

# **AGENDA**

OF THE

COUNCIL OF THE CITY OF FORT COLLINS, COLORADO

August 20, 2002

## **Proclamations and Presentations**

**5:30 p.m**

- A. Proclamation Proclaiming the Week of August 18-24 as “Health Center Week”.
- B. Proclamation Proclaiming August 26 as “Women’s Equality Day”.
- C. Proclamation Proclaiming August 20 - September 20 as “Observance of Engaged Peace 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 31. 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 #40, 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 June 4 and July 16, 2002, the adjourned meeting minutes of June 11, and special meeting minutes of July 25, 2002.
8. Second 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. This Ordinance, which was unanimously adopted on First Reading on July 16, 2002, appropriates necessary funds for the Multi-Jurisdictional Drug Task Force.

9. Second 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.

This Ordinance, which was unanimously adopted on First Reading on July 16, 2002, appropriates unanticipated revenue in the amount of \$7,083 for restoration of the roof on the East Farm House at the Nix Farm, 1745 Hoffman Mill Road.

10. Second Reading of Ordinance No. 096, 2002, Authorizing the Transfer of 151 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.

This Ordinance, which was unanimously adopted on First Reading on July 16, 2002, authorized the Natural Resources Department to acquire approximately 156-acres of open space, natural areas, and reservoir located in the Provincetowne Special Improvement District.

This Ordinance has been changed on Second Reading to: (1) insert the legal description of the property, which was not available for First Reading; and (2) adjust the stated acreage from 156 acres to 151 acres to reflect the more accurate number that was developed in the course of creating the legal description.

11. Second 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.

Ordinance No. 097, 2002, which was unanimously adopted on First Reading on July 16, 2002, 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.

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

This Ordinance, which was unanimously adopted on First Reading on July 16, 2002, amends 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.

13. Second 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.

Ordinance No. 099, 2002, which was unanimously adopted on First Reading on July 16, 2002, extends 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.

14. 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 and Citizen-Initiated Ordinance on Said Ballot.

- A. Second 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.
- B. Second 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.
- C. Resolution 2002-075 Submitting a Citizen-Initiated Ordinance to a Vote of the Registered Electors of the City at the Special Municipal Election of November 5, 2002.

The City Clerk's Office received an initiative petition on June 24, 2002, which was determined to contain a sufficient number of signatures to place the initiated measure on a special election ballot. Ordinance No. 100, 2002, which was unanimously adopted on First Reading on July 16, 2002, calls a Special Municipal Election to be held in conjunction with the November 5, 2002 Larimer County General Election. Ordinance No. 101, 2002, which was also unanimously adopted on First Reading on July 16, 2002, places a Charter amendment on the November 5, 2002 Special Election ballot.

The City Clerk's Office certified the sufficiency of the initiative petition to the Council on July 16, 2002. Generally, upon presentation of an initiative petition certified as to sufficiency by the City Clerk, the Council must either adopt the proposed ordinance without alteration or submit the proposed measure in the form petitioned for, to the registered electors of the city. Because this particular proposed ordinance is subject to the election requirements of Article X, Section 20 of the Colorado Constitution (TABOR), the Council must submit the measure to the voters.

Resolution 2002-075 submits the citizen-initiated ordinance to a voters at the November 5, 2002 Special Election, and sets the ballot language and submission clause. Any registered elector desiring to protest the proposed ballot title and/or submission clause pursuant to Section 7-156 of the City Code, may do so by filing a written protest in the office of the City Clerk no later than 12:00 p.m. on Monday, August 19, 2002.

15. Second 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. This Ordinance, which was unanimously adopted on First Reading on July 16, 2002, designates the 1924 American-LaFrance Pumping Fire Engine as a Fort Collins Local Landmark.

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

Ordinance No. 103, 2002, which was unanimously adopted on First Reading on July 16, 2002, revises the "Larimer County Urban Area Street Standards" (Standards). The Standards, originally adopted in 2001, needed revisions to make clarifications and corrections.

