



REGULAR MEETING AGENDA

FORT COLLINS CITY COUNCIL

July 1, 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 Alertness as the Character Focus for July 2008.
- B. Proclamation Celebrating the 100th Anniversary of the Cache la Poudre DAR.
- C. Presentation of the Marcele N. Wood Award.

Regular Meeting 6:00 p.m.

PLEDGE OF ALLEGIANCE

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

****Special Presentation of the NAHRO Award of Excellence in Affordable Housing to the Fort Collins Housing Authority.****

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 32. 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. 38, 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 May 20 and June 3, 2008 Regular Meetings and the June 24, 2008 Adjourned Meeting.7. Second Reading of Ordinance No. 059, 2008, Appropriating Prior Year Reserves in the General Fund for Cultural Development and Programming Activities and the Fort Collins Convention and Visitors Bureau.

This Ordinance, unanimously adopted on First Reading on June 3, 2008, appropriates lodging tax revenues that were in excess of 2007 budgeted lodging tax receipts to Cultural Development and Programming ("CDP"), Visitor Events, and the Convention and Visitors Bureau ("CVB") accounts.

8. Second Reading of Ordinance No. 060, 2008, Appropriating Unanticipated Revenue in the General Fund for the Purchase, Training and On-going maintenance of the E911 and Emergency Medical Dispatch Systems at Fort Collins Police Services Dispatch Center.

This Ordinance, unanimously adopted on First Reading on June 3, 2008, appropriates the funds provided to Fort Collins Police Services by Larimer Emergency Telephone Authority (LETA) to purchase equipment, train users and maintain equipment for emergency services dispatching.

9. Items Relating to the Completion of the Spring Cycle of the Competitive Process for Allocating City Financial Resources to Affordable Housing and Community Development Activities Utilizing the Federal Community Development Block Grant (CDBG) and Home Investment Partnership (HOME) Programs, and the City's Human Services Program and Affordable Housing Fund.

A. Second Reading of Ordinance No. 061, 2008, Appropriating Unanticipated Revenue in the Community Development Block Grant Program.

B. Second Reading of Ordinance No. 062, 2008, Appropriating Unanticipated Revenue and Authorizing the Transfer of Appropriations Between Projects in the HOME Investment Partnership Program.

These Ordinances, unanimously adopted on First Reading on June 3, 2008, complete the spring cycle of the competitive process for allocating City financial resources to affordable housing programs/projects and community development activities.

10. Postponement of Second Reading of Ordinance No. 064, 2008, Amending Sections 23-83 and 24-2 of the City Code Pertaining to Awnings and Canopies over Sidewalks to September 16, 2008.

Staff has been approached by a local business seeking permission to install a retractable shade and rain awning over its permitted eating area encroachment to accommodate patrons during periods of inclement weather. Current City Code language precludes the issuance of an encroachment permit to allow the installation of the awning. This Ordinance, unanimously adopted on First Reading on June 3, 2008, allows an encroachment permit to be issued in this instance as well as for other businesses who seek to place awnings over permitted patio encroachments.

Staff is requesting postponement of Second Reading of the Ordinance to September 16, 2008, in order to incorporate changes in the Ordinance requested by Council. These changes will address historic preservation issues, awning color and type, attachment specifications, approval criteria and administration procedures.

11. Second Reading of Ordinance No. 065, 2008, Amending Section 24-95 of the City Code Concerning the Obligation for Construction of Streets.

This Ordinance, unanimously adopted on First Reading on June 3, 2008, clarifies that developers need to dedicate to the City the street rights-of-way for the local portion of street

adjacent their developments. It also clarifies that when the City constructs a street, it has a right to seek reimbursement from nearby benefitted properties (adjacent properties) as well as properties that abut the street constructed by the City.

12. Second Reading of Ordinance No. 066, 2008, Authorizing the Purchasing Agent to Enter into a Lease-Purchase Financing Agreement for Vehicles and Equipment.

This Ordinance, unanimously adopted on First Reading on June 3, 2008, authorizes the Purchasing Agent to enter into a lease-purchase financing agreement with Koch Financial Corporation at 3.70% 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.

13. Second Reading of Ordinance No. 067, 2008, Expanding the Boundaries of the Fort Collins Downtown Development Authority (DDA) and Amending the Plan of Development of the Authority.

