

AGENDA

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

July 16, 2002

Proclamations and Presentations

5:30 p.m

- A. Proclamation Proclaiming August 4, 2002 as “National KidsDay”.
- B. Proclamation Proclaiming August 6, 2002 as “Neighborhood Night Out”.
- C. Proclamation Proclaiming the Week of July 21-27, 2002 as “Flood Awareness Week”.
- D. Proclamation Proclaiming July 20, 2002 as “A Day of Education for Children’s Safety”.
- E. Proclamation Proclaiming July 4 - August 6, 2002 as “Good Neighboring Month”.

Regular Meeting

6:00 p.m.

PLEDGE OF ALLEGIANCE

- 1. CALL MEETING TO ORDER.
- 2. ROLL CALL.
- 3. CITIZEN PARTICIPATION (limited to 30 minutes)
- 4. CITIZEN PARTICIPATION FOLLOW-UP:

This is an opportunity for the Mayor or Councilmembers to follow-up on issues raised during Citizen Participation.

- 5. AGENDA REVIEW: CITY MANAGER

6. CONSENT CALENDAR

The Consent Calendar consists of Item Numbers 7 through 30. This Calendar is intended to allow the City Council to spend its time and energy on the important items on a lengthy agenda. Staff recommends approval of the Consent Calendar. Anyone may request an item on this calendar to be "pulled" off the Consent Calendar and considered separately. Agenda items pulled from the Consent Calendar will be considered separately under Agenda Item #41, Pulled Consent Items. The Consent Calendar consists of:

- 1) Ordinances on First Reading that are routine;
- 2) Ordinances on Second Reading that are routine;
- 3) Those of no perceived controversy;
- 4) Routine Administrative actions.

CONSENT CALENDAR

7. Consideration and approval of the Council meeting minutes of May 7 and May 21, 2002, and the special meeting minutes of May 28, 2002.
8. Items Relating to the Poudre School District and Timbers P.U.D. Annexation.
 - A. Second Reading of Ordinance No. 085, 2002, Annexing Property Known as the Poudre School District and Timbers P.U.D. Annexation to the City of Fort Collins, Colorado.
 - B. Second Reading of Ordinance No. 086, 2002, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Poudre School District and Timbers P.U.D. Annexation to the City of Fort Collins, Colorado.

This is a 100% voluntary annexation and zoning of a property approximately 35.53 acres in size and owned by two entities. The site is located on the east side of South Timberline Road, approximately one-third mile south of Kechter Road and approximately one-half mile north of Trilby Road. Contiguity with the existing municipal boundary is gained along the south property line with a parcel known as the Westchase Annexation No. 2. Both Ordinances were unanimously adopted on First Reading on May 21, 2002.

9. Second Reading of Ordinance No. 088, 2002, Appropriating Unanticipated Grant Revenue in the General Fund for Environmental Programs.

This Ordinance, which was unanimously adopted on First Reading on June 4, 2002, appropriates \$10,000 in unanticipated grant revenue from the State of Colorado, which will be used to conduct a sustainable design seminar for local investors, developers, engineers and architects.

10. Second Reading of Ordinance No. 089, 2002, Authorizing Acquisition by Eminent Domain Proceedings of Certain Lands Necessary for the Construction of Public Improvements in Connection with the South Taft Hill Projects.

The South Taft Hill Road Improvements Projects include the Spring Creek Trail Crossing and Extension, the Taft Hill Waterline Extension and the Regional Detention Pond and are currently under construction. The combined project is the cooperative effort between the City's Engineering, Parks and Recreation, and Utility Departments.

Ordinance No. 32, 2001 authorized the use of eminent domain to acquire certain lands for the construction of the public improvements. This Ordinance, which was unanimously adopted on First Reading on June 4, 2002, amends the legal description of specific property interests to be acquired from Alger and Lori R. Sedlak as a compromise alignment of the Spring Creek Trail.

11. Second Reading of Ordinance No. 090, 2002, Authorizing the Sale of City-Owned Property Known as the Old Harmony Gas Station Building.

The Harmony-Timberline project was scheduled for construction in 2001. This was a critical project at a major intersection, and traffic safety concerns made it essential that this project stay on schedule for completion in 2001. Eminent domain authority was granted by City Council in order that ROW issues not block the construction. It became necessary to exercise the eminent domain authority to obtain possession of the necessary ROW at the NW corner of the intersection. In obtaining possession of that ROW, the City also took possession of the Harmony Gas Station building, under an agreement between the owner of the property and a subsequent court order.