This Ordinance has been amended prior to Second Reading to clarify that the Revised Standards will take effect on October 1, 2002. The additional time is needed to prepare the document for publication as well as provide adequate time to notify the development community prior to going into effect.

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

The Code currently provides that bylaws cannot be inconsistent with the City Charter and City Code. Recently it was discovered that some boards and commissions may have bylaws which were inconsistent with the section on "Quorums". Staff recommended this Code amendment to clarify that bylaws also cannot be inconsistent with any policies adopted by the Council. Ordinance No. 104, 2002, was unanimously adopted on First Reading on July 16, 2002.

18. Items Relating to the Whitham Farms LLC Annexation.

- A. Second Reading of Ordinance No. 105, 2002, Annexing Property Known as the Whitham Farms LLC Annexation.
- B. Second 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.

On July 16, 2002, Council unanimously adopted Resolution 2002-067 Setting Forth Findings of Fact and Determinations Regarding the Whitham Farms LLC Annexation.

Also on July 16, 2002, Council unanimously adopted on First Reading, Ordinance Nos. 105 and 106, 2002, annexing and zoning the Whitham Farms LLC Annexation. This 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 property will be zoned Transition (T), and is currently vacant, used for agriculture.

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

- A. Second Reading of Ordinance No. 107, 2002, Annexing Property Known as the Poudre River 1st Annexation.
- B. Second 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.

On July 16, 2002, Council unanimously adopted Resolution 2002-068 Setting Forth Findings of Fact and Determinations Regarding the Poudre River 1st Annexation.

Also on July 16, 2002, Council unanimously adopted Ordinance No. 107, 2002 and Ordinance No. 108, 2002, annexing and zoning the property known as the Poudre River 1st annexation. This was 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).

20. Items Relating to Rules of Procedure for Alternate Ethics Review Boards and Open Meetings.

- A. Second Reading of Ordinance No. 110, 2002, Amending Chapter 2, Article VI, Division 1 of the City Code Pertaining to the Rules of Procedure for Alternate Ethics Review Boards.

- B. Second Reading of Ordinance No. 111, 2002, Amending Section 2-26 of the City Code Pertaining to Meetings of the City Council.

These Ordinances, which make certain amendments to Chapter 2 of the City Code modifying various substantive rules and rules of procedure pertaining to: (1) opinions of an alternate ethics review board; and (2) e-mail communications among Councilmembers, were unanimously adopted on First Reading on July 16, 2002.

21. First Reading of Ordinance No. 113, 2002, Appropriating Unanticipated Grant Revenue in the Capital Projects Fund - Major Building Maintenance Capital Project For the Purpose of Rehabilitating the Interior of the Street Railway Car Barn at 300 North Howes Street.

This Ordinance appropriates unanticipated revenue in the amount of \$90,400 to begin rehabilitating the interior of the historic Street Railway Car Barn at 330 North Howes Street. The City has owned this Car (Trolley) Barn since 1919. It is the last streetcar barn in Colorado that is historically intact, inside as well as outside, and it is designated as a local Fort Collins landmark.

The City of Fort Collins has been awarded a \$90,400 federal grant from the TEA-21 Transportation Enhancement Funds in FY 02-03. The purpose of the grant is to begin rehabilitating portions of the interior of the Car Barn, which may include: plumbing to ADA standards for the existing restroom facility, partial heating, electrical service, a security system, and interior restoration of the original railway office. TEA-21 grants are available for the purpose of historic preservation, rehabilitation and operation of historic transportation buildings, structures, or facilities, and for establishment of transportation museums which has been suggested as a proposed future use for the car barn if the implementation funds became available through grants.

22. First Reading of Ordinance No. 114, 2002, Appropriating Unanticipated Grant Revenue in the General Fund and Authorizing the Transfer of Matching Funds Previously Appropriated in the Natural Resources Budget for the Purpose of Completing a Historic Structure Assessment of the East Farmhouse, Barn, and Loafing Shed Located at the Nix Farm Natural Area.

