Road" to minimize the number of individuals who drive while intoxicated. "Choose the Right Road" collaborates with local government, businesses, law enforcement, health care providers, Colorado State University, Poudre School District and other community sectors to reduce the number of individuals who drive intoxicated. The program uses many strategies to decrease the number of people who drive intoxicated, such as public education and dissemination of information about hazards of driving while intoxicated to youth in the community. A listing of strategies and the program budget is attached.

The State of Colorado and the Alcohol and Drug Division of the Colorado Department of Human Services require that the grant funds be dispersed to a "local public procurement unit." A "local public procurement unit" means any county, city, municipality, or other public subdivision of the state, any public agency of any such political subdivision, any public authority, any education, health or other institution, and to the extent provided by law, any other entity which expends public funds for the procurement of supplies, services and construction.

PVHS requested that the City serve as the local public procurement unit and a pass-through recipient of the grant proceeds. This Ordinance will allow the City to disburse the grant funds to PVHS (via the Hospital Foundation) upon completion of any grant-related documents and a subgrant agreement between the City and PVHS.

10. First Reading of Ordinance No. 085, 2007, Appropriating Unanticipated Revenue in the Form of Developer Contributions in the Transportation Services Fund for the Purpose of Providing Improvements to the Railroad Crossing on Vine Drive East of Timberline Road.

When the Water Glen PUD was approved, a condition of that approval was for the developer to improve and widen Vine Drive offsite from its development to Timberline Road. This connection was required in order for the PUD to comply with the City's Adequate Public Facilities requirements. The improvement included widening and improving the Burlington Northern Santa Fe Railway Company (BNSF) railroad crossing. Since the agreements with the BNSF were slow to happen, the developer deposited funds with the City to pay for its anticipated expense.

The City has worked with the BNSF to improve the crossing. The \$95,000 collected from the developer must now be appropriated to pay for the improvements. Since some of the work will be paid for by the Pavement Management Program, it is proposed that the funds be appropriated into the Pavement Management Program.

11. First Reading of Ordinance No. 086, 2007, Appropriating Unanticipated Grant Revenue in the General Fund for the Restorative Justice Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Police Services Operating Budget.

A grant in the amount of \$23,345 has been received from the Colorado Division of Criminal Justice for salaries and supplies and operating expenses associated with the continued operation of the Restorative Justice Program. Restorative justice is an alternative method of holding a youth offender accountable by facilitating a meeting with the young offender, the victim and members of the community to determine the harm done by the crime, and what should be done to repair the harm. By identifying and repairing the harm caused by the crime, criminal justice officials are optimistic repeat offenses by these youth will be reduced and the needs and concerns of the victims and affected community will be addressed. A \$7,782 cash match is required and will be met by appropriating funds from the police operating budget.

The grant period is from July 1, 2007 to June 30, 2008.

12. Items Relating to the Construction of Improvements to Old Fort Collins Heritage Park.

- A. First Reading of Ordinance No. 087, 2007, Authorizing the City Manager to Enter Into a Grant Agreement with the State Board of the Great Outdoors Colorado Trust Fund for the Receipt of Funds for Improvements to Old Fort Collins Heritage Park.
- B. First Reading of Ordinance No. 088, 2007, Appropriating Unanticipated Revenue in the Neighborhood Parkland Fund - Old Fort Collins Heritage Park Capital Project and Authorizing the Transfer of Appropriations Between Funds to Redevelop a Playground and Construct a Skate Park and Two New Handball Courts at Old Fort Collins Heritage Park.

The installation of the new Northside Aztlan Community Center required the removal of the existing playground and skate park. The two facilities were included in the redesign of the park site as part of the new community center design effort. The playground will be located near the community center while the skate park will be relocated to the north and east behind the building. The playground will feature a new climbing boulder. Design of the skate park is being coordinated with downtown skaters.

