

MINUTES  
CITY AND COUNTY OF BROOMFIELD COUNCIL MEETING

JUNE 24, 2003

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor Karen Stuart at 6:00 p.m., Tuesday, June 24, 2003, in the Council Chambers of the Municipal Building.

Those present were: Councilmembers Randy Ahrens  
Gary Brosz  
Thomas Brunner  
Vincent Buzek  
Bette Erickson  
Linda Fahrenbruch  
Clark Griep  
Ralph Johnson  
Janel Rock  
Hank Stovall

Those absent were: None

Also present were: City and County Manager George Di Ciero  
Deputy City and County Manager Charles Ozaki  
Deputy City Clerk Tricia Kegerreis  
City and County Attorney Roy Howard  
Director of Communications and Governmental Affairs Kirk Oglesby  
Various Department Staff Members

PETITIONS AND COMMUNICATIONS

(a) 2003 Neighborhood Grant Program - Grant Award Recommendations

Mayor Stuart introduced a presentation on the 2003 Neighborhood Grant Program. In 2001, Council asked the Capital Improvements Advisory Committee to establish a Neighborhood Grant program that would allow residents and business owners to enhance and improve properties in Broomfield with some financial assistance from the City and County. This is the second year for the Program, and Committee members Bob Gaiser (12541 Riviera Street) and Larry Reynolds (2951 N. Princess Circle) were present to report on the 2002 Program and to make recommendations for the Program for 2003. Other suggestions were to establish a community garden and to provide the older areas of Broomfield with some of the amenities being required in new developments.

(b) Introduction of Roberta Depp, Director of Library Services

Mayor Stuart advised that next was the introduction of Broomfield' s new Director of Library Services, Ms. Roberta Depp. Ms. Depp began her service to Broomfield on June 9, 2003, and brings extensive credentials with her. Ms. Depp served as the director of library services in Eagle County, Colorado; in Glastonbury, Connecticut; and most recently in Berthoud, Colorado.

Hugh Brown, Director of Community Resources, introduced Library Services Director Depp and noted that a public reception would be held at the Library on June 26 from 5:00 – 6:00 p.m. Ms. Depp commented that it was an honor to be selected as the new Director of Library Services and looked forward to working with all of Broomfield' s staff and citizens.

CITIZENS' COMMENTS

Proposal for a " Mud Park" – Kyle & Mitch Myhra (1890 Golden Eagle Court)

Brothers Kyle and Mitch Myhra requested that Council consider establishing a " mud park" in Broomfield. Kyle reviewed his ideas for the " mud park" and Mitch described his experience with a " mud park" they had visited in Huntington Beach, California. They suggested that a possible location for the " mud park" could be next to the Brunner Farmhouse, located at Midway Boulevard and Main Street.

Celebration of New Grand Piano on June 28, 2003 – Christina Lynn-Craig (1370 Holly Drive West)

Christina Lynn-Craig, President of the Broomfield Arts and Humanities, reported on the celebration of the new grand piano planned for June 28 in the Broomfield Auditorium.

Appreciation Expressed from Sunridge 2 Home Owners' Association – Kevin Bommer (2445 Rim Drive)

Kevin Bommer expressed his appreciation on behalf of the Sunridge 2 Home Owners Association for consideration of the 2003 Neighborhood Grant Award for improvements to the local park area.

4<sup>th</sup> of July Senior Softball Challenge – Bob Morgenstern (3213 W. 133<sup>rd</sup> Avenue) and Sam Novak (600 Emerald Street)

Bob Morgenstern and Dr. Sam Novak challenged Council to the annual 4<sup>th</sup> of July Senior Softball Game.

CONVENE AS BOARD OF SOCIAL SERVICES

There was no business for the Board of Social Services.

CONVENE AS BOARD OF HEALTH

There was no business for the Board of Health.

CONVENE AS BROOMFIELD HOUSING AUTHORITY

There was no business for the Broomfield Housing Authority.

COUNCILMEMBER REPORTS

Relay for Life – Ahrens and Rock

Councilmember Ahrens noted that his team had won the Best Dressed Team award, and the City and County of Broomfield was presented a plaque for their sponsorship in the Relay for Life event.

Broomfield Night at the Rockies – Rock

Councilmember Rock enlightened Council of her fun experience at Broomfield Night at the Rockies and encouraged all to attend the next Broomfield Night at the Rockies.