This Ordinance appropriates unanticipated revenue in the amount of \$10,000 to complete a Historic Structure Assessment of the East Farmhouse, Barn, and Loafing Shed at the Nix Farm, 1745 Hoffman Mill Road. Other than the history search within the assessment, the West Farmhouse will not be part of the assessment because it is already in the process of rehabilitation for Natural Areas Program offices.

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 complete a Historic Structure Assessment of the East Farmhouse, Barn and Loafing Shed at the Nix Farm Natural Area. The assessment will determine the entire physical condition of the historic buildings identified.

State Historical Fund grants are available to public entities as applicants for the purpose of historic restoration of their public buildings. A Historic Structure Assessment is completed as a logical "first

step” before a general development grant is pursued. Although an assessment does not guarantee subsequent State Historical Fund support, it will improve funding opportunities and the resulting document will serve as a useful tool for assisting the City with building maintenance and future restoration efforts.

23. First Reading of Ordinance No. 115, 2002, Appropriating Unanticipated Revenue in the Water Fund and Authorizing the Transfer of Appropriations Within the Water Fund for the Vulnerability Assessment Grant Project.

A \$115,000 Environmental Protection Agency (“EPA”) Grant has been awarded to the City to be used for a vulnerability assessment of the water system. Adoption of this Ordinance would appropriate the EPA grant proceeds to the Water Fund Vulnerability Assessment Grant Project and transfer \$75,000 of existing appropriations from the Water Fund into the Grant Project.

24. First Reading of Ordinance No. 116, 2002, Correcting the Legal Description of the Property Rezoned Pursuant to Ordinance No. 063, 2002, Known as the 1040 East Elizabeth Street Rezoning.

On May 7, 2002, the City Council approved Ordinance No. 063, 2002, which was intended to rezone the property located at 1040 East Elizabeth Street from the N-C-L, Neighborhood Conservation Low Density, District to the N-C-B, Neighborhood Conservation Buffer, District. Staff has learned that the legal description obtained from the County Assessor’s Office and contained in Ordinance No. 063, 2002, was only for the office building located on the property and not the total land area of the property itself. Ordinance No. 116, 2002, corrects the legal description of Ordinance No. 063, 2002, thus, rezoning the total property of 1040 East Elizabeth Street from the N-C-L District to the N-C-B District.

25. First Reading of Ordinance No. 117, 2002, Authorizing the Sale of Approximately 160 Acres of Land Known as the Jacoby Farm to Larimer County and Authorizing the Extension of an Existing Agricultural Lease on the Property.

This Ordinance authorizes the sale of 160 acres of land known as the Jacoby Farm to Larimer County to become part of the County Open Lands Program. The site is located east of the Ptarmigan Country Club in Windsor. The sale price is \$1,920,000 based on the appraised value of the property less the value of retained water rights. If approved, the sale is expected to take place before the end of the year. The Ordinance also authorizes the extension of the current agricultural lease for one year.

26. First Reading of Ordinance No. 118, 2002, Modifying Emergency Ordinance No. 112, 2002, Prescribing Temporary Restrictions on the Use of City Treated Water for Lawn Watering.

It has come to staff’s attention that the provision in Emergency Ordinance No. 112, 2002 regarding lawn water restrictions exempting new sod for a period of three weeks and new seed for a period of four weeks, may not allow for sufficient time for sod or seed to be adequately established.



There appears to be various opinions about this issue among the experts. Some say three weeks for sod and four weeks for seed is adequate. Others suggest that four weeks for sod and six weeks for seed is more appropriate. Taking into account the investment that property owners may have in new sod or seed, it seems prudent to modify Ordinance No. 112, 2002 to allow 4 weeks for sod and 6 weeks for seed.

In addition, staff is recommending another change to the Ordinance to clarify that no person may undertake lawn watering in violation of the provisions of the Ordinance, regardless of whether that person is the "customer" of the Water Utility.