Council requested that the Landmark Preservation Commission (LPC) hear and provide comments on this item. The LPC was presented an update on the Harmony Gas Station Building and this item on June 11, 2002. The LPC had no negative comments regarding the planned sale of the structure, and commended preservation staff on their long efforts to deal with this relocation. The LPC also took action regarding the Demolition Review Process outlined in the City Code and scheduled a hearing for public comment on the relocation of the structure for July 17, 2002.

The sealed bid auction opening was held July 9, 2002. There was one bid received for the structure in the amount of \$8,333. Fun Fortress, LLC, which owns and operates the Fort Fun Amusement Park, intends to use the structure as a feature in its planned family go-cart track attraction.

CPES and Transportation staff concur that this is an acceptable bid and have recommended the contract be awarded.

Ordinance No. 090, 2002, was unanimously adopted on First Reading on June 4, 2002. It has been revised on second reading to delete any reference to the demolition of the structure. If, in staff's judgment, demolition becomes necessary due to non-performance of the successful bidder, Council approval of the demolition will be sought at a later date.

12. Second Reading of Ordinance No. 091, 2002, Appropriating Unanticipated Revenue in the General Fund for the Department of Justice State Domestic Preparedness Equipment Program Grant to the Office of Emergency Management in the Amount of \$164,172.

The City applied for and received a grant for Terrorism Consequence Management Preparedness Assistance through the Department of Justice's Equipment Grant Program. The equipment will be used throughout the northeast Colorado region. The grant received the full support of Larimer County, Loveland, Union Colony Fire Rescue, Windsor, Wellington, Estes Park, Berthoud, and many others in the Northeast and Eastern Plains of Colorado. The Poudre Fire Authority will provide training to Office of Emergency Management response partners and will develop a multi-tiered response structure. Ordinance No. 091, 2002, was unanimously adopted on June 4, 2002.

13. Second Reading of Ordinance No. 092, 2002, Appropriating Prior Year Reserves in the General Fund, Recreation Fund, and Capital Projects Fund and Authorizing the Transfer of Appropriations Between Projects Within the Capital Projects Fund to Be Used for Renovation of City Park Pool.

During October of 2001 the City hired a pool safety consultant, Jeff Ellis and Associates, to conduct a safety audit of the four public pools that the City operates. The audit found significant safety problems with the outdoor pool at City Park, which led to the recommendation that the pool not be opened until it is renovated or replaced.

The Council agreed that the pool should not be opened this year because of the significant safety problems. Council asked staff to develop a preliminary design and cost estimate to renovate the pool so it could be opened in 2003. To expedite this process, staff utilized the City's annual architectural contract with Aller-Lingle Architects P.C. for the preliminary design and cost estimate. Given the estimated cost of \$1,744,770, this Ordinance, which was unanimously adopted on First Reading on June 4, 2002, appropriates \$1,470,000 from the General Fund reserve, appropriates \$30,000 from Choices 95 Capital Projects Fund, appropriates \$120,000 from the Recreation Fund Reserve, and re-allocates \$124,770 from the Operations Services Department Major Maintenance Budget for this project. This Ordinance also authorizes this project to proceed, based upon the Milestone Schedule.

14. First Reading of Ordinance No. 094, 2002, Appropriating Unanticipated Revenue in the General Fund and Authorizing the Transfer of Appropriated Amounts Between Accounts and Projects for the Multi-Jurisdictional Drug Task Force.

For the past 15 years, Fort Collins Police Services has applied to the Colorado Division of Criminal Justice for federal grant monies to help fund the investigation of illegal narcotics activities. Fort Collins Police have once again joined with other members of the Larimer County Drug Task Force, to include the Loveland Police Department, Larimer County Sheriff's Department, Drug Enforcement Administration (DEA), and the Colorado State University Police Department, in one application for funding of the multi-jurisdictional drug task force to be administered by the City of Fort Collins. As administrator of the 2002-2003 grant, Police Services will assure funding to other participating agencies for its share of the federal funds. The participating agencies will benefit from grant funds in the areas of overtime, confidential funds, salaries, training, and lease expenses associated with the off-site facility. This appropriation is not a request to identify new dollars for Police Services' 2002-2003 budget. This action appropriates the \$271,081 in new Federal grant money and \$3,825 from Colorado State University.

