

MINUTES  
CITY AND COUNTY OF BROOMFIELD COUNCIL MEETING

OCTOBER 24, 2006

ROLL CALL

The Regular Meeting of the Broomfield City Council was called to order by Mayor Karen Stuart at 6:08 p.m., Tuesday, October 24, 2006, in the Council Chambers of the City and County Building.

Those present were: Councilmembers Randy Ahrens [Arrived during Agenda Item 3(b)]  
Vincent Buzek  
Lori Cox  
Bette Erickson  
Robert Gaiser  
Steve Kaverman  
Brian Kenyon  
Dennis McCloskey  
Linda Reynolds  
Walt Spader

Those absent were: None

Also present were: City and County Manager George Di Ciero  
Deputy City and County Manager Charles Ozaki  
City and County Attorney William Tuthill  
Deputy City Clerk Tricia Kegerreis  
Various Department Staff Members

PETITIONS AND COMMUNICATIONS

(a) Scientific and Cultural Facilities District (SCFD) Tier III Funds Check Presentation

Mayor Stuart advised that with Broomfield's status as a City and County, Broomfield receives annual Tier III funding from the Scientific and Cultural Facilities District. The funding received is based on a proportional amount of sales tax revenues collected in Broomfield by the District. This year, Broomfield received \$145,642, which represents a 2% increase over the 2005 allocation. Applications for SCFD funding are solicited, on the local level, by the Broomfield Cultural Council from qualifying non-profit organizations that provide cultural and scientific programs in Broomfield. In July, Council approved the distribution of the Tier III funds as recommended by the Cultural Council.

Karen Gerrity, Deputy Administrator for the Scientific and Cultural Facilities District, presented the Council with a ceremonial check in the amount of \$145,642. Colleen Sawyer, Chair of the Broomfield Cultural Council for the last six years, thanked Council for its support of the culture and arts in Broomfield. The Energy Hog was in attendance and presented the check to Mayor Stuart. Council was invited to the groups' check distribution reception which took place in the lower level of the building.

On behalf of the City Council and the citizens of Broomfield, the Mayor congratulated all of the award winners for their service to the cultural and scientific programs of our community and acknowledged the many hours of service given by the Cultural Council.

(b) Presentation of the Colorado Lottery Starburst Award to the City and County of Broomfield for the Acquisition and Preservation of the Metzger Farm Open Space Project

Ms. Linh Truong, representing the Colorado Lottery, presented an award by the Colorado Lottery to the City and County of Broomfield and the City of Westminster recognizing the preservation of the Metzger Farm property. Broomfield and Westminster are the first recipients of the new conservation Starburst Award. Mayor Stuart noted that Broomfield and Westminster worked very hard on the collaboration in getting this parcel to remain open space.

(c) Public Art Bench Project - Progress Report and Thank You Letter

Ms. Lynn Jeffers, Vice-Chair of the Broomfield Public Art Committee, presented an update on the progress of the Public Art Bench Project. Ms. Jeffers read a letter to Council noting that the benches that were chosen enhance the image of Broomfield. She expressed her appreciation for Council's support of the Broomfield Public Art Committee and noted that a formal dedication of all the benches would be held in the spring. Committee Member Vickie Marker presented a slide show of the benches and their locations.

CITIZENS' COMMENTS

Request that a New Request for Proposal (RFP) be Advertised for the Barber Property - David Barber

David Barber, representative for the Barber Family Property, requested that Council direct Staff to work with the Barber family to advertise for a Request For Proposal with a longer response time for development of the Barber property. A vote was taken during Councilmember Reports which directed Staff to work with the Barber Family for redevelopment of the property.

Concerns for 120th Avenue Gateway Corridor Redevelopment - Don Anderson, Marsha Williams, and Dottie Rawsy

Don Anderson, Owner of Garden Country Nursery (1954 Kinnikinnick Drive, Erie), Marsha Williams (4700 Yates Court), and Dottie Rawsy (12133 Crabapple Street) expressed appreciation to Council for the decision regarding a Wal-Mart development on 120th Avenue. They would like to see a mixed use for the area similar to the development at the Bradburn or at Stapleton, and are willing to work with Council to find an appropriate use for the area. Ms. Rawsy invited Council to a Wal-Mart meeting on November 15, 2006.

Concern Regarding Drivers Running the Stop Sign at the Intersection of Ponderosa and Evergreen Streets - Jerry Reid

Jerry Reid (465 Evergreen Street) expressed his concern that someone may be hurt or killed since drivers frequently run the stop sign at the intersection of Ponderosa and Evergreen Streets and other intersections in Greenway Park. He asked for more police presence in the neighborhood.