27. Resolution 2002-076 Reestablishing a Telephone Exchange Access Facility Charge and a Wireless Communications Access Charge for the Larimer Emergency Telephone Authority Effective January 1, 2003.

The Larimer Emergency Telephone Authority (LETA) was created in 1990 pursuant to C.R.S. Section 29-11-101, et. seq., by an intergovernmental agreement between the City of Fort Collins and nineteen other governmental entities in Larimer County.

The telephone exchange access facility charge of fifty cents (\$.50) per month became effective January 1, 1991, by approval of the City Council. This fee remained the same each year by annual approval of the LETA Board, until 1998 when the LETA Board decreased the fee by 10% to the current forty-five cents (\$.45). The wireless communications access charge was first established at forty-five cents (\$.45) commencing on April 1, 1998. At the July 17, 2002 LETA Board meeting, the Board approved a telephone exchange access facility charge and a wireless communications access charge effective January 1, 2003, each at the rate of forty-five cents (\$.45) per month.

These surcharges to telephone subscribers are necessary to continue to adequately fund the Emergency 911 telephone service in the City of Fort Collins through 2003. By approving this Resolution, the Council will be authorizing telephone and wireless telephone service providers to collect the telephone exchange access facility charge and wireless communications access charge.

28. Resolution 2002-077 Making Findings of Fact and Conclusions Regarding the Appeal of a Decision of the Zoning Board of Appeals Relating to the 907 Mathews Street Lot Area Variance Request.

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. On June 5, 2002, an amended notice of appeal regarding that decision was filed by Mikal Torgerson and Derrick Vandersluys.

On July 16, 2002, Council voted 4-1 to uphold the decision of the Zoning Board of Appeals. In order to complete the record regarding this appeal, the Council should adopt a Resolution making findings of fact and finalizing its decision on the appeal.

29. Resolution 2002-078 Making an Appointment to the Electric Board.

A vacancy currently exists on the Electric Board due to the resignation of Guy Helme. Councilmembers Hamrick and Martinez reviewed the applications on file. The Council interview team is recommending Lisa Skold to fill the vacancy on the Electric Board with a term to begin immediately and set to expire on December 31, 2003.

30. Resolution 2002-079 Authorizing City Participation in Discussions of a Proposed Intergovernmental Agreement Relating to the Potential Creation of a North Front Range Rural Transportation Authority (RTA) and Appointing Two Representatives of the City to Participate in Such Discussions.

The North Front Range Metropolitan Planning Organization (MPO) has been working for two years toward the goal of forming a rural transportation authority in the North Front Range Region. They have reached the point in the process where they are asking 12 of the 13 local government entities in the Region to adopt resolutions stating the intent to participate in further discussions and appointing representatives of the City Council to participate in those discussions. The Town of LaSalle has opted to not participate at this time. It is recommended that Councilmember Kurt Kastein and City Manager John F. Fischbach be appointed to represent the City of Fort Collins in discussions with the MPO regarding the proposed RTA.

31. Resolution 2002-080 Making Appointments to the Citizens Advisory Committee for the City Plan Update Project.

The City Council is being asked to make 23 appointments from people who submitted applications showing an interest in serving on a representative citizens advisory committee that will assume a major role in the review, recommendations, and public outreach process for the *City Plan* Update project. A committee of 23 individuals is a manageable size and also a size that should allow for a wide diversity of values and interests to be represented.

**\*\*\*END CONSENT\*\*\***

32. Consent Calendar Follow-up.  
This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
33. Staff Reports.
34. Councilmember Reports.  
**Committees that have met since July 16 include:**  
*Finance Committee                      Health and Safety Committee*

**ITEMS NEEDING INDIVIDUAL CONSIDERATION**

35. First Reading of Ordinance No. 119, 2002, Amending Chapter 10 of the City Code Concerning Floatable Materials in the Poudre River Floodplain.

In June of 2000, City Council adopted new floodplain restrictions for the Poudre River. One of those restrictions, outlined in Section 10-61(6) of the City Code, deals with floatable materials.