15. First Reading of Ordinance No. 095, 2002, Appropriating Unanticipated Grant Revenue in the Building Community Choices - Natural Areas Capital Project for the Purpose of Reroofing, and Installing Gutters on, the East Farm House Located at the Nix Farm Natural Area.

The City of Fort Collins has been awarded a State Historical Fund grant in 2002 by the Colorado Historical Society. The purpose of the grant is to reroof the East Farm House at the Nix Farm using historic type wood shingles, and to install half-round period gutters on the house. State Historical Fund grants are available to public entities as applicants for the purpose of historic restoration of their public buildings. The grant is designed to help applicants to use historic type materials like wood shingles that can cost more than simply reroofing with modern materials.

16. First Reading of Ordinance No. 096, 2002, Authorizing the Transfer of 156 Acres from Special Improvement District No. 86 (the Provincetowne Portner Special Improvement District) to the City Natural Areas Program In Exchange for Payment for Value.

Adoption of this Ordinance would allow the Natural Resources Department to acquire approximately 156 acres of open space, natural areas, and reservoir located in the Provincetowne Special Improvement District. The property is located east of College Avenue and south of Trilby Road. The total cost of the acquisition will be \$1,035,422. The total cost includes the cost of the land, credits for reconstruction of the dam on the reservoir site, restoration, easements, and interest on the cost that has been incurred since the Natural Resources Department indicated its interest in buying the property.

17. Items Relating to the West Elizabeth Street Bikelane Project.

- A. Resolution 2002-065 Authorizing the Mayor to Enter into an Intergovernmental Agreement Between the City of Fort Collins and the Colorado Department of Transportation Regarding the West Elizabeth Street Bikelane Project.
- B. First Reading of Ordinance No. 097, 2002, Appropriating Unanticipated Revenue and Prior Year Reserves in the Transportation Services Fund to Be Used for Bicycle Lane Improvements along West Elizabeth Street Between City Park Avenue and Shields Street.

This project includes the design and construction for the West Elizabeth Street bike lanes between City Park Avenue and Shields Street. Improvements will involve installing a seven foot continuous pour of concrete, similar to the bike lanes existing on Shields Street directly in front of the Colorado State University campus. This project is planned in conjunction with Pedestrian Plan improvements to the sidewalk condition and streetscape between City Park Avenue and Shields Street.

18. First Reading of Ordinance No. 098, 2002, Amending Section 15-106 of the City Code Pertaining to Solicitations.

This Ordinance would amend the City's "Green River Ordinance" so as to prohibit door-to-door solicitations only at residential premises. Under a separate section of the Code, if a "no solicitation" or "no trespassing sign" is posted at or near the entrance to business premises, the prohibition against door-to-door solicitation would also apply to those business premises.

19. Items Relating to the Homebuyer Downpayment Assistance Program.

- A. Resolution 2002-066 Allocating Certain Home Program Income Funds and Reprogrammed CDBG Funds to the City's Homebuyer Downpayment Assistance Program.
- B. First Reading of Ordinance No. 099, 2002, Appropriating Unanticipated Revenue in the Home Investment Partnership Fund for the Homebuyer Downpayment Assistance Program.

Since January of this year, the City of Fort Collins has received program income from HOME-funded activities in the amount of \$51,000 and has also received previously-funded CDBG dollars from a canceled project. These funds are available for reprogramming to eligible programs and projects. Since 1995, the City has used a portion of its CDBG and HOME funds to provide downpayment assistance to first time homebuyers. Due to low interest rates and a supply of affordable units available for entry-level homeownership, the City's downpayment assistance fund was fully committed by June 1. The intent of this funding request is to extend the Downpayment Assistance Program to allow a minimum of 19 additional households to have access to the funds until regular CDBG and HOME funds become available in November of 2002.

20. Items Relating to the Calling of a Special Municipal Election to Be Held in Conjunction with the November 5, 2002 Larimer County General Election, and Placing a Proposed Charter Amendment on Said Ballot.