CONVENE BOARD OF SOCIAL SERVICES

The meeting of the Board of Social Services was convened by Chairperson Stuart at 6:47 p.m.

Those present were: Members Randy Ahrens  
 Vincent Buzek  
 Lori Cox  
 Bette Erickson  
 Robert Gaiser  
 Steve Kaverman  
 Brian Kenyon  
 Dennis McCloskey  
 Linda Reynolds  
 Walt Spader

Those absent were: None

Also present were: City and County Manager George Di Ciero  
 Deputy City and County Manager Charles Ozaki  
 City and County Attorney William Tuthill  
 Deputy City Clerk Tricia Kegerreis  
 Various Department Staff Members

(a) Resolution No. 2006-176-BSS Acknowledging Review of Expenditures and Electronic Benefit Transfers for July 2006

Chairperson Stuart introduced Resolution No. 2006-176-BSS, acknowledging review of Social Services expenditures for the month of July, 2006.

In response to Councilmember questions, Health and Human Services Director Karen Beye stated that the State is still working on getting the Colorado Benefits Management System (CBMS) operational. She also noted that she would get the impact costs to the City and County of Broomfield because of the problems with the CBMS system. She explained that recoveries, which have increased 600%, are overpayments made to clients for cash benefits which are not allowed to be recovered because of system errors. Medical benefits paid to Health and Human Services clients are higher than previous years because employers are hiring more part-time employees without paid benefits, and some employers are not offering benefits to full-time employees because of costs.

Resolution No. 2006-176-BSS was read by title.

MEMBER ERICKSON MOVED AND MEMBER BUZEK SECONDED, THAT RESOLUTION NO. 2006-176-BSS BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH MEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

CONVENE AS BOARD OF HEALTH

The meeting of the Board of Health was convened by Chairperson Stuart at 6:55 p.m.

Those present were: Members Randy Ahrens  
 Vincent Buzek  
 Lori Cox  
 Bette Erickson  
 Robert Gaiser

Steve Kaverman  
Brian Kenyon  
Dennis McCloskey  
Linda Reynolds  
Walt Spader

Those absent were: None

Also present were: City and County Manager George Di Ciero  
Deputy City and County Manager Charles Ozaki  
City and County Attorney William Tuthill  
Deputy City Clerk Tricia Kegerreis  
Various Department Staff Members

(a) Resolution No. 2006-177-BH Approving an Intergovernmental Agreement with the Regional Emergency Medical and Trauma Advisory Council for Ambulance Licensing and Inspection

Chairperson Stuart introduced for consideration a proposed Intergovernmental Agreement with the Regional Emergency and Trauma Advisory Council for ambulance inspection services.

Staff reported that Broomfield's representative to the Regional Emergency and Trauma Advisory Council could be a Staff person if Council so chose.

Resolution No. 2006-177-BH was read by title.

MEMBER REYNOLDS MOVED AND MEMBER MCCLOSKEY SECONDED, THAT RESOLUTION NO. 2006-177-BH BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH MEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

CONVENE AS BROOMFIELD HOUSING AUTHORITY

The meeting of the Broomfield Housing Authority was convened by Chairperson Stuart at 6:56 p.m.

Those present were: Members Randy Ahrens  
Vincent Buzek  
Lori Cox  
Bette Erickson  
Robert Gaiser  
Steve Kaverman  
Brian Kenyon  
Dennis McCloskey  
Linda Reynolds  
Walt Spader

Those absent were: None

Also present were: City and County Manager George Di Ciero  
Deputy City and County Manager Charles Ozaki  
City and County Attorney William Tuthill  
Deputy City Clerk Tricia Kegerreis  
Various Department Staff Members

(a) Public Hearing - 2007 Proposed Housing Authority Budget

Chairperson Stuart opened the public hearing at 6:57 p.m. regarding the proposed 2007 Housing Authority budget. This public hearing was to provide citizens with the opportunity to comment on the Broomfield Housing Authority's proposed budget for next year.

Ed Scholz, Budget Manager, presented the Staff report noting there wasn't much change from the 2006 Budget. He stated that the staff position is being recruited.

Councilmember comments, questions and concerns included: 1) What is the line item for professional services? 2) What is the status of the recruitment for a housing authority worker? 3) Notify unsuccessful job candidates of hiring status; 4) Is there a shortfall in the 2007 funds? 5) If affordable housing is established, could there be more use of the Health and Human Services? and 6) Need to move forward with hiring a staff person.