Two new three-wall handball courts provide new recreational opportunities to residents and were initiated by strong interest and support from Fort Collins Handball Association members. There are currently no other public three-wall handball courts in Fort Collins. Handball is a game for everyone regardless of size or gender, is relatively inexpensive to play, develops both sides of the body, is easy to learn and is great exercise.

Pursuant to GOCO regulations, the City has until June 21, 2009 to complete the project.

The first Ordinance authorizes and approve the terms of the GOCO grant agreement, including the placing of a restrictive covenant on the Heritage Park property.

The second Ordinance appropriates funds to the project from several sources, including the GOCO grant.

13. Items Relating to Safe Routes to School.

- A. Resolution 2007-068 Authorizing the Execution of an Agreement Between the City of Fort Collins and the Colorado Department of Transportation (CDOT) for the Non-infrastructure Funding of the Safe Routes to School Program.
- B. First Reading of Ordinance No. 089, 2007, Appropriating Unanticipated Revenue in the Transportation Services Fund - FY 2007-2008 Safe Routes to School Project to Fund Safe Routes to School Programming at Five Fort Collins Elementary Schools.

The City of Fort Collins Transportation Planning office has received a grant from CDOT Safe Routes to School program for FY 2007 to provide non-infrastructure Safe Routes to School funding in five local schools. This program will target students, parents, and teachers in a collaborative effort to increase the numbers of children bicycling and walking to school. Students will be encouraged to walk and bike by fun and interactive classroom programs and parents will be encouraged to allow children to walk and bike through education and community building activities.

14. First Reading of Ordinance No. 090, 2007, Amending Section 2-82 of the City Code Relating to Membership of the Affordable Housing Board.

At the July 24, 2007 Work Session, the Affordable Housing Board met with City Council as part of the periodic review process for boards and commissions. The Board stated that boardmember turnover had created a problem for meeting quorum requirements at meetings and further stated that the Board had not had full membership this year. The Board requested, as part of its Periodic Review Questionnaire, to reduce its membership from 9 to 7 members. Currently there are 8 members on the Affordable Housing Board due to the resignation of Jason Oldham. On December 31, 2007, Jon Fairchild's term will expire. Since Mr. Fairchild will meet his term limit in December 2007, this vacancy will not be filled bringing the board membership to 7 members beginning January 1, 2008.

15. First Reading of Ordinance No. 091, 2007, Amending Section 1-2 of the City Code to Authorize the City Manager to Designate Employees of the City to Perform Any Duties Assigned by the City Code to Persons Holding Positions of Employment That No Longer Exist under the City's Current Administrative Structure and Ratifying the Administrative Delegation or Reassignment of Certain Duties.

The City Code currently contains references to duties and responsibilities of persons occupying specific positions of employment, some of which no longer exist as a result of the

recent reorganization of the City's administrative structure in February 2007. This Ordinance amends the definition of "delegation of authority" in the City Code to allow the City Manager to designate, in writing, a position of employment to which those individual duties and responsibilities may be assigned as the need arises. The City Manager's designation would remain in effect until such time as the position designated in the Code is reestablished or the Code is amended to specify a different position to which the duty or responsibility is to be assigned. The Ordinance also ratifies those delegations and reassignments that have occurred since the reorganization.

16. First Reading of Ordinance No. 092, 2007, Designating the Bradley House and Rock Walls, 1510 South College Avenue, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Michael P. and Susan C. Curiel, are initiating this request for Fort Collins Landmark designation for the property. The Bradley Residence and associated Rock Walls qualifies for individual Landmark designation under Landmark Standard (3). This property represents a detailed version of the English-Norman Cottage, style popular in the United States during the 1920s and 1930s. The residence is notable for its unusual false thatched roof, pebble surface walls, fieldstone façade, decorative front and side porch details and elaborately decorated pergola. The moss rock, or fieldstone perimeter walls are an integral part of the property. Constructed of the same material as employed on the house, the walls contribute significantly to the historic character of the property.