- A. Presentation of a Petition Relating to Citizen-Initiated Ordinance No. 1, 2002 (Which Continues the City's Existing Open Space Sales and Use Tax) Certified by the City Clerk as Sufficient for Placement on a Special Election Ballot.
- B. First Reading of Ordinance No. 100, 2002, Calling a Special Municipal Election to be held in Conjunction with the November 5, 2002 Larimer County General Election.
- C. First Reading of Ordinance No. 101, 2002, Submitting to a Vote of the Registered Electors of the City of Fort Collins a Proposed Amendment to Article X of the City Charter, Pertaining to Initiative and Referendum

The City Clerk's Office received an initiative petition on June 24, 2002, which has been determined to contain a sufficient number of signatures to place the initiated measure on a special election ballot. Ordinance No. 100, 2002, calls a Special Municipal Election to be held in conjunction with the November 5, 2002 Larimer County General Election. Ordinance No. 101, 2002, places a Charter amendment on the November 5, 2002 Special Election ballot. The proposed Charter amendment was considered by the Council Governance Committee on April 17, 2002.

21. First Reading of Ordinance No. 102, 2002, Designating the 1924 American-LaFrance Pumping Fire Engine as a Fort Collins Local Landmark Pursuant to Chapter 14 of the City Code.

The 1924 American-LaFrance Pumping Fire Engine has historical significance to Fort Collins as the city's first pumping fire engine, and for its association with the development of the city's fire department. The fire truck is also an important example of automotive and fire fighting apparatus technology in the twentieth century. The fire truck exhibits excellent integrity.

22. First Reading of Ordinance No. 103, 2002, Amending Certain Sections of the "Larimer County Urban Area Street Standards" by Repeal and Readoption Thereof.

It is recommended that the "Larimer County Urban Area Street Standards" (Standards) be revised. The current Standards, originally adopted in 2001, are in need of revision to make clarifications and corrections. This is the first of periodic revisions planned to keep the document current and more easily understood. The final draft of the document, marked to show the actual revisions, may be viewed in the City Clerk's office and in the City Council office.

These revisions were considered by Larimer County Board of Commissioners on July 8, 2002 and approved as a part of its Consent Agenda. The City of Loveland will consider the revisions on August 16, 2002.

The revisions have been through a public review process and have received the unanimous recommendation for adoption from the Planning and Zoning Board and the Transportation Board. The Affordable Housing Board was presented the information with the statement that the proposed revisions would have little if any effect on housing costs. No comments were received.

23. First Reading of Ordinance No. 104, 2002, Amending Certain Sections of Chapter 2 of the City Code Relating to Board and Commission Bylaws.

The Boards and Commissions Manual contains a section on "Quorums" which states:

“A quorum consists of the majority of the total number of members specified by the City Code to comprise the board or commission. This quorum requirement does not change even if a position on the board or commission is vacant and the City Council has not appointed a replacement.”

It has come to staff's attention that some boards and commissions may have bylaws that are inconsistent with this provision. While the Code currently provides that bylaws cannot be inconsistent with the City Charter and City Code, staff is recommending this Code amendment to clarify that bylaws also cannot be inconsistent with any policies adopted by the Council, such as the one cited above.

24. Items Relating to the Whitham Farms LLC Annexation.

- A. Hearing and Resolution 2002-067 Setting Forth Findings of Fact and Determinations Regarding the Whitham Farms LLC Annexation.
- B. First Reading of Ordinance No. 105, 2002, Annexing Property Known as the Whitham Farms LLC Annexation.
- C. First Reading of Ordinance No. 106, 2002, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Whitham Farms LLC Annexation to the City of Fort Collins, Colorado.

The Whitham Farms LLC Annexation is 20.04 acres in size, located east of Timberline Drive, between East Vine Drive and Mulberry Street. The parcel is contiguous to existing City boundaries by the Buderus First and Second Annexations. The recommended zoning is Transition (T). The parcel is currently vacant, and is used for agriculture.

25. Items Relating to the Poudre River 1st Annexation.

- A. Hearing and Resolution 2002-068 Setting Forth Findings of Fact and Determinations Regarding the Poudre River 1st Annexation.
- B. First Reading of Ordinance No. 107, 2002, Annexing Property Known as the Poudre River 1st Annexation.

- C. First Reading of Ordinance No. 108, 2002, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Poudre River 1st Annexation.

This is a request for a 100% voluntary annexation. The site is approximately 9.437 acres of publicly owned property located northwest of the Nix Farm Natural Area including portions of the Poudre River. The property is in the Kingfisher Natural Area. The recommended zoning is Public Open Lands (POL).

- 26. Resolution 2002-069 Authorizing a One-Year Lease of City-Owned Property at 3620 Kechter Road.