Rocky Flats National Wildlife Refuge Presentation of Alternatives - Stovall

Councilmember Stovall distributed information regarding the Rocky Flats National Wildlife Refuge Presentation of Alternatives.

Ward 2 Meeting – Griep and Rock

Councilmember Griep reported concerns of residents, including the Villager Square Shopping Center, Comcast complaints, and complaints on the daily early start of the area' s cement factory.

Colorado Counties Inc. Conference – Griep

Councilmember Griep reported on the Colorado Counties Inc. Conference.

Master Plan Task Force Meeting – Brosz

Councilmember Brosz noted that the top concern expressed at the Master Plan Task Force meeting was the 120<sup>th</sup> Avenue Corridor.

Washington D.C. Trip – Stuart and Ozaki

Mayor Stuart noted that she and Deputy City Manager Ozaki met with Colorado representatives to discuss funding for the Highway 36 / Wadsworth Interchange.

COUNCIL BUSINESS

(a) Public Hearing - Cable Franchise Renewal - Comcast:

Ordinance No. 1733 Granting a Franchise by the City and County of Broomfield to Comcast of California/Colorado/Texas/Washington, Inc. and Fixing the Terms of Conditions Thereof, Including the Construction of an Institutional Network - Second Reading

Ordinance No. 1734 Adopting Customer Service Standards for Cable Franchise Grantees Pursuant to Section 5-14-030(D) of the Broomfield Municipal Code - Second Reading

Mayor Stuart opened the public hearing at 6:50 p.m. on two proposed ordinances to grant a cable franchise agreement to Comcast of California/Colorado/Texas/Washington Inc. and to set service standards for the franchise.

City and County Manager Di Ciero reviewed Ordinances No. 1733 and No. 1734 noting that Broomfield' s current cable television franchise agreement with AT&T, now Comcast, expires at the end of this month. Comcast has requested that the franchise be renewed. Staff has been negotiating with Comcast for quite some time.

Assistant City and County Manager Tonya Haas reviewed the history of the cable franchise in Broomfield changing from Jones Intercable to TCI to AT&T to Comcast. She reviewed the federal law and the deregulation of cable franchises noting that demands could not be made regarding rates, programming, local production studio and local payment office. The chief complaints were: repeated or prolonged problems with picture or sound; lack of high speed internet; and channel lineup choices. Also noted were the gains from the renewal of the franchise which included: expedited upgrade; two access channels; return line from Municipal Center and Auditorium; studio production equipment; biennial customer satisfaction survey at Comcast' s expense; free high-speed internet service for the Library, and the Combined Courts; INET at incremental cost; favorable comparison with other currently renewed franchise agreement; and a 5% Franchise Fee returned to Broomfield. The losses from this renewal included no local payment office and no local studio. She assessed the changes to the local government channel – Channel 8. She explained the customer service standards listed in the agreement. In conclusion, she noted that Comcast has the technical and financial capability, has responded adequately to past complaints, has complied with laws and the current franchise agreement, and addresses community needs and interests.

Jill Stark, Vice President and General Manager of the Broomfield area, and Wendy Farley (1000 East Iliff, Denver) were present on behalf of Comcast. Ms. Stark reviewed Comcast history and noted that Comcast is committed to Broomfield and is investing \$6 million into rebuilding the network. The work is now 80% complete and is due to be complete in 60 to 90 days. High definition TV and video-on-demand will be accessible later this year. A 5% franchise fee is paid to Broomfield for right of access. Comcast is committed to continue providing free service to the Library and City buildings.

Ms. Farley thanked Staff for the hard work done on the negotiations. Consultants were hired to address the problems expressed from the survey. She explained that the current Broomfield office is too big so they have hired a real estate agent to find a smaller space in the general area. Rates will be increased because of upgraded service which adds 50 new channels.

Public comments were received from Betty Peterson (101 West 4<sup>th</sup> Avenue Drive) (during Citizen' s Comments); Don Dunshee, Broomfield Economic Development Corporation; Bruce Erley (1409 St. Andrews Drive); and Eleanor McKinley (1143 Ash Street).

Public comments included: (1) Cable office should be kept open in Broomfield for the convenience of the Senior population; (2) An area of concern was the need to improve telecommunications in Broomfield which should be addressed with the commitments made in this agreement; (3) Comcast has been a great community partner by being a sponsor of JAM for Broomfield High School; (4) Concern expressed for the increase of the senior population' s cable fees since those people are on a fixed income; and (5) The letter sent to cable customers gave only a few choices of cable service.

