



# REGULAR MEETING AGENDA

## FORT COLLINS CITY COUNCIL

February 5, 2008

Doug Hutchinson, Mayor  
Kelly Ohlson, District 5, Mayor Pro Tem  
Ben Manvel, District 1  
Lisa Poppaw, District 2  
Diggs Brown, District 3  
Wade Troxell, District 4  
David Roy, District 6

City Council Chambers  
City Hall West  
300 LaPorte Avenue  
Fort Collins, Colorado

Cablecast on City Cable Channel 14  
on the Comcast cable system

The City of Fort Collins will make reasonable accommodations for access to City services, programs, and activities and will make special communication arrangements for persons with disabilities. Please call 221-6515 (TDD 224-6001) for assistance.

### Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring February 6, 2008 as National Girls and Women in Sports Day.
- B. Proclamation Declaring February 10, 2008 as College Goal Sunday in Fort Collins Day.
- C. Proclamation Declaring February 9, 2008 as Stanford 20/20 Cricket Family Day.

### Regular Meeting 6:00 p.m.

#### PLEDGE OF ALLEGIANCE

- 1. CALL MEETING TO ORDER.
- 2. ROLL CALL.

## 3. CITIZEN PARTICIPATION (limited to 30 minutes)

Individuals who wish to make comments regarding items scheduled on the Consent Calendar or wish to address the Council on items not specifically scheduled on the agenda must first be recognized by the Mayor or Mayor Pro Tem. **Before speaking, please sign in at the table in the back of the room.** The timer will buzz once when there are 30 seconds left and the light will turn yellow. The timer will buzz again at the end of the speaker's time. Each speaker is allowed 5 minutes. If there are more than 6 individuals who wish to speak, the Mayor may reduce the time allowed for each individual.

- State your name and address for the record
- Applause, outbursts or other demonstrations by the audience is not allowed
- Keep comments brief; if available, provide a written copy of statement to City Clerk

## 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

### Consent Calendar

The Consent Calendar consists of Items 6 through 23. 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 Item No. 27, Pulled Consent Items. The Consent Calendar consists of:

- Ordinances on First Reading that are routine;
- Ordinances on Second Reading that are routine;
- Those of no perceived controversy;
- Routine administrative actions.

6. Consideration and Approval of the Minutes of the January 15, 2008 Regular Meeting and the January 22, 2008 Special Meeting.7. Second Reading of Ordinance No. 001, 2008, Appropriating Unanticipated Grant Revenue in the General Fund for the Fort Collins Police Services Victim Services Team.

The City has received a grant in the amount of \$33,150 from the Eighth Judicial District Victims Assistance and Law Enforcement (V.A.L.E.) Board to help fund victim services activities. This Ordinance, unanimously adopted on First Reading on January 15, 2008, appropriates these grant funds.

8. Second Reading of Ordinance No. 002, 2008, Appropriating Unanticipated Revenue in the Street Oversizing Fund for Transfer to the Capital Projects Fund - Harmony Road and Ziegler Road Improvements - Front Range Village Development Capital Project and Authorizing the Transfer of Appropriations Between Funds to Construct Sidewalk Improvements on the North Side of Harmony Road from Ziegler Road to Lady Moon Drive.

This Ordinance, unanimously adopted on First Reading on January 15, 2008, appropriates funding to be used to install an eight foot wide sidewalk on the north side of Harmony, from Ziegler Road to Lady Moon Drive to provide pedestrian access to bus stops and businesses on the Harmony transit route.

9. Second Reading of Ordinance No. 003, 2008, Amending Chapter 2, Division 3 of the City Code Pertaining to Appeals to the City Council.

This Ordinance authorizes Councilmembers to inspect the site of development project plans or other proposals that are the subject of a Council appeal and prescribes the terms and conditions under which such site inspections may occur.

On First Reading, this Ordinance presented two proposed amendments to the Council. The first of those amendments would have limited the parties-in-interest who are considered to have a legally protected interest under the Code for the purposes of seeking judicial review of the Council's determination of an appeal. The motion to approve that proposed amendment failed to gain majority support. Accordingly, the Ordinance presents on second reading only the second part of the original Ordinance, which was unanimously adopted on First Reading on January 15, 2008.

10. Second Reading of Ordinance No. 004, 2008, Authorizing the Acquisition by Eminent Domain Proceedings of Certain Lands Necessary to Construct Public Improvements and Widen West Harmony Road from South College Avenue to Seneca Street.

Improvements to Harmony Road between College Avenue and Seneca Street have been prioritized by the City of Fort Collins. To meet the proposed construction schedule for the Project, timely acquisition of the property interests along West Harmony Road is necessary. This Ordinance, unanimously adopted on First Reading on January 15, 2008, authorizes the approval to use eminent domain to acquire necessary property interests, if needed.

11. Second Reading of Ordinance No. 005, 2008, Authorizing Conveyance of an Easement for Two Pedestrian Bridges to Poudre Valley Health Care, Inc., d/b/a Poudre Valley Health Systems ("PVH").