Staff responses to Council questions included: 1) The amount for professional services was not defined in 2006 so was reduced for the 2007 budget; 2) There were initially seven candidates which has been narrowed down to three; a decision and offer will be made soon; 3) The Housing Action Plan includes single-family home rehabilitation; and 4) The new staff member will need to apply for federal and state grants or this budget may need to be subsidized.

The public hearing was closed at 7:16 p.m.

COUNCILMEMBER REPORTS

Leaf and Pumpkin Collection at the Broomfield Recycling Center - Kaverman

Councilmember Kaverman advised that the Broomfield Recycling Center would be open for leaf and pumpkin collection. He also noted that the Ninth Annual Pumpkin Smash would be conducted at 10 a.m. on November 4, 2006.

Motion to Direct Staff to Work with the Barber Family for a New Request for Proposal for the Barber Property - Spader

Councilmember Spader questioned when an appropriate time would be to act on the request by David Barber for Staff to work with the Barber family for a new Request For Proposal (RFP) regarding the Barber property. Attorney Tuthill responded that it could be done now or during Council Business.

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT STAFF BE DIRECTED TO WORK WITH THE BARBER FAMILY TO DEVISE A NEW RFP WITH AN EXTENDED RESPONSE PERIOD.

DISCUSSION:

Council suggested that new relocation terms be addressed, and it was noted that this was not a resurrection of the first RFP, but rather a new one.

THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Broomfield Event Center "Trick or Suite" Night - Report - Kenyon

Councilmember Kenyon advised that the Broomfield Event Center would be conducting a "Trick or Suite" night for all area children on Monday night, October 30, 2006, from 6 to 8 p.m.

Denver Regional Council of Governments (DRCOG) Metro Vision Issues Committee - Report - McCloskey

Councilmember McCloskey reported on the work of the DRCOG Metro Vision Committee's 30-Year Plan and noted that there is renewed interest in completing the connection of the Northwest Parkway and W-470 roadway.

U.S. 36 Corridor Mayors and Commissioners Coalition - Report - Stuart

Mayor Stuart reported that the U.S. 36 Environmental Impact Study is moving forward. The coalition would like to see a multi-modal option for the highway.

Broomfield Event Center Open House - Stuart

Mayor Stuart announced that the Broomfield Event Center would be holding an Open House on Sunday, November 5, 2006.

Veterans Museum Event - Stuart

Mayor Stuart advised that the Broomfield Veterans Memorial Museum would be holding a Veterans Day Ceremony at the Broomfield Auditorium on Veterans Day, November 10, 2006.

Masons Thanked for Cornerstone Ceremony for the Broomfield Event Center - Report - Stuart

Mayor Stuart thanked the Masons for conducting a cornerstone laying ceremony at the Broomfield Event Center on Saturday, October 21, 2006.

One Book, One Broomfield - November 15, 2006 Event - Stuart

Mayor Stuart advised that James Galvin, author of The Meadow, will be speaking at the Broomfield Auditorium on November 15. The Library Foundation will be holding a fundraiser, Meadow Memories, at the Renaissance Suites Hotel on November 14, 2006.

COUNCIL BUSINESS

(a) Public Hearing on the 2007 Proposed Budget

Mayor Stuart opened the public hearing at 7:30 p.m. regarding the proposed 2007 Budget for the City and County of Broomfield. The purpose of this hearing was to provide citizens the opportunity to submit comments and suggestions regarding service needs, capital improvement needs, and any other items related to funding expenditures for next year.

Ed Scholz, Budget Manager, presented the Staff summary and reported that the 2007 Budget maintains the 16.67% reserve, covers existing debt, and keeps the Capital Improvements Project fund, which addresses Council priorities, in good shape. He reviewed the changes, as listed in the Council memorandum, made to the 2007 Budget after Council's budget study sessions. He also noted there will be no increase in the sales tax or mill levy; but an increase is proposed for water and sewer rates, and water and sewer licenses. Since becoming a city and county, Broomfield residents have experienced a \$17 million savings on property taxes.

Public comment was received from the following individuals.

Laura Peterson (13931 Gunnison Way), representing the Broomfield Aquatic Center Committee, thanked Council for funding the Aquatic Center Feasibility Study.

Brian Conly (12523 Maria Circle), new Director of the Bal Swan Children's Center, thanked Council for its past support and noted that Bal Swan is trying to give back to the community. The Bal Swan School will be offering full day classes and will be trying for a four-star rating. He asked Council to consider a larger grant to Bal Swan and offered to give a presentation of all the programs offered at the school.

Leah Maes (630 West 1st Avenue); Sherry Gunter (840 Nickel Street) & son, Jessie & clients Clay & Katie; and Gina Coufal (2140 Snowmass Circle), F.R.I.E.N.D.S. of Broomfield, Inc. Director, thanked Council for its support of the FRIENDS group.