City Council comments and questions included: (1) Is there a separate billing for seniors? (2) Why were not all cable fee packages included in the letter sent to customers? (3) With all of the available commercial space, Comcast should be able to find a local office in Broomfield; (4) Shortcomings on this proposal – 39% feel they get poor service, loss of studio for Channel 8, and unfunded mandates; (5) What is the cost of Staff time for Staff to work on Channel 8? (6) Outages exceed more than 2 hours; (7) What are citizens told during outages? (8) What is the cost of the upgrade to citizens? (9) Council wanted commitment from Comcast to send out additional letters notifying all customers of the different price packages; (10) Is Channel 8 available in all packages? (11) Is it worth the expense to put in INET? (12) How are telemarketers for Comcast reviewed? (13) What is the phone number to call for service outages? (14) Display

a list of channels available for the least amount; (15) It is the job of Council to get the best service at the best cost; (16) How long before a corrected letter can go out to all customers? (17) Need to include an apology in the letter; (18) Suggested putting a list with all price packages on Channel 8 and putting a list in the newspaper; and (19) Suggested waiving the fee for those changing levels of service because of the confusion of the letter.

Staff's response to Council questions included: (1) Replacing the Channel 8 studio will cost very little since we will be using existing staff; and (2) The use of INET is an asset and will be useful in the building of a backup network since we are relying on T-1 lines now.

Comcast representatives Jill Stark and Wendy Farley responded to Council questions which included: (1) There is not separate billing for seniors; (2) Letters sent out were designed towards the current level of service of the customer now; (3) Most letters were sent out noting the most popular package; (4) Service outages should now be reduced after the upgrades are completed; (5) Customer service is told when and where construction is taking place; (6) This is a highly competitive market and they have tried to minimize the negative impacts; (7) Rate increases include basic cable from \$10.66 to \$13.44 and standard cable from \$28.43 to \$34.04; (8) Channel 8, the government channel, is available in all packages; (9) There were numerous versions of the letter sent out depending on the current type of the customer's service; so in order to change the letter, they would have to go back and discuss with Comcast staff about sending out a letter reporting to all cable customers all price packages; (10) Service center operations were explained and noted that a tech would be sent out to repair problems spotted by monitoring equipment, but not yet called in by the customer; (11) Outside companies are hired to make sales calls, but Comcast abides by the no-call list and quality checks are done on the telemarketing companies used; and (12) High speed internet service is now available to all upgraded areas with a standard \$50 installation charge.

A break was taken at this time.

After the break, Ms Farley agreed to, at least, have a payment drop box in the City and a follow-up letter would be sent to all Broomfield customers listing all cable packages offered by Comcast. City and County Attorney Howard stated that this was on the record as a commitment by Comcast. Ms. Farley stated that she had the authority to make these commitments. A list of the channels offered by basic cable was displayed for the television viewers and the phone number to call for service, 303-930-2000, was announced. She explained that it would take about 3 weeks to get a corrected letter out to all Broomfield customers.

The public hearing was closed at 8:36 p.m.

Ordinance No. 1733 was read by title.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER ERICKSON SECONDED, THAT ORDINANCE NO. 1733 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, ROCK, AND STOVALL VOTING AYE.

Ordinance No. 1734 was read by title.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER ERICKSON SECONDED, THAT ORDINANCE NO. 1734 BE ADOPTED ON SECOND AND

FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, ROCK, AND STOVALL VOTING AYE.

- (b) Public Hearing - Ordinance No. 1737 Amending Subsection (A) of Section 282-020, Committee Membership, of the Broomfield Municipal Code (Public Art Committee) - Second Reading

Mayor Stuart opened the public hearing at 8:40 p.m. on a proposed ordinance to amend the Municipal Code regarding the membership of the Public Art Committee.

City and County Manager Di Ciero summarized Ordinance No. 1737 noting that the proposed ordinance has been prepared at Council's direction. The amendment would add two Councilmembers as non-voting ex-officio members to the Public Art Committee with terms of two years each.

The public hearing was closed at 8:42 p.m.