PVH has a project development plan known as "Poudre Valley Hospital Parking Structure and Medical Office Building" ("the Project"), approved by the Planning and Zoning Board on September 20, 2007. This plan includes the construction of a new employee parking structure and a new medical office building. Also as part of the plan, PVH desires to construct two pedestrian bridges. One of the proposed bridges will span Garfield Street and the proposed second bridge will span Lemay Avenue. This Ordinance, unanimously adopted on First Reading on January 15, 2008, authorizes the conveyance of the easement area needed to construct the pedestrian bridges.

12. First Reading of Ordinance No. 007, 2008, Appropriating Unanticipated Grant Revenue in the Form of Grant Proceeds From the National Park Service in the Cultural Services and Facilities Fund - Trail of Northern Colorado Grant Project.

The City was awarded a \$100,000 grant from the National Park Service. This Ordinance appropriates that grant money in the Museum's Trails of Northern Colorado grant project.

13. First Reading of Ordinance No. 008, 2008, Appropriating Unanticipated Grant Revenue in the General Fund Continuation of the Restorative Justice *Restore* Program.

This Ordinance appropriates funds received from a grant in the amount of \$20,000 from the Bohemian Foundation for salaries associated with the continued operation of the *Restore* Program.

14. First Reading of Ordinance No. 009, 2008, Appropriating Prior Years Reserves in the Downtown Development Authority Fund for Expenditure on Projects in Accordance with the Downtown Plan of Development.

This Ordinance will appropriate unanticipated revenue from interest earnings in the amount of \$754,374 and reappropriate \$713,667 from project savings from prior years appropriations. The DDA board has authorized the expenditure on various projects and programs.

15. First Reading of Ordinance No. 010, 2008, Appropriating Prior Year Reserves in the General Fund to Purchase a Parcel of Land on Cherry Street Adjacent to Martinez Park

The new Museum/Discovery Science Center ("the Project") is planned to be built on a portion of the property known as Martinez Park at its eastern boundary. The main access for the Project will be from Mason Street. The facility to be constructed is planned to be a two-story building with a parking lot. This Ordinance would appropriate the funds necessary to acquire a parcel of land located on Cherry Street adjacent to the site of the Project. The property is planned to be used as a visual gateway to the Project. In order to complete this transaction, staff is requesting Council approve the appropriation of funds necessary to acquire the property and pay associated expenses for the purchase.

16. First Reading of Ordinance No. 011, 2008, Calling a Special Municipal Election on June 10, 2008 for the Purpose of Submitting to the Registered Electors a Citizen-Initiated Charter Amendment That Would Authorize Collective Bargaining and Binding Arbitration for City Employees.

On January 22, 2008, the City Clerk's Office received an initiative petition to amend the City Charter relating to collective bargaining. The Clerk's Office has until February 12 to complete its review of the petition to determine if the petition contains a sufficient number of signatures to place the initiated measure on a special election ballot. Pursuant to C.R.S. 31-2-210(4), if the petition is certified as sufficient by the City Clerk, the City Clerk must publish notice of an election upon the proposed Charter amendment within 30 days of the filing of the petition, or no later than February 22, 2008. In order to meet the notice requirement, second reading of the Ordinance calling the election, as well as a resolution

submitting the proposed Charter amendment to the registered electors of the City and setting the ballot language, must be considered on February 19, 2008.

If the petition is found to be insufficient upon completion of the examination, the second reading of this Ordinance, as well as the accompanying resolution setting the ballot language, may need to be postponed until the petition circulators have an opportunity to withdraw the petition and file an amended petition (which must be done no later than 15 days after the Clerk determines the petition is insufficient). If an amended petition is filed, second reading of this Ordinance and the accompanying resolution will be scheduled for the next meeting following examination of the amended petition. At that time, it may be necessary to change the date of the election to facilitate compliance with all statutory requirements for holding an election on a proposed Charter amendment.

17. First Reading of Ordinance No. 012, 2008, Authorizing the Purchasing Agent to Enter into an Agreement to Finance Equipment by Lease-Purchase.

This an implementation action from a City technical energy audit done in 2006. This Ordinance authorizes the Purchasing Agent to enter into a lease-purchase financing agreement with Koch Financial Corporation at 3.75% interest rate. The agreement is for an original term from the execution date of the agreement to the end of the current fiscal year. The agreement provides for renewable one-year terms thereafter, to a total term of five (5) years, subject to annual appropriation of funds needed for lease payments. The total lease terms, including the original and all renewal terms, will not exceed the useful life of the property. This lease-purchase financing is consistent with the financial policies of the City of Fort Collins.

All equipment shall be purchased following the City's purchasing ordinances and procedures to ensure that the City realizes all cost savings.

18. Items Relating to the Fort Collins Museum/Discovery Science Center Project.

- A. Resolution 2008-008 Approving an Operating Agreement Between the City and the Discovery Science Center, Authorizing the New Museum/Discovery Science Center Project to Proceed, and Enhancing the Scope of the Project To Include New Exhibits.
- B. Ordinance No. 013, 2008, Authorizing the Conveyance of an Ownership Interest in the New Museum/Discovery Science Center Facility to the Discovery Science Center.