Council comments included: 1) The \$1.5 million Asset Protection Fund is a good use; 2) Thanks given to those speaking on behalf of the developmentally disabled; and 3) Interest expressed for a 2-year budget implementation.

The public hearing was closed at 7:57 p.m.

(b) Public Hearing - Broomfield Urban Transit Village - Arista, Live Work Site Development Plan, Filing No. 10 Final Plat & Subdivision Improvement Agreement  
Applicant: Sunburst Design LLC  
Location: Broomfield Urban Transit Village, East of Colony Row, South of Transit Way

Resolution No. 2006-170 Approving Broomfield Urban Transit Village - Arista, Live-Work Site Development Plan, Filing No. 10 Final Plat and the Subdivision Improvement Agreement Therefore

Mayor Stuart opened the public hearing at 8:26 p.m. regarding a Site Development Plan and Final Plat for the purpose of developing 13 live-work units in the Broomfield Urban Transit Village - Arista Project.

Planning Director Terry Ware presented the Staff report, reviewed the site location, and noted that the proposal submitted by the Applicant, Sunburst Design, LLC, is consistent with all of the City's plans, requirements, and guidelines. Residential units are planned for the two floors above the first floor commercial uses. The Land Use Review Commission approved this plan with no recommendations.

Edward Barsocchi and Richard Patterson, Applicant representatives, presented information on the plans noting that 13 Live-Work Townhomes made of high quality materials and wired for a high tech environment are planned for the first phase. It was also noted this area would be similar to the Bradburn Village and Bel-Mar areas.

In response to Council questions, Mr. Barsocchi stated Phases 2 and 4 would be similar to Phase 1 while Phase 3 is planned to consist of large mixed-use buildings. He also stated that two separate units could not be used as one because of the required fire wall between the two units. Sheet 2 of 4 of the plans will be corrected to show the correct addresses for units 12 and 13.

The public hearing was closed at 8:41 p.m.

Resolution No. 2006-170 was read by title.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER COX SECONDED, THAT RESOLUTION NO. 2006-170 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

Agenda Item 14(a) was considered at this time.

- (c) Public Hearing - Broomfield Professional Campus - Rezoning to Transitional Overlay District, Site Development Plan, Final Plat & Subdivision Improvement Agreement  
Applicant: Rocky Mountain Construction Specialists  
Location: 3301 West 144th Avenue

Ordinance No. 1849 Rezoning Certain Land Within the City and County of Broomfield from Agricultural (A-1) to Transitional Overlay Area District Which Land is Approximately Located North of West 144th Avenue and West of Federal Boulevard - Second Reading

Resolution No. 2006-144 Approving Broomfield Professional Campus Site Development Plan and Final Plat, and Authorizing the Subdivision Improvement Agreement Therefore

This Agenda Item was considered after 14(a).

Mayor Stuart opened the public hearing at 8:44 p.m. regarding a proposed rezoning, Site Development Plan, Final Plat and Subdivision Agreement for the proposed Broomfield Professional Campus. The Applicant is proposing three medical and general office buildings to be located on the north side of West 144th Avenue, west of Federal Boulevard.

Planning Director Ware summarized the Staff report and reviewed the site location. He clarified the Staff memo noting that this area is presently zoned AdamsCounty A-1 and will need to be rezoned to Transitional Overlay if the plan is approved by Council. Mr. Ware stated the plan is consistent with all plans for the designated area. He noted the building architecture had been

changed to look more residential. He reviewed the landscaping plans and noted there was a concern about the Applicant wanting to wait until Phase 3 to install the buffer between his property and the residential neighborhood. Staff and neighbors would like the buffer addressed in the first phase. There is also an issue with on-site lighting crossing the property line. He stated that page 10 of the Subdivision Agreement would be corrected to include the following sentence: Special provisions include a participation in the Zuni Outfall Sanitary Sewer System. Planning Director Ware then reviewed the Land Use Review Commission's approval with conditions.

James "Stormy" Grier and Harold Patterson, Applicant representatives, reviewed the requested additions to the plan. It was noted that shutters, dormers, residential windows, and balconies were added to the building's architecture. The intention is to irrigate the sod to the east and west of the building. Mr. Grier stated that since this project is being done in phases, the soil being excavated could be used to make the berm as the other phases are completed instead of hauling away the dirt and returning it later to make the berm. The lighting has been moved from the north side and parking lot lighting is faced downward.