This Ordinance, unanimously adopted on First Reading on June 3, 2008, changes the boundaries of the DDA District and amends the Plan of Development of the Authority to include the property located at 800 East Lincoln Avenue, owned by Odell Brewing Company.

14. Second Reading of Ordinance No. 068, 2008, Designating the Myers House, 902 Mathews Street, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

Ordinance No. 068, 2008, unanimously adopted on First Reading on June 3, 2008, designates the Myers House, 902 Mathews Street, as a Fort Collins Landmark. The owners of the property, Dale and Mary Eggleston, are initiating this request.

15. Second Reading of Ordinance No. 069, 2008, Designating the W. A. Hall House and Detached Garage, 910 Mathews Street, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

Ordinance No. 069, 2008, unanimously adopted on First Reading on June 3, 2008, designates the W. A. Hall House and Detached Garage, 910 Mathews Street, as a Fort Collins Landmark. The owners of the property, Dale and Mary Eggleston, are initiating this request.

16. Second Reading of Ordinance No. 070, 2008, Designating the Poole House, 309 East Locust Street, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code.

Ordinance No. 070, 2008, unanimously adopted on First Reading on June 3, 2008, designates the Poole House, 309 East Locust Street, as a Fort Collins Landmark. The owners of the property, Dale and Mary Eggleston, are initiating this request.

17. Second Reading of Ordinance No. 071, 2008, Designating the H. H. Hale House and Detached Garage, 529 South Whitcomb, as a Fort Collins Landmark Pursuant to Chapter 14 of the City Code

Ordinance No. 071, 2008, unanimously adopted on First Reading on June 3, 2008, designates the H. H. Hale House and Detached Garage, 529 South Whitcomb, as a Fort Collins Landmark. The owners of the property, Dale and Mary Eggleston, are initiating this request.

18. Postponement of Second Reading of Ordinance No. 072, 2008, Amending Section 5.1.2 of the Land Use Code Pertaining to the Definition of Farm Animals and Amending Section 4-117 of the City Code Pertaining to Chickens to September 2, 2008.

This Ordinance, adopted on First Reading by a vote of 5-2 (Nays: Brown, Troxell) amends Section 5.1.2 which is the definition of "Farm Animals." The effect of the change would allow up to six chicken hens in all zones of the City. Chickens are presently included in the definition and, therefore, are allowed only in the zones which allow Farm Animals (RUL, UE, RF).

Staff is requesting a postponement of Second Reading of this Ordinance to September 2, 2008, to provide more time to address issues that have been raised by Council and citizens. Some issues that are being addressed include a potential permit process for having hens, deciding who would provide enforcement, air quality, economic impacts, human health concerns, exterior property maintenance code and potential predator increases in city limits. Staff is coordinating with Police, Natural Resources and other groups to address these issues.

19. Second Reading of Ordinance No. 073, 2008, Making Various Amendments to the City of Fort Collins Land Use Code.

This Ordinance, unanimously adopted on First Reading on June 3, 2008, makes a variety of proposed changes, additions and clarifications identified by staff in the Spring 2008 biannual update of the Land Use Code. The amendments approved on First Reading include a provision establishing a new process whereby the City Council could hold a preliminary conceptual hearing with regard to land use proposals that entail not only specific project development plans, but also legislative decisions of the Council pertaining to annexation, property acquisition, amendments to the City's comprehensive plan, and/or public-private partnerships. The ordinance presented on Second Reading adds an additional sentence to this provision stating that, if the only legislative action involved in the proposal is a possible financial partnership with the City or the provision of some financial incentive to the applicant from the City, the City Manager must agree that the proposed partnership or financial incentive warrants Council consideration in order for a hearing before the Council to be scheduled.

20. First Reading of Ordinance No. 074, 2008 Appropriating Prior Year Reserves in the Light and Power Fund for Capital Expansion at the Portner Substation and Capital Additions to the Timberline Substation.

To meet the electric needs of current and future customers, the Utilities plans to build two new distribution substations at existing sites on Portner Road (west of the Transfort facility)

and Timberline Road (south of Prospect). Funds for the Portner Substation were budgeted in 2008 and the Timberline Substation was planned for 2010. Two transformers are needed at each substation. The Utilities recently received bids for the substation transformers and the bids were 33% higher than budgeted. Vendors have indicated that the cost of transformers and electrical switchgear will continue to escalate at a rapid rate over the next two years due to increasing copper and core steel costs. To avoid future increases, the Utilities now propose to purchase all four transformers needed for the two substations based on the current bid. An appropriation of \$4,017,604 is needed to purchase the transformers, install foundations, and supplement the original switchgear budget. The funds are available from prior year reserves in the Light and Power Fund.