As that Section currently stands, non-residential properties in the Poudre River floodplain, floodway and product corridor on which floatable materials were located prior to July 1, 2000, were allowed to continue storing floatable materials until the earlier of July 1, 2002, or any change in use, construction of a new building, or the addition to or substantial improvement of an existing structure on the property, before compliance with restriction was mandatory. This Ordinance presents two alternatives for modifying this provision to reduce the burden of compliance on affected businesses. The first alternative (Option A) eliminates the absolute deadline previously imposed and the second alternative (Option B) extends it from July 1, 2002, to July 1, 2005. An additional change is proposed that is included in both of the options discussed above. This change would clarify that a substantial change in the quantity, type, or character of floatable materials on an affected property which causes an increased risk of flood damage triggers the obligation to comply.

36. Resolution 2002-081 Adopting a Strategy for Long Term Transportation Capital Funding for the City of Fort Collins.

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 a 20 year, .25 cent Sales and Use Tax, a 1% Construction Excise Tax, and an annual General Fund reallocation of \$2,300,000 for transportation capital. The General Fund reallocation includes approximately \$1,300,000 from a proposed Transportation Maintenance Fee (TMF) and \$1,000,000 from other General Fund sources. The two tax measures will require voter approval, while the General Fund reallocation commitment, including the TMF proposal, can be accomplished by Council action. Together the

four elements of the long-term capital funding strategy will provide an additional \$10.3 million per year for the City's capital needs.

To select specific projects that will be funded through the funding strategy, the committee has proposed that the City Council adopt a Transportation Capital Improvement plan every four years, based upon the Transportation Master Plan and the community's evolving needs.

37. Resolution 2002-082 Adopting Guidelines for Executive Sessions.

By adoption of this Resolution, Council would approve the use of certain forms related to executive sessions in order to ensure that such sessions are conducted in compliance with applicable law.

38. Resolution 2002-083 Abolishing the Council Finance, Governance, Growth Management and Health and Safety Committees.

At the July 9, 2002 Study Session, Councilmember Hamrick requested that the Governance Committee review the duties of each City Council committee. On July 16, 2002, the Governance Committee met and, following discussion about the various committees, unanimously recommended that the Council disband the Finance Committee, Governance Committee, Growth Management Committee, and Health and Safety Committee. The Governance Committee recommends that the Ethics Review Board, Legislative Review Board, and Transportation Funding Committee remain in existence.

39. Second Reading of Ordinance No. 109, 2002, Amending Section 2-568 of the City Code Pertaining to Ethical Rules of Conduct.

Ordinance No. 109, 2002, which deals with ethical rules of conduct, was adopted 3-2 on First Reading on July 16, 2002. Several changes to this Ordinance are being recommended on Second Reading.

The first such change clarifies that the term "officer or employee" does not include an officer or employee of an authority of the City that is established under state statute, is governed by state statutory rules of ethical conduct, and is expressly exempted from the City Charter conflict of interest rules.

The second change to this ordinance on Second Reading would clarify (in Section 2 of the ordinance) that "confidential information" would not include information exchanged or discussed in an executive session if that same information is contained in a public record available to the general public under the provisions of the Colorado Open Records Act. (This concept is the same as under the original wording that was approved on First Reading. The original wording had suggested, however, that some affirmative action had to be taken to release such a document to the public before the executive session information could be disclosed.

The third change to this ordinance, which appears in both Sections 3 and 4, would allow the disclosure of confidential information not only to officers or employees whose official duties are related to the subject matter of the confidential information but also to those officers or employees whose official duties entail maintaining official records of such information on behalf of the City.

The fourth and final change to the ordinance addresses a concern raised by Councilmember Hamrick at the hearing on first reading. It would clarify in Section 3 that the prohibition against disclosing information discussed in executive session is not intended to prohibit Councilmembers from stating their positions or opinions with regard to such matters as long as such statements do not divulge confidential information received from others during the executive sessions.

40. Pulled Consent Items.
41. Other Business.
42. Adjournment.