The City acquired this property as part of the Affordable Housing Land Bank Program (the “Land Bank Program”). The property is composed of five acres of development land with a single family dwelling. In accordance with the highest and best use, the City will likely eventually divide the property into four-acres of development land and a one acre residential property. In the meantime, the City will lease the residence as a horse property with acreage.

The City has considered dividing the property and selling the one-acre residential property. However, by leasing the residential portion of the property the City can retain a broader range of options for development and use of the property for the future. One of the goals of the Land Bank Program is to hold land for a minimum of five years.

The property is vacant and in need of minor repairs and renovations. Staff will advertise for new tenants. The proposed new lease would be effective for 12 months from the date of occupancy and would allow for an additional one-year renewal, at the City’s option.

27. Resolution 2002-070 Adopting the Recommendation of the Cultural Resources Board Regarding Fort Fund Disbursements.

On November 30, 1998 revised guidelines for the Cultural Development & Programming and Tourism Programming accounts (Fort Fund) were adopted and approved through the City Manager's office. These guidelines created a three-tiered funding system for organizations that apply for grants from Fort Fund. Tier #1 was established as an annual programming fund for organizations whose primary purpose is to present three or more public events annually. These groups may apply for funding from Tier #1 each April. Tier #2 allows organizations that are not eligible for Tier #1 support to apply for funding of events that are not fund-raising in nature and do not generate more than \$5,000 in proceeds after expenses. Tier #3 allows organizations that are not eligible for Tier #1 support to apply for funding of events that generate more than \$5,000 in proceeds after expenses and are fund-raising in nature. Applications for support from Tier #2 and Tier #3 are accepted each January and June.

28. Resolution 2002-071 Authorizing a Grant Agreement with the State Board of the Great Outdoors Colorado Trust Fund and an Agreement with Colorado State University for the Development by Colorado State University of the Environmental Horticulture Park.

Only local governments may apply for and receive Great Outdoors Colorado ("GOCO") Local Government grants, which are for local government parks, outdoor recreation and environmental education facility projects. Local governments may also sponsor grants for others (such as School Districts, recreational groups, etc.) who have projects that support the mission of the local government. CSU asked the City to sponsor this GOCO grant for the Environmental Horticulture Park and the City agreed to do so to help the University with this important project.

The City, as the grant applicant/recipient, must enter into a grant agreement with GOCO, but will negotiate an agreement with Colorado State University that will require the University to provide the required matching funds and comply with the grant requirements, and will give the City oversight power in order to ensure that the grant requirements are being met.

29. Resolution 2002-072 Making Appointments to Various Boards and Commissions.

A vacancy currently exists on the Affordable Housing Board due to the resignation of David McKelfresh. Councilmember Bertschy has reviewed the applications on file and is recommending Jeff Taylor to fill the vacancy with a term to begin immediately and set to expire on December 31, 2004.

A vacancy currently exists on the Building Review Board due to the resignation of Alan Hauck. Councilmembers Weitkunat and Kastein have reviewed the applications on file and are recommending Leslie Jones to fill the vacancy with a term to begin immediately and set to expire on December 31, 2003.

A vacancy exists on the Citizen Review Board due to the resignation of Jay Molok. Mayor

Martinez and City Manager Fischbach have reviewed the applications on file and are recommending David Evans to fill the vacancy with a term to begin immediately and set to expire on December 31, 2004.

Vacancies exist on the Human Relations Commission due to the resignations of Shion Hung and Ingrid Kolstoe. Councilmembers Tharp and Bertschy have reviewed the applications on file and are recommending Kimberly Clouser and Erik Rush to fill the vacancies with terms to begin immediately and set to expire on December 31, 2003.

Vacancies exist on the Library Board due to the resignations of Kay Masselink and Charles Robles. Councilmembers Tharp and Kastein have reviewed the applications on file and are recommending Melissa Pattison and Robert Burns to fill the vacancies with terms to begin immediately and set to expire on December 31, 2003.

Vacancies exist on the Youth Advisory Board due to the resignations of Ana Rocca and Robbie Weisser and the removal of Julian Archuleta for attendance violations. Applications were solicited and after conducting interviews, Mayor Martinez and Councilmember Kastein are recommending Jonathan Fanning and Abby Zier to fill two of the vacancies with terms to begin immediately and set to expire on December 31, 2005 and is recommending Chance Olson to fill the third vacancy with a term to begin immediately and set to expire on December 31, 2004.