Ordinance No. 1737 was read by title.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER BRUNNER SECONDED, THAT ORDINANCE NO. 1737 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, ROCK, AND STOVALL VOTING AYE.

Councilmember Erickson was nominated and Councilmember Fahrenbruch volunteered for the Council positions on the Public Art Committee.

COUNCILMEMBERS ERICKSON AND FAHRENBRUCH WERE APPOINTED EX-OFFICIO MEMBERS OF THE PUBLIC ART COMMITTEE BY ACCLAMATION.

- (c) Public Hearing - Ordinance No. 1738 Amending Section 406-010, Write-In Candidate Affidavit, in Chapter 406, Elections, in Title 4, Elections and Voting, of the Broomfield Municipal Code - Second Reading

Mayor Stuart opened the public hearing at 8:43 p.m. on proposed Ordinance No. 1738 regarding amending the Municipal Code deadlines for write-in candidates.

City and County Manager Di Ciero summarized Ordinance No. 1738 noting that this had been referred to Council to see if the Council, as a matter of policy, would like to have the provisions of the Municipal Code be the same as the provisions of the Uniform Election Code regarding deadlines for new write-in candidates. If the present Municipal Code provisions are retained, the effect would be that the municipal election ballots for the mayor's race and for the races in each Council district would contain a line for write-in candidates even if there are no certified write-in candidates. This proposed ordinance was adopted on first reading by a vote of 5 to 4. Broomfield's Charter requires 6 affirmative votes to adopt an ordinance on second and final reading.

Council asked what the difference was between the Municipal Code and the Uniform Election Code. County Clerk and Recorder Russ Ragsdale responded that the Uniform Election Code requires write-in candidates to file by 60 days prior to the election while the Broomfield Municipal Code's filing deadline is 20 days before the election. Both Codes require that regular candidates for office file at least 71 days before the election.

Councilmember Fahrenbruch commented that she felt the 60-day deadline defeated the purpose of allowing for write-in candidates.

The public hearing was closed at 8:47 p.m.

Ordinance No. 1738 was read by title.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER ROCK SECONDED, THAT ORDINANCE NO. 1738 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE.

ROLL CALL ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BUZEK, JOHNSON, AND ROCK

THOSE VOTING NO WERE: COUNCILMEMBERS AHRENS, BROSZ, BRUNNER, ERICKSON, FAHRENBRUCH, GRIEP, AND STOVALL

THE MOTION FAILED ON A VOTE OF 3 TO 7.

(d) Public Hearing - Water and Wastewater Monthly Service Charge Amendments:

Ordinance No. 1731 Amending Section 13-12-010, Monthly Water Service Charges, of the Broomfield Municipal Code - Second Reading

Ordinance No. 1730 Amending Section 13-12-020, Monthly Sewer Service Charges, of the Broomfield Municipal Code - Second Reading

Mayor Stuart opened the public hearing at 8:49 p.m. on proposed Ordinances No. 1731 and No. 1730 which would increase monthly water and sewer service charges.

City and County Manager Di Ciero reviewed the proposed ordinances and noted that the water and sewer rate study completed by the utility consultant, Giardina & Associates, has been reviewed by City Council. Based on the results of the study and subsequent reviews, the proposed rate adjustment is 4% for water rates and 2% for sewer rates. This would be an increase in the existing rate structure and does not adopt a tiered rate structure for the reasons noted in the Staff report. Broomfield's financial plan and bond covenants provide that projected revenues be sufficient to cover 110% of the annual debt service payments and that an operating reserve of 10% of O&M expenses be maintained. The proposed rate increases are intended to help achieve these goals. Comparisons of the current rates and proposed rates are set forth on pages 2 and 3 of the Staff report. Proposed Ordinance 1731 would implement the 4% increase in water rates, and proposed Ordinance #1732 would implement the 2% increase in sewer rates.

The public hearing was closed at 8:50 p.m.

Ordinance No. 1731 was read by title.

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT ORDINANCE NO. 1731 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, ROCK, AND STOVALL VOTING AYE.

Ordinance No. 1730 was read by title.

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT ORDINANCE NO. 1730 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, ROCK, AND STOVALL VOTING AYE.

Council suggested that residents and businesses be made aware that sprinklers should be put on manual during rainy times and that watering during the day should be discouraged.