Adoption of the Resolution forms a true partnership between the City and the Discovery Science Center to build and jointly operate a new museum/science center together in order to provide visitors with an exceptional and unique experience combining science, history, nature and culture in a new and very exciting way. The agreement provides for the construction and joint ownership and operation of the new facility, including the land. The project will be constructed on land owned by the City on the east end of Lee Martinez Park.

Adoption of the Resolution fulfills a requirement in the BOB ordinance that Council provide authorization for the project to proceed after receiving a report from the City Manager and

the City's Financial Officer verifying the DSC has the financial ability to fund no less than \$3.6 million of the project costs. The Resolution also clarifies that the scope of the project includes new exhibits.

Adoption of the Ordinance conveys to the DSC an ownership interest in the new Museum/Discovery Science Center facility, including the land. The ownership interest cannot be conveyed or encumbered without the City's consent. Likewise, the City's ownership interest cannot be conveyed or encumbered without the DSC's consent. Each Party's ownership interest will be equal to its financial contribution to the project. Consequently, the City's interest will include the value of the park land.

The new Museum/Discovery Science Center is scheduled to open in the first half of 2011. The City and the DSC will continue fund-raising efforts through 2008 and will begin designing the facility later this year. Construction will begin in late 2009.

19. First Reading of Ordinance No. 006, 2008, Designating Grandview Cemetery, 1900 West Mountain Avenue, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of the property, the City of Fort Collins, is initiating this request for Fort Collins Landmark designation for the property. The cemetery property contains one historic building, and several historic structures, objects, and features, including historic bridgework, entryway features, statuary, grave markers and monuments, and a historic segment of the New Mercer Canal. All of these historic resources contribute to the architectural and historical significance of the cemetery. The property also contains two non-historic, metal workshop/garage buildings, one non-historic circa 1970s residential dwelling, a non-historic pumphouse, and two other small storage sheds of recent vintage. These buildings are non-contributing elements of the cemetery property. While all cemetery lots are owned by the City of Fort Collins, individual grave markers belong to the families of the deceased, who have the legal right to remove, modify or replace the markers. The City's Master Plan for Grandview Cemetery, once developed, will be used in conjunction with the criteria in Section 14-48 of the Municipal Code to determine compliance with historic preservation standards. In the event of a conflict between the Master Plan and the Code, the Code will control.

20. First Reading of Ordinance No. 014, 2008, Designating the Saint Joseph Catholic Church and Church Parish Center, 300 West Mountain Avenue, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

The owner of St. Joseph Catholic Church, the St. Joseph Parish, Archdiocese of Denver, is initiating this request for Fort Collins Landmark designation for the property, located at 300 West Mountain Avenue.

21. Resolution 2008-009 Appointing Two Councilmembers to the Library Trustee Selection Committee.

The IGA between the City, the Library District and the County provides for a committee of two Councilmembers and two County Commissioners to make recommendations for Library District Trustee appointments. Selected Trustees must be approved by a two-thirds majority of the Council and of the Commissioners. Adoption of the Resolution appoints two Councilmembers to the Library Trustee Selection Committee.

22. Resolution 2008-010 Appointing Brian Janonis to the Platte River Power Authority Board of Directors.

The Platte River Board of Directors is comprised of two representatives from each of the four member cities. The Mayor (or Mayor's designate) fills one slot and the second representative is appointed by the Council. Utilities General Manager Mike Smith served as the City's representative from 1998 until his resignation in July 2007. City Manager Darin Atteberry was appointed to fill the remainder Mr. Smith's term, or until another appointment is made. Brian Janonis was appointed as the Utilities Executive Director on December 12, 2007. City Manager Atteberry has requested that Mr. Janonis replace him as a City representative.

This Resolution appoints Brian Janonis to replace Darin Atteberry for the term which expires December 31, 2008, or until such appointment is changed by the Council.

23. Resolution 2008-011 Making Amendments to the Boards and Commissions Manual.

The 2008 Boards and Commissions Manual has been revised to clarify procedures and deadlines regarding various responsibilities of boards and commissions. Certain procedures have changed especially related to website postings of public information and quorum requirements.

<b>END CONSENT</b>
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24. Consent Calendar Follow-up.

- a. This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.

25. Staff Reports.

26. Councilmember Reports.

***THERE ARE NO DISCUSSION ITEMS.***

27. Pulled Consent Items.

28. Other Business.

29. Adjournment.

Every Council meeting will end no later than 10:30 p.m., except that: (1) any item of business commenced before 10:30 p.m. may be concluded before the meeting is adjourned and (2) the City Council may, by majority vote, extend a meeting until no later than 12:00 a.m. for the purpose of considering additional items of business. Any matter which has been commenced and is still pending at the conclusion of the Council meeting, and all matters scheduled for consideration at the meeting which have not yet been considered by the Council, will be continued to the next regular Council meeting and will be placed first on the discussion agenda for such meeting.