30. Routine Easements.

- A. Easement for construction and maintenance of public utilities from Paul L. Shipman Trust, Inc., to underground existing overhead electric services, located at 413 East Mulberry. Monetary consideration: \$10. Staff: Patti Teraoka.
- B. Easement for construction and maintenance of public utilities from Christine and Rick Wood, to install a padmount electric transformer to underground electric service, located at 631 Whedbee Street. Monetary consideration: \$200. Staff: Patti Teraoka.
- C. Easement for construction and maintenance of public utilities from the Church of Jesus Christ of Latter-Day Saints, to underground electric service, located at 1400 Lynnwood. Monetary consideration: \$0. Staff: Patti Teraoka.
- D. Grant of easement from Target Corporation for carbon monoxide monitoring equipment located at 105 West Troutman Parkway. Monetary consideration: \$1. Staff: Lucinda Smith.

- E. Easement and right-of-way dedication from Poudre School District R-1, described below, related to street oversizing on Kechter Road (County Road 36). Staff: Ralph Campano.
1. A 20.04 foot wide grading, drainage and utility easement located on the southeast corner of the Webster Farm High School site. Monetary consideration: \$10. (See Map #5).
 2. A 12.03 foot wide right-of-way dedication located on the southeast corner of the Webster Farm High School site. Monetary consideration: \$10. (See Map #5).
- F. Easement dedication from Poudre School District R-1 for a 7 foot utility easement located on the 2002 Zach Elementary School site related to street oversizing on Kechter Road (County Road 36). Monetary consideration: \$10. Staff: Ralph Campano.

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

31. Consent Calendar Follow-up.
This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
32. Staff Reports.
- Staff will introduce Mary Crow, Poet Laureate of Colorado.
 - Presentation of “Commuter Choice Leadership Initiative Award”.
33. Councilmember Reports.
Committees that have met since June 4 include:
NFRT&AQPC Transportation Funding Committee

ITEMS NEEDING INDIVIDUAL CONSIDERATION

34. Consideration of the Appeal of the May 9, 2002, Decision of the Zoning Board of Appeals Denying the 907 Mathews Street Lot Area Variance Request (ZBA Appeal #2384).

On May 9, 2002, the Zoning Board of Appeals denied a variance request to reduce the required lot area from 10,000 square feet to 8,288 square feet in order to allow the construction of a new 800 square foot carriage house dwelling on the rear portion of the lot at 907 Mathews Street.

The property is zoned NCM – Neighborhood Conservation Medium Density.

On June 5, 2002, an Amended Notice of Appeal was received by the City Clerk's office regarding the decision of the Zoning Board of Appeals. In the Amended Notice of Appeal, from the Appellants Mikal Torgerson and Derrick Vandersluys, it is alleged that the Zoning Board of

Appeals failed to properly interpret and apply the relevant provisions of the Code because they allege that the decision was based on extraneous standards.

35. Resolution 2002-073 Establishing the Fees and Fares for Transfort/Dial-a-Ride in 2003.

The City Council requested the examination of the Dial-A-Ride eligibility criteria and the fees and fares for Transfort/Dial-A-Ride. At the May 28, 2002 Study Session findings were presented for the Dial-A-Ride Eligibility and Transit Fare Studies conducted by KA Associates. Council indicated there wasn't a desire to change the Dial-A-Ride eligibility criteria; however, Council felt there was a need to increase fees and fares. This proposed resolution would establish the fees and fares for 2003. The fare changes include a new \$.25 single ride Youth Fare, a new \$10 monthly Youth Fare, a new \$5 monthly low income Youth Fare, a general 25% increase for fixed route fares, and a general 25% increase in Dial-A-Ride fares. Pending Council approval, staff will include the new fares this fall in the 2003 Budget Appropriations Ordinance.

36. Emergency Ordinance No. 112, 2002, Prescribing Temporary Restrictions on the Use of City Treated Water for Lawn Watering.

Current projections for water supply from the Poudre River and the Colorado-Big Thompson (CBT) for this and coming years indicate that supply may not be sufficient to meet unrestricted demand.

The City recently learned from the Northern Colorado Water Conservancy District (NCWCD) that the supply of CBT water for next year will be less than projected. This reduction could have a significant impact on the City's water supply. In the worst case, the City may have only enough water to meet 60-70 percent of the demand in 2003.