17. First Reading of Ordinance No. 093, 2007, Designating the J.E. Foreman House, 239 North Grant Avenue, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owners of the property, Erin Morgan and Erin Muths, are initiating this request for Fort Collins Landmark designation for the property. The J.E. Foreman House qualifies for Landmark designation under Landmark Standard (1). The house is associated with the period of tremendous growth and prosperity resulting from the opening of the Fort Collins Sugar Manufacturing Company factory in 1904. Although modified, the home is also interesting as an example of Classic Cottage architecture, retaining a preponderance of its stylistic characteristics.

18. Items Relating to the McClelland's Creek PD & PLD Second Filing Annexation and Zoning.

- A. Resolution 2007-069 Setting Forth Findings of Fact and Determinations Regarding the McClelland's Creek PD & PLD Second Filing Annexation and Zoning.
- B. Hearing and First Reading of Ordinance No. 094, 2007, Annexing Property Known as the McClelland's Creek PD & PLD Second Filing Annexation.
- C. Hearing and First Reading of Ordinance No. 095, 2007, Amending the Zoning Map and Classifying for Zoning Purposes the Property Included in the McClelland's Creek PD & PLD Second Filing Annexation to the City of Fort Collins, Colorado.

This is a request to annex and zone 44.32 acres located at the southwest corner of Kechter Road and Strauss Cabin Road. McClelland's Creek runs along the southwest side of the property and Zach Elementary School directly to the west. The property is undeveloped and is in the FA-1 Farming District in Larimer County. The requested zoning in the City of Fort Collins is LMN - Low Density Mixed-Use Neighborhood.

Staff is recommending that this property be included in the Residential Neighborhood Sign District. A map amendment will not be necessary to place this property on the Residential Neighborhood Sign District Map.

19. Items Relating to the Rein Annexation and Zoning.

- A. Resolution 2007-070 Setting Forth Findings of Fact and Determinations Regarding the Rein Annexation.
- B. Hearing and First Reading of Ordinance No. 096, 2007, Annexing Property Known as the Rein Annexation to the City of Fort Collins, Colorado.
- C. Hearing and First Reading of Ordinance No. 097, 2007, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Rein Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property that is approximately 1.52 acres in size. The site is 1038 West Vine Drive located between North Shields Street and Wood Street. Contiguity with the existing municipal boundary is gained along the entire southern and western boundaries.

20. First Reading of Ordinance No. 098, 2007, Authorizing the Lease of City-owned Property at 214 North Howes Street, Along with Related Parking Rights at 220 North Howes Street, for up to Five Years.

Upon the completion of the new Northside Aztlan Community Center, as part of a facility consolidation effort, the Recreation Department will relocate from its existing location at 214 North Howes to 215 North Mason and the new Northside Aztlan Community Center. Aside from approximately 1,100 square feet of remaining storage, the City has no immediate use for the Recreation Department facility at 214 North Howes Street. This Ordinance authorizes the lease of this City-owned property, along with nine parking spaces located in the parking lot of 220 North Howes Street, and six parking spaces on the south side of 214 North Howes Street.

21. Resolution 2007-071 Finding Substantial Compliance and Initiating Annexation Proceedings for the Old Oak Estates Annexation.

The Old Oak Estates Annexation is 5.25 acres in size. The site is 5227 Strauss Cabin Road, located approximately one-half mile south of Harmony Road. Contiguity with the existing municipal boundary is gained along the entire northern and western boundaries.

The proposed Resolution states that it is the City's intent to annex this property and directs that the published notice required by State law be given of the Council's hearing to consider the needed annexation ordinance. The hearing will be held at the time of First Reading of the annexation and zoning ordinances on October 2, 2007. Not less than 30 days prior, published notice is required by State law.

22. Resolution 2007-072 Authorizing the Payment of \$91,000 to Larimer County for the Purchase of a Second Right of Refusal to Acquire Hermit Park.