- (e) Public Hearing - Ordinance No. 1736 Amending Chapter 9-72, Weapons, in Title 9, Public Peace, Morals and Welfare, of the Broomfield Municipal Code - Second Reading

Mayor Stuart opened the public hearing at 8:51 p.m. on a proposed ordinance which would amend Chapter 9-72 of the Broomfield Municipal Code which regulates the possession and use of weapons in Broomfield.

City and County Manager Di Ciero stated that Senate Bill 03-025 (SB25) permits local governments to prohibit the open carrying of firearms in buildings and in specific areas under the local government' s jurisdiction, provided signs are posted at public entrances. He noted that proposed Ordinance No. 1736 would prohibit the carrying of firearms in any city-owned building, facility, park, open land, or open space upon which is placed signs at the public entrances. SB25 is enclosed as Attachment 1. Sections 29-11.7-104 authorizing the local government regulation on the open carrying of firearms is found on page 4.

City and County Attorney Howard stated that SB24 and SB28 were passed by the legislature and permit the open carrying of firearms on city property. He noted that Denver has filed suit against this bill, and the cities and state await its outcome.

In answer to Council questions, Attorney Howard advised that the municipal and county buildings, parks, and open spaces should be posted with signs prohibiting the open carrying of firearms on government controlled areas. These signs can be posted on existing sign posts, but should be separate signs. Council asked that the placement of signs be balanced and not overly-used. Attorney Howard also responded that cities cannot regulate guns in vehicles and noted that concealed weapons are legal and that this ordinance refers to the open carry of firearms.

The public hearing was closed at 9:04 p.m.

Ordinance No. 1736 was read by title.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT ORDINANCE NO. 1736 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, ROCK, AND STOVALL VOTING AYE.

- (f) Public Hearing - Ordinance No. 1735 Amending Section 13-02-025, Water License Fee Drought Surcharge, Chapter 13-02, Water Licenses, in Title 13, Public Services, of the Broomfield Municipal Code - Second Reading

Mayor Stuart opened the public hearing at 9:05 p.m. on a proposed ordinance that would amend Section 13-02-025 of the Municipal Code regarding water license fee drought surcharges.

City and County Manager Di Ciero summarized Ordinance No. 1735 noting that this is to clarify that the drought surcharge for new water licenses of \$3,590 applies to new homes, but not to existing homes that are also being served by well water. As noted in the Staff report, the main application of this proposed amendment is for the customers of the Mile High Water Company who annexed to Broomfield and would like to have a City water tap.

The public hearing was closed at 9:07 p.m.

Ordinance No. 1735 was read by title.

COUNCILMEMBER JOHNSON MOVED AND COUNCILMEMBER GRIEP SECONDED, THAT ORDINANCE NO. 1735 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED BY TITLE. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, ROCK, AND STOVALL VOTING AYE.

- (g) Public Hearing - Siena (Preble Creek) Filing No. 1 - Site Development Plan, Final Plat & Subdivision Improvement Agreement - Phase 1 Street & Drainage Improvements - Motion to Vacate

Mayor Stuart advised that next was a request to vacate a public hearing on proposed development plans for Siena Filing No. 1. The public hearing on these development plans was originally scheduled for April 16, 2003, and was continued twice to allow the Applicant and Staff additional time to prepare the project for Council' s review. Additional time is again required and it was recommended that the public hearing be vacated. Staff will continue to work with the Applicant to prepare the project for a public hearing tentatively scheduled for July, 2003.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER FAHRENBRUCH SECONDED, THAT THE PUBLIC HEARING ON SIENA FILING NO. 1 BE VACATED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, ROCK, AND STOVALL VOTING AYE.

- (h) Public Hearing - Siena (Preble Creek) Filing No. 2 - Site Development Plan, Final Plat, Subdivision Improvement Agreement & Revocable Permit - Neighborhood 2, School/Park & Community Park Master Plan - Motion to Vacate

Mayor Stuart advised that next was a request to vacate a public hearing on proposed development plans for Siena Filing No. 2. The public hearing on these development plans was originally scheduled for April 16, 2003, and was continued twice to allow the Applicant and Staff additional time to prepare the project for Council' s review. More time is required, and it was recommended that the public hearing be vacated. Staff will continue to work with the Applicant to prepare the project for a public hearing tentatively scheduled for July, 2003.

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT THE PUBLIC HEARING BE VACATED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, ROCK, AND STOVALL VOTING AYE.