21. First Reading of Ordinance No. 075, 2008, Appropriating Unanticipated Grant Revenue in the Light and Power Fund for Energy Star/Energy Efficiency Programs and Authorizing the Transfer of Matching Funds Previously Appropriated in the Light and Power Operating Budget.

This Ordinance appropriates funds received from three grants received from the State of Colorado's Governor's Energy Office totaling \$75,000. Combined with the Utilities matching funds, \$50,000 will be used for each of three programs: ENERGY STAR for New Homes, Home Performance with ENERGY STAR (for existing homes) and Residential Solar Program (Photovoltaic).

22. First Reading of Ordinance No. 076, 2008, Appropriating Funds in the Downtown Development Authority Fund for Expenditure in Accordance with the Downtown Plan of Development.

The Downtown Development Authority (DDA) is asking Council to appropriate \$2,800,000 from the Downtown Development Authority Operations and Maintenance 2004A DDA Bond Project and the 2007A Bond Project fund for the purchase of the Elks building. The DDA Board has authorized the expenditure on this project.

23. First Reading of Ordinance No. 077, 2008, Amending Sections 2-30, 2-32 and 2-34 of the City Code Pertaining to Notice of Public Meetings of the City Council and City Council Committees.

This ordinance makes several amendments to the provisions of the City Code dealing with the public notice requirements for regular and special meetings of the City Council.

24. Items Relating to the I-25/SH 392 Interchange and Improvements Project.

- A. Resolution 2008-058 Authorizing the Mayor to Execute an Amendment to the Intergovernmental Agreement Regarding Highway 392 Interchange Between the City, the Town of Windsor and Metro Acquisitions, LLC.
- B. First Reading of Ordinance No. 078, 2008, Authorizing the Transfer of Existing Appropriations from the General Fund to the Capital Projects Fund for the I-25 and SH392 Interchange and Improvements Project.

This resolution authorizes an amended Intergovernmental Agreement between the Town of Windsor, City of Fort Collins, and the Developer (Metro Acquisitions, LLC) to share the cost of filing a Justification for Separate Action and processing a 1601 study for the I 25 and SH 392 Interchange. Ordinance No. 078, 2008 appropriates Fort Collins' portion of the cost for these processes.

The amended Intergovernmental Agreement divides the cost between Windsor, Fort Collins, and the Developer and increases the capped contribution from Fort Collins from \$38,391 to \$53,690.

25. First Reading of Ordinance No. 079, 2008, Amending Section 4.5(b) of the Land Use Code of the City Pertaining to Shelters for Victims of Domestic Violence.

This Ordinance will amend the permitted use list of the Low Density Mixed-use Neighborhood (L-M-N) to cap the number of residents in a Shelter for Victims of Domestic Violence allowed as a Basic Development Review at 15 clients. Also, the Ordinance will add Shelters for Victims of Domestic Violence allowed as a Type Two Review but with an unlimited number of clients.

26. First Reading of Ordinance No. 080, 2008, Authorizing the Conveyance of a Stormwater Filtration and Detention Easement at the Gardens on Spring Creek (Horticulture Center) to Colorado State University.

CSU has approached the City with an interest in constructing a water quality control project to treat storm flows from CSU's main campus. The majority of the project will occur on CSU's property adjacent to the City's Horticulture Center property. However, due to design constraints, CSU is requesting a stormwater easement to accommodate a portion of this project on City property. The University has requested that the City convey a 28,581 square foot permanent easement for stormwater filtration and detention over a portion of the Horticulture Center property.

27. First Reading of Ordinance No. 081, 2008, Authorizing the Conveyance of a Sanitary Sewer Easement and a Temporary Construction Easement on City Property to New Belgium Brewing Company, Inc.

The City of Fort Collins Streets Department owns a parcel of land at 625 Ninth Street. The owner of the adjacent property, New Belgium Brewery, Inc., has asked the City to convey a sanitary sewer easement and a temporary construction easement on its property to connect the Brewery's new building to the City of Fort Collins sewer system. The Brewery has agreed to pay the City a fee of \$1000 for the easements and to restore the easement areas when construction is complete.