Public comment was received from: Rosemary Lind (1151 Clubhouse Drive); Robert and Jamie Ponders (14580 Irving Street); Philip Cameron, Pastor of Risen Savior Lutheran Church; Don and Sandra Hoelsken (15075 Federal Boulevard); Lon and Sheridan Celmer (3302 West 151st Court); Betty Brockelman (2452 McKay Landing Parkway); Archie Lind (1151 Clubhouse Drive); Dr. Nancy Grier (1155 Oakhurst Drive); and Brian Conly (12523 Maria Circle).

Comments in favor of the proposal included: 1) Enhancement to the area; 2) Very nice project and could be a benchmark for future buildings; 3) These are good citizens with good character; 4) Medical facility can help with the needs of Broomfield families; 5) Applicant has addressed most of the issues; 6) Well designed structure; and 7) Plans have been modified many times to incorporate needs and wishes of the Wilcox neighborhood.

Comments in opposition to the proposal included: 1) Concern about light pollution; 2) Lighting needs to be checked after each phase is built; 3) Landscape buffer should be built in the first phase; 4) Restructure buildings to not look like barracks; 5) This development has just the minimum requirements; 6) Does not look like a residential building; 7) Residential features not on all four sides; 8) Landscape buffer should be irrigated; 9) Requested that occupancy certificates not be issued until the buffer is complete; and 10) Mitigate impact to the unique Wilcox neighborhood.

Emails received from Gwen Young, Don and Jamie Ponders, Don Geering, and Luana Fletcher were distributed.

Council comments, questions and concerns included: 1) This is a nice looking project which has changed dramatically from the first plans submitted; 2) Landscaping and berm needs to be completed in the initial phase; 3) Buffers can be either a berm or a wall; 4) Where will trees be placed on the berm? 5) Can the back of buildings be changed to include more architectural features? 6) Applicant is giving a good faith effort; 7) Buildings can be sound barriers for 144<sup>th</sup> traffic; 8) Should not be micro-managing this project; and 9) Will the configuration of the buildings allow for city right-of-way if needed?

Response to Council questions included: 1) Trees can be put on the north side of the berm; 2) Applicant can give more architectural design to back of the buildings; and 3) Buildings have been placed appropriately to accommodate City right-of-way.

There were many changes requested by the public and Council. A break was taken at this time to allow time for Staff to go over the requested changes with the Applicant.

The public hearing was closed at 10:27 p.m.

Ordinance No. 1849 was read by title.

COUNCILMEMBER MCCLOSKEY MOVED AND COUNCILMEMBER BUZEK SECONDED, THAT ORDINANCE NO. 1849 BE ADOPTED ON SECOND AND FINAL READING AND ORDERED FINALLY PUBLISHED IN FULL.

ROLL CALL ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, AND SPADER

THOSE VOTING NO WERE: COUNCILMEMBER REYNOLDS

THE MOTION PASSED ON A VOTE OF 9 TO 1.

Planning Director Terry Ware showed a map of the changes which were outlined in yellow, and explained that the Applicant has changed the plan noting Phase 3 becomes Phase 1. Phase 1 will include completion of: Building 1, which was initially Building 3; transition area including the berm and landscaping; roadway into the site from 144<sup>th</sup> Avenue; and parking lots immediately south and east of the newly marked Building 1. A note was added to the plan that states that all phases, Phases 1, 2, and 3, will be completed sequentially.

Resolution No. 2006-144 was read by title.

COUNCILMEMBER BUZEK MOVED AND COUNCILMEMBER COX SECONDED, THAT RESOLUTION NO.2006-144 BE ADOPTED, AS AMENDED, WITH THE CHANGES AS SHOWN ON THE RED MARKED PRINT OF THE SITE DEVELOPMENT PLAN OF OCTOBER 24, 2006.

ROLL CALL ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, AND SPADER

THOSE VOTING NO WERE: COUNCILMEMBER REYNOLDS

THE MOTION PASSED ON A VOTE OF 9 TO 1.

- (d) Public Hearing - Broomfield Retirement Residence Planned Unit Development Plan, Site Development Plan, Final Plat & Subdivision Improvement Agreement  
Applicant: Colson & Colson Construction Company  
Location: 5085 West 136th Avenue

Resolution No.2006-180 Approving Broomfield Retirement Residence PUD Plan, Site Development Plan, Final Plat & Subdivision Improvement Agreement Therefore

Mayor Stuart opened the public hearing at 10:35 p.m. regarding a request for approval of a Planned Unit Development Plan, Site Development Plan, Final Plat and Subdivision Improvement Agreement for the proposed Broomfield Retirement Residence, to be located at the northeast corner of West 136th Avenue and Sheridan Boulevard.