Prior to receiving the information from the NCWCD, the City had focused on a public information campaign to encourage voluntary restrictions. While the community has been responding, revised supply projections for next year make it prudent to implement mandatory restrictions this year.

On June 27, the Water Board reviewed the most recent water use data and projections and recommended that the City Council adopt mandatory lawn watering restrictions to preserve City water supplies during the ongoing drought. City Council reviewed the proposed restrictions at its July 9 Study Session.

37. Second Reading of Ordinance No. 093, 2002. Amending Certain Sections of Chapter 2 of the City Code Relating to Boards and Commissions Membership Terms.

During the annual recruitment process for boards and commissions last fall, Council expressed a desire to streamline the application/interview process. Staff prepared a questionnaire to collect information regarding the application/interview process in other communities. The questionnaire was sent to 20 municipalities and the information was summarized and presented to the Council Governance Committee on April 17, 2002. This Ordinance which was adopted by a vote of 5-1 on June 4, 2002 changes the membership provisions contained in the City Code as follows:

- Appoints boardmembers to three-year terms and limit appointments to two consecutive three-year terms.
- Eliminates the provision that allowed Water Board members to serve three full terms as opposed to the two full terms applied to other boards and commissions.

38. Items Relating to Confidential Communications and Open Meetings.

- A. First Reading of Ordinance No. 109, 2002, Amending Section 2-568 of the City Code Pertaining to Ethical Rules of Conduct.
- B. First Reading of Ordinance No. 110, 2002, Amending Chapter 2, Article VI, Division 1 of the CityCode Pertaining to the Rules of Procedure for Alternate Ethics Review Boards.
- C. First Reading of Ordinance No. 111, 2002, Amending Section 2-26 of the City Code Pertaining to Meetings of the City Council.

These three Ordinances present for Council's consideration certain amendments to the City Code that would modify various substantive rules and rules of procedure pertaining to: (1) the receipt and disclosure of confidential information by Councilmembers; (2) the ability of a Councilmember to participate in an executive session if he or she has a conflict of interest; (3) opinions of an alternate ethics review board; and (4) e-mail communications among Councilmembers.

39. Motion Directing Staff to Develop Ballot Language for the Transportation Capital Funding Proposal.

On June 11, City Council and staff met in Study Session to discuss the Transportation Funding Committee's proposal for a long-term funding strategy for transportation capital needs. Overall, the Council supported the Committee's proposal to pursue both a .25 cent Sales and Use tax and a 1% Construction Excise tax. Several issues were discussed at that time, including whether to place two separate items on the ballot or to combine the two taxes in one ballot measure.

Since the June 11 Study Session, both the City Attorney and City Manager have provided information to the Council about the alternatives. The City Manager strongly believes that it is important to place two measures on the ballot for several reasons:

- Voters have often expressed an aversion to packaged ballot measures that do not allow them to vote separately on what they consider to be separate issues.
- The number of words in the ballot language as it appears on the County's consolidated ballot may be limited by the County. If the number of words is restricted, placing both items in one measure is more likely to cause the County to place the full text of the ballot measures in a booklet separate from the ballot.
- The recent community survey conducted by George K. Baum and Co. suggests that, while the proposed sales tax has solid support among voters, the construction excise tax has more marginal support. Packaging the two measures in one ballot item may result in voters rejecting both items. Survey results show an approval rate of 52% for the combined package which is within the margin of error of +/- 5% for the survey.

If Council provides direction to the City Attorney at this time, ballot language could be prepared for Council's consideration at the September 3 regular City Council meeting. Staff is requesting that Council decide, by motion, whether the transportation tax proposals should be brought forward as a single measure or as two measures and, if two measures, whether each should be made contingent upon the passage of the other.

40. Resolution 2002-074 Making Board and Commission Liaison Assignments and Various Committee, Board and Authority Appointments.

Following the Council reorganization meeting in April of odd-numbered years, Councilmembers decide which of the various board and commission liaison assignments and committee appointments are of interest to them as individuals. Due to the resignation of Chuck Wanner various liaison assignments and committee appointments are vacant. A Resolution has been prepared showing the responsibilities of current Councilmembers and showing as "vacant" those responsibilities previously held by Councilmember Wanner.

41. Pulled Consent Items.

42. Other Business.

A. Motion to cancel the August 6 meeting.

43. Adjournment.