- (i) Public Hearing - Ordinance No. 1718 Renaming Rights-of-Way within the Spruce Meadows Filing No. 1 Subdivision - Second Reading - Motion to Continue

Mayor Stuart advised that next was a motion to continue a public hearing on proposed Ordinance No. 1718 regarding renaming streets in the Spruce Meadows Filing No. 1 development.

City and County Manager Di Ciero stated that additional time is requested in order to prepare a comprehensive street address and naming policy for Council' s consideration. Staff will ask Council for feedback on the proposed policy prior to the public hearing on the proposed Ordinance. It is recommended that the public hearing be continued until the September 9, 2003, City Council meeting.

COUNCILMEMBER GRIEP MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT THE PUBLIC HEARING BE CONTINUED TO THE SEPTEMBER 9, 2003 CITY COUNCIL MEETING. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, ROCK, AND STOVALL VOTING AYE.

#### CONSENT AGENDA

The Consent Agenda items were read by title. Agenda Items 10(b) and 10(f) were removed from the Consent Agenda.

- (a) Resolution No. 2003-115 Authorizing an Intergovernmental Agreement By and Between the City and County of Broomfield, the Northern Colorado Water Conservancy District, and the Pulte Home Corporation for a Temporary Water Supply for the Construction of the Siena Project

The recommendation was that Resolution No. 2003-115 be adopted.

COUNCILMEMBER FAHRENBRUCH MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT THE RECOMMENDATION CONTAINED IN THE STAFF REPORT FOR AGENDA ITEM 10(A) BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ,

BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, ROCK,  
AND STOVALL VOTING AYE.

- (b) Ordinance No. 1726 Amending Section 13-02-025, Water License Fee Drought Surcharge, Chapter 13-02, Water Licenses, in Title 13, Public Services, of the Broomfield Municipal Code - First Reading

This item was removed from the Consent Agenda.

The recommendation was that Ordinance No. 1726 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinance be scheduled for 6:00 p.m., July 8, 2003, in the Council Chambers at the Municipal Building; and that Second and Final Reading on said Ordinance be scheduled for July 8, 2003, following the public hearing.

City and County Manager Di Ciero reviewed Ordinance No. 1726 noting that the proposed reimbursement amounts were the same as Denver' s amounts and that there are other communities giving rebates.

Council comments and concerns included: (1) Using low-flow toilets will not create a lot of water reduction; (2) Would implementation of this program require new staff or overtime? (3) A marketing campaign could be a better way to achieve water reduction awareness; (4) When will this program end? (5) This would be an incentive to upgrade older homes; (6) In the future can it include water heaters? and (7) Seems strange to be giving citizens back money on expensive washers and dryers when we are cutting the services to poorer residents using the Health and Human Services Department.

Staff' s response to Council questions and comments included: (1) Existing Staff would absorb this program in their duties; (2) The program would end when the \$150,000 was all used; and (3) Can water heaters be considered?

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER ROCK SECONDED, THAT ORDINANCE NO. 1726 BE ADOPTED.

ROLL CALL ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS AHRENS, BRUNNER, ROCK, AND STOVALL

THOSE VOTING NO WERE: COUNCILMEMBERS BROSZ, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, AND JOHNSON

THE MOTION FAILED ON A VOTE OF 4 TO 6.

- (c) Resolution No. 2003-99 Accepting Certain Public Improvements Associated with Chick-Fil-A, Summit Technology Park

The recommendation was that Resolution No. 2003-99 be adopted.

- (d) Resolution No. 2003-110 Accepting Certain Public Improvements Associated with The Broadlands Filing No. 13

The recommendation was that Resolution No. 2003-110 be adopted.

- (e) Resolution No. 2003-102 Approving the Agreement with Hi Country Wire & Telephone, Ltd. for the Purchase and Installation of Telecommunications Equipment and Software

The recommendation was that Resolution No. 2003-102 be adopted.

- (f) Resolution No. 2003-109 Modifying Broomfield' s Child Care Assistance Plan

This item was removed from the Consent Agenda.

The recommendation was that Resolution No. 2003-109 be adopted.

Sue Cometto (3931 West 136<sup>th</sup> Avenue) stated that a reduction in CCCAP payments to childcare providers would be a hardship for her and other in-home childcare providers as compared to center based providers. If there is a cut, she would like to see it equal across the board.