Planning Director Ware summarized the Staff report and reviewed the site location. He stated that the proposed plan is for a 3-story Congregate Care Facility and a 2-story Assisted Living Facility. The plan includes, on Lot 2, installation of a storm drain under Teal Creek Court. Parking ratios are adequate for the project. The buffering of this site from The Chateaux by use of buildings, landscaping, and carpports on the eastern edge of the property will provide an adequate buffer. The buildings will have four-sided architecture. The Developer has proposed a cash-in-lieu of land dedication for \$37,134 along with a 25% dedication of land to meet the open lands dedication requirement. City Manager Di Ciero distributed a letter from The Chateaux expressing their concerns and comments.

Garth Brandaw, (Holiday Retirement Corporation), Applicant representative, stated they have worked on this project for over a year and feels the market is right for this type of product. They have attended many meetings with Staff, the Land Use Review Commission, and the neighborhood regarding this project and feel they have addressed all issues.

Council comments, questions and concerns included: 1) Concern expressed that deceleration / acceleration lanes were not on this plan; 2) A project of this type is welcome in Broomfield; and 3) What kind of reception was received at the neighborhood meetings?

Staff responded that volumes are not high enough to require deceleration / acceleration lanes. Mr. Brandaw stated that the carpports have been approved by the Fire Department and that there was support from residents attending the neighborhood meetings. He also noted that the company is a privately-held company and no stocks are traded.

The public hearing was closed at 10:49 p.m.

Resolution No. 2006-180 was read by title.

COUNCILMEMBER ERICKSON MOVED AND COUNCILMEMBER MCCLOSKEY SECONDED, THAT RESOLUTION NO. 2006-180 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

(e) Public Hearing - Sonic MidCities Filing No. 17 - Site Development Plan

Applicant: Coalton Acres, LLC

Location: 2400 East Coalton Road

Resolution No. 2006-169 Approving Sonic Flatirons MidCities Filing No. 17 Site Development Plan and Authorizing a Subdivision Improvement Agreement

Mayor Stuart opened the public hearing at 10:50 p.m. regarding a proposed Site Development Plan and Subdivision Improvement Agreement for a Sonic Drive-In restaurant to be located at 2400 East Coalton Road, within the MidCities Planned Unit Development area.

Planning Director Ware summarized the Staff report and reviewed the site location. He noted that this plan meets the sign requirements and MidCities guidelines.

Hank Brumley and Bill Branyan, Applicant representatives, reviewed the remaining projects planned for this development and noted that MainStreet Architectural Control Committee has reviewed the plan and has found that it has complied with all requirements.

In response to Council questions, Mr. Brumley reported that The Sonic sits on Coalton Road and meets the parking requirements.

The public hearing was closed at 10:57 p.m.

Resolution No. 2006-169 was read by title.

COUNCILMEMBER KAVERMAN MOVED AND COUNCILMEMBER MCCLOSKEY SECONDED, THAT RESOLUTION NO. 2006-169 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

- (f) Resolution No. 2006-179 Approving a Memorandum of Understanding Between the City and County of Broomfield and the Cities of Lakewood, Boulder, Thornton and Arvada to Seek Private Sector Development of a Regional Wireless Broadband Network

Mayor Stuart introduced a proposed Memorandum of Understanding (MOU) to join a consortium of communities in an effort to acquire a wireless broadband network for the north metro area. The City Council identified the exploration of providing Wi-Fi capability throughout the City and County as a priority for 2006.

Assistant City and County Manager Tonya Haas summarized the Staff report noting this was one of Council's priorities. She explained that eleven communities have formed a consortium to get Wi-Fi services. The next step is to get a Memorandum of Understanding to advertise for a Request For Proposal to provide services. If a provider is found, one contract will be signed by all parties.

In response to Council questions and comments, Assistant Manager Haas stated that every entity pays the same amount to be in this group, and if another contiguous entity wanted to join the group, they would need to pay a portion and the other entities would be refunded a portion of their initial payment. This MOU does not preclude other providers from offering service to the City. She stated that either she or Information Technology Director Kale Gilmore would be the project manager.

Resolution No. 2006-179 was read by title.

COUNCILMEMBER GAISER MOVED AND COUNCILMEMBER MCCLOSKEY SECONDED, THAT RESOLUTION NO. 2006-179 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

(g) Request for Executive Session to Discuss a Personnel Matter Relating to Specific Individuals

Mayor Stuart advised that an Executive Session had been requested to discuss a personnel matter relating to the City and County Manager and the City and County Attorney. Under the provisions of the Colorado Revised Statutes, an affirmative vote of two-thirds of a quorum present is required to enter into an Executive Session.