Located on Highway 36 in the Estes Valley, Hermit Park is a beautiful 1,362-acre property recently acquired by Larimer County's Open Lands Programs from Agilent Technologies for \$6.5 million. Recreational facilities include 75 designated camp sites, 15 log camper cabins and a large group picnic shelter and related facilities. Recreational activities contemplated on the property will be substantially the same as current uses, which include camping, hiking, mountain biking, horseback riding and group gatherings. The County's Open Lands Program is funding the project with its own monies, as well as grants from numerous other organizations. The Fort Collins Natural Areas Program, in exchange for a Second Right of Refusal (after a First Right of Refusal held by Estes Park), will contribute \$91,000 to the County's fundraising campaign.

23. Resolution 2007-073 Accepting the Improvements in the Timberline and Prospect SID #94, the Statement of the City Engineer Showing the Cost of Said District and the Assessment Roll Prepared by the Financial Officer for Said District.

The Timberline Road, Drake to Prospect Project was the most heavily congested intersection in the City. In the absence of any City Capital Improvement funding for this intersection, two impacted developers elected to privately fund these improvements in order to proceed with their development projects. These developers are the majority property owners and will receive the proceeds of Special Improvement District #94 to spread a portion of the costs through assessments to other undeveloped property in the area benefitted by the improvements.

24. Resolution 2007-074 Reestablishing a Telephone Exchange Access Facility Charge and a Wireless Communications Access Charge for the Larimer Emergency Telephone Authority Effective January 1, 2008.

This Resolution authorizes telephone and wireless telephone service providers to collect a telephone exchange access facility charge and wireless communications access charge for emergency 911 telephone services.

25. Resolution 2007-075 Approving the Intergovernmental Agreement Between the Cities of Fort Collins and Loveland, and with Bohemian Companies, LLC, Regarding Taxiway Improvements at the Fort Collins-Loveland Municipal Airport.

The Cities of Loveland and Fort Collins jointly own and operate the Airport. In connection with their joint operation, the Cities desire to perform needed maintenance to a cross wind

taxiway that was constructed approximately 22 years ago by the Triad Development Company.

Per the original agreement Triad was responsible for constructing a taxiway on City-owned airport land to gain access from Triad's private property to the Airport's runway. The agreement identified 75 lots on the Triad property that would have access to the Airport via the taxiway; these 75 lot owners are responsible for maintenance/repair costs on the taxiway improvements built on Airport property. The Bohemian Companies, LLC owns three of these lots.

Currently, the Cities do not have sufficient funds available to upfront the costs to perform the needed maintenance. Bohemian Companies, LLC is willing to advance the Cities money necessary to proceed with the repairs/maintenance to the taxiway, subject to the terms and conditions of the proposed Taxiway Reimbursement Agreement. Upon completion of the repairs to the taxiway, the Cities will reimburse Bohemian Companies the funds that are recovered from the other property owners in the Taxiway Service Area. The Cities are not required to pay Bohemian Companies any funds which are not collected from the other property owners.

The taxiway is in very bad condition and needs immediate repair. The taxiway is also used on occasion as a cross wind runway for small single-engine aircraft. The taxiway is made of asphalt and is 2,240 feet long by 40 feet wide. The repairs to be completed under this project will greatly improve safety. The repairs will include the following:

- Repair of the cracks in the asphalt surface
- Placement of an asphalt leveling course
- Installation of a stress absorbing fiber membrane on the entire surface
- Placement of a two inch asphalt overlay
- Placement of dirt along the pavement edges
- Application of paint markings

City staff has reviewed the agreement and recommends City Council approval of the agreement.

26. Resolution 2007-076 Making Appointments to the Downtown Development Authority Board.

Ordinance No. 067, 2007, adopted on Second Reading on June 5, 2007, amended the City Code to increase the number of members on the Downtown Development Authority Board of Directors (DDA) from nine to eleven, and designated that one of the additional seats would be occupied by a member of the Larimer County Board of Commissioners, subject to appointment by City Council. The County Commissioners have recommended that Commissioner Kathay Rennels be appointed as its representative on the DDA Board. Applications were solicited to fill the additional seat. Councilmembers Ohlson and Brown conducted interviews and are recommending Ryan Keiffer as the additional appointee to the Board.