Council comments and questions included: (1) Council expressed concern that this item was on the Consent Agenda rather than on the Board of Social Services Agenda since this concerned residents lives; (2) Is the reduction fair to all childcare providers? (3) Council would like more time to consider cuts in the budget; (4) Have other counties made these cuts? (5) How much is the savings from the proposed cuts? (6) Council suggested transferring money from areas that have increased revenues such as recording fees; (7) Council requested a study session on their options; and (8) Council questioned whether Federal funds would be cut as well.

Staff' s response and comments included: (1) Staff responded that Statutory items are brought before Council while State required items are presented to the Board of Social Services. In the future, Staff will put items of this nature on the Business part of the agenda; (2) The reduction is in the number of absences, while the rate may be different for in-home providers as compared to center based providers which are most often higher; (3) Decision has to be made tonight because the State' s fiscal year ends June 30; (4) Some counties have implemented all the cuts allowed by the State; (5) The savings is \$112,000 for all three recommendations; (6) Funds coming from the State will be less, so if the cuts aren' t made here, other programs will have to be cut; and (7) Staff will have to research moving money from the city side to the county side.

City and County Manager Di Ciero stated that the State needs an answer now since they project Broomfield to overspend their budget. There are options such as cutting programs or subsidizing programs. Staff needs direction to inform the State as to what Broomfield will be doing to stay within the budget. Council suggested adopting this resolution and letting the State know that some of these programs might be restored by Broomfield

COUNCILMEMBER BRUNNER MOVED AND COUNCILMEMBER STOVALL SECONDED, THAT RESOLUTION NO. 2003-109 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROZ, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, ROCK, AND STOVALL VOTING AYE.

- (g) Resolution No. 2003-80 Awarding a Contract for the Equipment and Installation Services of Fitness Areas for the Paul Derda Recreation Center

The recommendation was that Resolution No. 2003-80 be adopted.

Bob Gaiser (12541 Rivera Street) suggested that there be a better mix of equipment scheduled for the new recreation center.

- (h) Resolution No. 2003-103 Authorizing an Agreement with Red Leaf Development Company, Inc. for a Revocable Permit to Install a Temporary Builder Identification Sign

The recommendation was that Resolution No. 2003-103 be adopted.

- (i) Approval of Minutes - Regular Meeting of May 27, 2003  
Approval of Minutes - Regular Meeting of June 3, 2003

The recommendation was for the approval of the Minutes of the Regular Meeting of May 27, 2003 and the Regular Meeting of June 3, 2003.

Councilmember Ahrens commented that he would like the May 27, 2003 Meeting Minutes amended to include his comments on Agenda Item 13(b) Open Space and Trails Signage Implementation. He had noted that the Open Space and Trails Advisory Committee had spent a lot of time going over various types of signs and had worked hard to keep the costs down.

- (j) Resolution No. 2003-100 Authorizing an Agreement with Sirenza Microdevices, Inc. for Incentives to Locate in Interlocken

The recommendation was that Resolution No. 2003-100 be adopted.

COUNCILMEMBER STOVALL MOVED AND COUNCILMEMBER BRUNNER SECONDED, THAT AGENDA ITEMS 10(B) THROUGH 10(J), EXCLUDING AGENDA ITEMS 10(B) AND 10(F), BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BROSZ, BRUNNER, BUZEK, ERICKSON, FAHRENBRUCH, GRIEP, JOHNSON, ROCK, AND STOVALL VOTING AYE.

#### ATTORNEY'S REPORT

No report was given.

#### MANAGER'S REPORT

##### Visual Preference Study Session Rescheduled to July 1, 2003

City and County Manager Di Ciero queried Council about having the study session scheduled to follow the Council meeting. The majority of Council asked that the study session be postponed until next Tuesday, July 1, 2003.

#### SPECIAL REPORTS

- (a) Mosquito Control / West Nile Virus

- (b) CIP Citizens' Advisory Committee Letter
- (c) Update on Metro Mayors and Commissioners Youth Awards
- (d) Presentation of the CU School of Nursing Assessment on Broomfield Youth

CONVENE AS BROOMFIELD URBAN RENEWAL AUTHORITY

There was no business for the Broomfield Urban Renewal Authority.

ADJOURNMENT

The City Council meeting was adjourned at 10:20 p.m.

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Deputy City Clerk

APPROVED:

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Mayor