COUNCILMEMBER KAVERMAN MOVED AND COUNCILMEMBER AHRENS SECONDED, THAT AN EXECUTIVE SESSION BE HELD ON OCTOBER 24, 2006 FOR THE PURPOSE OF DICUSSING PERSONNEL MATTERS PURSUANT TO SECTION 24-6-402(4)(F) OF THE COLORADO REVISED STATUTES.

ROLL CALL ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS AHRENS, BUZEK, COX, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER

THOSE VOTING NO WERE: COUNCILMEMBER ERICKSON

THE MOTION PASSED ON A VOTE OF 9 TO 1.

(h) Resolution No. 2006-183 Approving an Agreement with L & M Enterprises, Inc. for the Construction of the Wildgrass Open Space Trails, Phase 1 Project

Mayor Stuart introduced a proposed agreement with L & M Enterprises for the construction of Phase 1 of the Wildgrass Open Space Trails.

Assistant City and County Manager Kevin Standbridge summarized the Staff report noting that the original agreement states that Broomfield would build the trail through the open space. Phase 1 is included in the Capital Improvements Program budget. The developer will put in parking for the trailhead.

In response to Council questions and comments, Assistant Manager Standbridge stated there had been an underestimation of costs for this trail, but Staff has become more knowledgeable about these types of costs.

Resolution No. 2006-183 was read by title.

COUNCILMEMBER AHRENS MOVED AND COUNCILMEMBER MCCLOSKEY SECONDED, THAT RESOLUTION NO. 2006-183 BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

(i) Discussion of City & County Manager Compensation

Mayor Stuart introduced discussion of compensation for the City and County Manager.

COUNCILMEMBER AHRENS MOVED AND COUNCILMEMBER COX SECONDED, THAT COMPENSATION FOR THE CITY MANAGER BE SET AS FOLLOWS: AS OF NOVEMBER 1, 2006 - BASE SALARY OF \$167,472; A COMBINED LUMP SUM SALARY ADJUSTMENT OF \$20,132; AND A 2005 BONUS OF \$15,072. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

CONSENT AGENDA

The Consent Agenda items were read by title.

(a) Approval of Minutes - Regular Meeting of October 10, 2006

The recommendation was for approval of the Minutes of the Regular Meeting of October 10, 2006.

(b) Purchase Orders to Install Overhead Street Lights:

Resolution No. 2006-184 Approving a Purchase Order for Xcel Energy for the Installation of Street Lights Along E. Midway Boulevard from the Westlake Townhomes to Zuni Street

Resolution No. 2006-185 Approving a Purchase Order for Xcel Energy for the Installation of Street Lights Along Wadsworth Parkway from S.H. 128 to the South Boundary of Broomfield

Resolution No. 2006-186 Approving a Purchase Order for Xcel Energy for the Installation of Street Lights Along W. 136th Avenue from Broadlands Drive to Lowell Boulevard

The recommendation was that Resolutions No. 2006-184, No. 2006-185, and No. 2006-186 be adopted.

Councilmember Erickson questioned why lighting hadn't been completed along Highway 128 to the end of the City's western boundary line since funds for this project had been allocated in last year's budget. Staff will check on that and report back to Council.

(c) Ordinance No. 1851 Rezoning Certain Land within the City and County of Broomfield from Adams County Agricultural (A-2) to Broomfield E-3 Estate District Which Land is Approximately Located West of Zuni Street at West 155th Avenue (Red Hawk Estates) - Second Reading

The recommendation was that Ordinance No. 1851 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinance be scheduled for 6:00 p.m., November 21, 2006, in the Council Chambers at the City and County Building; and that Second and Final Reading on said Ordinance be scheduled for November 21, 2006, following the public hearing.

(d) Resolution No. 2006-175 Approving an Agreement with KECI Colorado, Inc. for the Construction of the Brandywine Bridge Replacement Project

The recommendation was that Resolution No. 2006-175 be adopted.

(e) Ordinance No. 1841 Renaming East and West Flatiron Circle to East and West Flatiron Crossing Drive - First Reading

The recommendation was that Ordinance No. 1841 be adopted on First Reading and ordered published in full; that a public hearing on said Ordinance be scheduled for 6:00 p.m., November 21, 2006, in the Council Chambers at the City and County Building; and that Second and Final Reading on said Ordinance be scheduled for November 21, 2006, following the public hearing.

COUNCILMEMBER SPADER MOVED AND COUNCILMEMBER MCCLOSKEY SECONDED, THAT AGENDA ITEMS 10(A) THROUGH 10(E) BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH COUNCILMEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

ATTORNEY'S REPORT

No report was given.