27. Resolution 2007-077 Making Appointments to the Air Quality Advisory Board and the Commission on Disability.

A vacancy currently exists on the Air Quality Advisory Board due to the resignation of Shane Armstrong. Applications were solicited and Councilmembers Roy and Ohlson conducted interviews. The Council interview team is recommending Katrina Winborn to fill the vacancy with a term to begin immediately and set to expire on December 31, 2009.

A vacancy currently exists on the Commission on Disability due to the resignation of Joan Cook. Applications were solicited and Mayor Hutchinson and Councilmember Poppaw conducted interviews. The Council interview team is recommending Lydia Wiatrowski to fill the vacancy with a term to begin immediately and set to expire on December 31, 2010.

*****END CONSENT*****

Ordinances on Second Reading were read by title by City Clerk Krajicek.

7. Second Reading of Ordinance No. 082, 2007, Amending Section 23-115 of the City Code to Allow for the Vacation of City Right-of-Way in Situations Where the Vacated Right-of-Way Will Still Be Used For Other Public Purposes.
8. Second Reading of Ordinance No. 083, 2007, Calling a Special Municipal Election to Be Held in Conjunction with the November 6, 2007 Larimer County Coordinated Election.

Ordinances on First Reading were read by title by City Clerk Krajicek.

9. First Reading of Ordinance No. 084, 2007, Appropriating Unanticipated Grant Revenue in the General Fund for the Poudre Valley Health System Choose the Right Road Driving Program.
10. First Reading of Ordinance No. 085, 2007, Appropriating Unanticipated Revenue in the Form of Developer Contributions in the Transportation Services Fund for the Purpose of Providing Improvements to the Railroad Crossing on Vine Drive East of Timberline Road.
11. First Reading of Ordinance No. 086, 2007, Appropriating Unanticipated Grant Revenue in the General Fund for the Restorative Justice Program and Authorizing the Transfer of Matching Funds Previously Appropriated in the Police Services Operating Budget.
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Playground and Construct a Skate Park and Two New Handball Courts at Old Fort Collins Heritage Park.

13. First Reading of Ordinance No. 089, 2007, Appropriating Unanticipated Revenue in the Transportation Services Fund - FY 2007-2008 Safe Routes to School Project to Fund Safe Routes to School Programming at Five Fort Collins Elementary Schools.
14. First Reading of Ordinance No. 090, 2007, Amending Section 2-82 of the City Code Relating to Membership of the Affordable Housing Board.
15. First Reading of Ordinance No. 091, 2007, Amending Section 1-2 of the City Code to Authorize the City Manager to Designate Employees of the City to Perform Any Duties Assigned by the City Code to Persons Holding Positions of Employment That No Longer Exist under the City's Current Administrative Structure and Ratifying the Administrative Delegation or Reassignment of Certain Duties.
16. First Reading of Ordinance No. 092, 2007, Designating the Bradley House and Rock Walls, 1510 South College Avenue, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.
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 - B. Hearing and First Reading of Ordinance No. 094, 2007, Annexing Property Known as the McClelland's Creek PD & PLD Second Filing Annexation.
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Councilmember Manvel made a motion, seconded by Councilmember Ohlson to adopt and approve all items on the Consent Calendar. Yeas: Councilmembers Brown, Hutchinson, Manvel, Ohlson, Poppaw, Roy and Troxell. Nays: None.

THE MOTION CARRIED.

Staff Reports

City Manager Atteberry stated the City's Purchasing Department was now 100% certified and is recognized as one of 46 cities in the United States to have all purchasing managers and buyers certified by the Universal Public Purchasing Certification Council. He thanked Jim O'Neill, Purchasing Agent, and his staff for their hard work. He noted the success of the 19th annual New West Fest held the previous weekend. He recognized the Downtown Business Association as hosts of the event and the Bohemian Foundation which was involved in bringing music talent to the Fest. Large crowds attended throughout the weekend and there were no major health or safety issues that arose. He thanked the police, fire and health professionals that contributed time to make New West Fest a safe and fun event.