28. First Reading of Ordinance No. 082, 2008, Vacating a Street Right-of-Way on Block 142 Established as Part of the 1873 Map of the Town of Fort Collins.

This Ordinance vacates Lincoln Place right-of-way, located within Library Park, in preparation for the City's conveyance of a portion of the block to the Fort Collins Regional Library District.

29. Resolution 2008-059 Approving Expenditures from the Art in Public Places Reserve Account in the Cultural Services and Facilities Fund to Commission an Artist to Create Art Elements for the Soapstone Prairie Natural Area Project.

This Resolution approves expenditures of \$26,595 for design, materials, installation and contingency for a project with the artist Robert Tully to create sculptural elements for the Soapstone Prairie Natural Area Project.

30. Resolution 2008-060 Establishing Fee Increases Charged by Fort Collins Police Services Relating to the Release of Criminal Justice Records.

Approval of the change in the Fee Schedule will allow Fort Collins Police Services to comply with HB 08-1076, which will become effective August 6, 2008.

31. Resolution 2008-061 Making an Appointment to the Natural Resources Advisory Board.

A vacancy currently exists on the Natural Resources Advisory Board due to the resignation of Ryan Staychock. Councilmembers Manvel and Troxell reviewed the applications on file and are recommending Phil Friedman to fill the vacancy with a term to begin immediately and set to expire on December 31, 2009.

32. Routine Easements.

- A. Easement for construction and maintenance of public utilities from Edwin and Rebecca harper Trust, and Scott Harper, for a right-of-way easement to provide additional electric power source for the southwest enclave annexation, located at 120 Palmer Drive. Monetary consideration: \$2300.
- B. Easement for construction and maintenance of public utilities from Carl and Sharon Schell, for a right-of-way easement to underground existing overhead electric system for the southwest enclave annexation, located at 128 East Trilby. Monetary consideration: \$900.
- C. Easement for construction and maintenance of public utilities from Grandbois Properties, for a right-of-way easement to underground existing overhead electric system for the southwest enclave annexation, located at 6520 South College Avenue. Monetary consideration: \$6000.

END CONSENT

33. Consent Calendar Follow-up.

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

34. Staff Reports.
35. Councilmember Reports.

Discussion Items

The method of debate for discussion items is as follows:

- Mayor introduces the item number, and subject; asks if formal presentation will be made by staff
- Staff presentation (optional)
- Mayor requests citizen comment on the item (five minute limit for each citizen)
- Council questions of staff on the item
- Council motion on the item
- Council discussion
- Final Council comments
- Council vote on the item

Note: Time limits for individual agenda items may be revised, at the discretion of the Mayor, to ensure all citizens have an opportunity to speak. **Please sign in at the table in the back of the room.** The timer will buzz when there are 30 seconds left and the light will turn yellow. It will buzz again at the end of the speaker's time.

36. Second Reading of Ordinance No. 063, 2008, Appropriating Prior Year Reserves in the Stormwater Fund For Review of Stormwater Best Management Practices and Implementation of Low Impact Development Demonstration Projects.
(no staff presentation - 5 minute discussion)

Council has asked for a review of the City's Stormwater Best Management Practices. City staff has requested assistance from Colorado State University. This Ordinance, adopted on First Reading on June 3, 2008 by a vote of 6-0 (Councilmember Troxell withdrew due to a conflict of interest), appropriates \$303,012 from Stormwater reserves to fund the services to be provided by the Urban Water Center at Colorado State University.

37. Resolution 2008-062 Repealing Resolution 2004-082 and Adopting a New West Nile Virus Management Policy. (15 minute staff presentation - 1 hour discussion)

The overall goal of the West Nile Virus Management Policy is to reduce the risk of human West Nile virus infection while limiting adverse human health and environmental impacts. In December 2007 the City Manager formed a West Nile Virus Technical Advisory Committee for the purpose of reviewing and making recommendations about the City's policy and practices related to West Nile virus mitigation. The Committee has finalized its review and made a number of recommendations. City Council discussed the Committee's findings at work sessions on April 22, 2008 and June 10, 2008 and directed staff to bring forward a resolution formally adopting a West Nile Virus Management Policy.

38. Pulled Consent Items.

39. Other Business.

40. 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.