MANAGER'S REPORT

- (a) Progress Report - Council's 2006 Priorities
- (b) City & County Manager's Report - October 24, 2006

SPECIAL REPORTS

- (a) Citizen's Assistance Center - Third Quarter Report for 2006

CONVENE AS BROOMFIELD URBAN RENEWAL AUTHORITY

The meeting of the Broomfield Urban Renewal Authority was convened by Chairperson Stuart at 8:42 p.m., following Agenda Item 9(b), for consideration of Item 14(a).

Those present were: Members

- Randy Ahrens
- Vincent Buzek
- Lori Cox
- Bette Erickson
- Robert Gaiser
- Steve Kaverman
- Brian Kenyon
- Dennis McCloskey
- Linda Reynolds
- Walt Spader

Those absent were: None

Also present were: City and County Manager George Di Ciero  
 Deputy City and County Manager Charles Ozaki  
 City and County Attorney William Tuthill  
 Deputy City Clerk Vicki Marcy  
 Various Department Staff Members

(a) Public Hearing - Broomfield Urban Transit Village - Arista, Live-Work Urban Renewal Site Plan

Applicant: Sunburst Design, LLC

Location: Broomfield Urban Transit Village, East of Colony Row, South of Transit Way

Resolution No. 2006-171-UR Approving the Urban Renewal Site Plan for Broomfield Urban Transit Village - Arista, Live-Work in the Wadsworth Interchange Urban Renewal Area

Chairperson Stuart opened the public hearing at 8:43 p.m. regarding an Urban Renewal Site Plan for the purpose of developing 13 live-work units in the Broomfield Urban Transit Village-Arista Project.

City and County Manager Di Ciero introduced the Staff report into the record.

The public hearing was closed at 8:43 p.m.

Resolution No. 2006-171-UR was read by title.

MEMBER BUZEK MOVED AND MEMBER COX SECONDED, THAT RESOLUTION NO. 2006-171-UR BE ADOPTED. THE MOTION CARRIED UNANIMOUSLY WITH MEMBERS AHRENS, BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, REYNOLDS, AND SPADER VOTING AYE.

(b) Public Hearing - 2007 Proposed BURA Budget

Chairperson Stuart opened the public hearing at 11:26 p.m. regarding the proposed 2007 Urban Renewal budget. This public hearing was to provide citizens with the opportunity to comment on the Broomfield Urban Renewal Authority's proposed budget for next year.

Pat Soderberg, Deputy Director of Finance, reviewed the proposed budget and noted there was a decrease because of the Broomfield Event Center completion. She advised that projects in the budget were West Midway Boulevard extension, 120<sup>th</sup> Avenue Gateway Corridor, Target TIF, and 96<sup>th</sup> Street Gateway.

The public hearing was closed at 11:30 p.m.

(c) Resolution No. 2006-189-UR Approving an Agreement with Urban Neighborhoods Inc. for the Completion of a Master Plan for the Civic Center

Chairperson Stuart introduced consideration of an agreement with Urban Neighborhoods for the preparation of a Master Plan for the Civic Center Property, located south of Community Park.

Assistant City and County Manager Standbridge stated that only one response was received for a Request For Proposal for the property, but was not accepted. Staff met with Dana Crawford, of Urban Neighborhoods Inc. in order to retain their services for planning the Civic Center property. Ms. Crawford is well known and well respected for her work.

In response to Council questions, Assistant Manager Standbridge noted Ms. Crawford has been in Denver for a long time and all expenses have to be approved by Staff. She has recommended working with different groups as well as citizens.

Resolution No. 2006-189-UR was read by title.

MEMBER BUZEK MOVED AND MEMBER MCCLOSKEY SECONDED, THAT RESOLUTION NO. 2006-189-UR BE ADOPTED.

ROLL CALL ON MOTION:

THOSE VOTING AYE WERE: COUNCILMEMBERS BUZEK, COX, ERICKSON, GAISER, KAVERMAN, KENYON, MCCLOSKEY, AND REYNOLDS

THOSE VOTING NO WERE: COUNCILMEMBERS AHRENS AND SPADER

THE MOTION PASSED ON A VOTE OF 8 TO 2.

CONVENE AS ARISTA LOCAL IMPROVEMENT DISTRICT BOARD OF DIRECTORS


There was no business for the Arista Local Improvement District Board of Directors.

ADJOURNMENT

The City Council meeting was adjourned at 11:40 p.m. to an Executive Session regarding a Personnel Matter.

APPROVED:

  
Deputy City Clerk

  
Mayor