Other Business

Councilmember Troxell stated the proposed Exterior Property Maintenance Standards discussed at a previous work session needed public/private partnerships to help build community. He proposed the concept of Post-Development Home Owners Associations to provide a neighborhood the ability to develop its own Home Owners Association to maintain its own standards with regard to exterior maintenance. This might give more flexibility to various neighborhoods than "one size fits all" Code provisions that would apply across the City. A model agreement would be established by Council that would have a defined neighborhood listed and would enable a neighborhood to do such things as contract with a single trash hauler. Council could create a Code provision that stated a supermajority of a defined neighborhood could enact a Post-Development Home Owners Association. This would allow the neighborhood to pursue and maintain its own neighborhood character as outlined in the model agreement. Post-Development HOAs could be considered as an alternative to changing the City Code.

Councilmember Manvel questioned the legal issues of giving neighborhoods power over the individual home owners instead of the City enforcing its Code. He asked if this proposal would be in place of any city-wide maintenance standards or as a supplement to any City standards.

Councilmember Troxell stated the City's standards could be contained in the model agreement. A city-wide set of standards did not accommodate the variety of neighborhoods and the agreement would be specific to each neighborhood.

Councilmember Manvel stated the City already has city-wide standards such as no abandoned cars or no high weeds. The proposed Exterior Property Maintenance Standards would extend the standards to other areas. He wanted to build neighborhood unity and supported an investigation into the legality of whether neighbors can set standards for other neighbors.

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Councilmember Ohlson stated he would consider Post-Development Home Owners Associations as another option but they could not be in place of the city-wide Code changes that were needed.

Councilmember Roy stated Post-Development Home Owners Associations were a good idea and he supported further investigation into the concept.

Councilmember Ohlson reminded existing HOAs that they cannot restrict clotheslines, solar panels, compost bins and xeriscaping.

Mayor Hutchinson stated Council was developing some creative answers to community issues such as exterior property maintenance standards. The idea of public/private partnerships to help citizens maintain their properties was good and he asked that staff would also examine how areas would be treated that were not in a post-development HOA.

Councilmember Ohlson asked for information regarding a "basic basic" cable package provided by Comcast and how are citizens being informed that such a package is available to them. City Manager Atteberry stated the City's website does list the \$13.99 basic tier line-up that is available to citizens. However, Comcast's website does not list the basic tier as an available option. Staff will request that Comcast make that option more visible to customers.

Executive Session Authorized

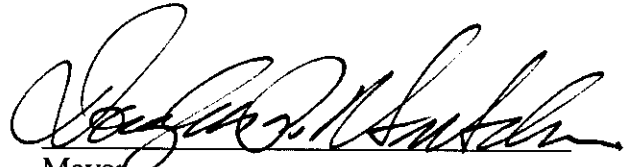
Councilmember Ohlson made a motion, seconded by Councilmember Brown, for Council to go into Executive Session as authorized by Section 2-31(a)(1)(d), Section 2-31 (a)(2) and Section 2-31(a)(3) for the purpose of discussing strategy matters relating to negotiations with employee groups, the possible acquisition and/or sale of real property, and any related legal issues. Yeas: Councilmembers Brown, Hutchinson, Manvel, Ohlson, Poppaw, Roy and Troxell. Nays: None.

THE MOTION CARRIED.

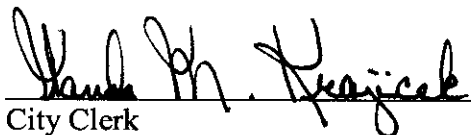
(**Secretary's Note: The Council adjourned into Executive Session at 7:00 p.m. and reconvened following the Executive Session at 10:00 p.m.)

Adjournment

The meeting adjourned at 10:00 p.m.


Mayor

ATTEST:


City Clerk