

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
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REGULAR MEETING

July 15, 2008

Proclamations and Presentations 5:30 p.m.

- A. Proclamation Declaring July 2008 as Carcinoid Cancer Awareness Month.
- B. Proclamation Declaring August 5, 2008 as Neighborhood Night Out.
- C. Proclamation Declaring August 19, 2008 as National Center for Genetic Resources Preservation 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 22. 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. 30, 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. Second 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.

This Ordinance, unanimously adopted on First Reading on July 1, 2008, authorizes the appropriation of \$4,017,604 in prior year reserves in the Light and Power Fund for substation facilities. The funds will be used to supplement existing appropriations for the Portner Substation, located west of the Transfort facility. In addition, the appropriation will also purchase and install two transformers and foundations for the Timberline Substation, south of Prospect Road.

7. Second 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, unanimously adopted on First Reading on July 1, 2008, 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).

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

Ordinance No. 076, 2008, unanimously adopted on First Reading on July 1, 2008, appropriates \$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, 140 East Oak Street. The DDA Board has authorized the expenditure on this project.

9. Second 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, unanimously adopted on First Reading on July 1, 2008, 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.

10. Second 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, unanimously adopted on First Reading on July 1, 2008, amends 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. The Ordinance also adds Shelters for Victims of Domestic Violence to be allowed as a Type Two Review but with an unlimited number of clients.

11. Second 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. This Ordinance, unanimously adopted on First Reading on July 1,

2008, authorizes the conveyance of a 28,581 square foot permanent easement for stormwater filtration and detention over a portion of the Horticulture Center property.

12. Second 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.

This Ordinance, unanimously adopted on First Reading on July 1, 2008, authorizes the conveyance of a sanitary sewer easement and a temporary construction easement on City property, located at 625 Ninth Street, to the owner of the adjacent property, New Belgium Brewery, Inc., 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.

13. Second 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, unanimously adopted on First Reading on July 1, 2008, 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.

14. First Reading of Ordinance No. 083, 2008, Amending Chapter 3 of the City Code to include Art Gallery Permits.

This Ordinance will amend the City Code to include the fees and approval process for Art Gallery Permits.

15. Items Relating to Relocating Certain Provisions of the City Code Regarding Unreasonable Noise and Nuisance Gatherings to Chapter 17, Relocating Provisions Regarding Snow Removal to Chapter 20, and Making Amendments to the Penalty Provisions for Civil Infractions.

- A. First Reading of Ordinance No. 084, 2008, Relocating Certain Provisions of the City Code Regarding Unreasonable Noise and Nuisance Gatherings to Chapter 17 and Relocating Certain Provisions Regarding Snow Removal to Chapter 20.
- B. First Reading of Ordinance No. 085, 2008, Amending Certain Sections of the City Code and the Land Use Code Pertaining the Penalties for Civil Infraction Violations

Ordinance No. 084, 2008, would relocate certain provisions within Chapter 17 and 20 of the City Code in order to place them logically within the Code for consistency and clarity of enforcement mechanisms.

Ordinance No. 085, 2008, would clarify the penalties for civil infractions. Under this Ordinance, the third and subsequent violations of the same Code provision within a twelve-month period of time could be charged and prosecuted as criminal misdemeanors.

16. First Reading of Ordinance No. 086, 2008, Extending the Contracts of the City's Service Providers for Employee Benefits Programs to December 31, 2009.

The vendors providing life insurance, dental insurance, vision insurance, and transplant insurance for City employees have serviced the City of Fort Collins for many years. This Ordinance will approve an extension of the current agreements with these vendors for an additional year to allow for sufficient time and resources for a competitive process to be completed in 2009.

17. First Reading of Ordinance No. 087, 2008, Authorizing the Lease of the Prairie Ridge Natural Area for Dryland Wheat Farming for up to Three Years.

The Ordinance will authorize the lease of the Natural Area owned jointly by the Cities of Loveland and Fort Collins, located south of Fort Collins and west of Taft Hill Road. The property has been leased to the same tenant for eight years and will be used for rotational wheat crops.

18. First Reading of Ordinance No. 088, 2008, Authorizing the Conveyance of Two Waterline Easements and Two Temporary Construction Easements on City Property to the North Weld County Water District.

The North Weld County Water District and East Larimer County Water District are in the process of acquiring the necessary easements for their waterline transmission project ("NEWT") which is scheduled to begin construction in January 2009. The City of Fort Collins Parks Department owns two parcels of land on which the Districts have requested an easement for their project. The North Weld County Water District has agreed to pay the City a fee of \$1000 for the easements and will restore the easement areas when construction is complete.

19. Resolution 2008-064 Adopting the Recommendations of the Cultural Resources Board Regarding Fort Fund Disbursements.

The Cultural Development and Programming and Tourism Programming accounts (Fort Fund) provide grants to fund community events. This Resolution will adopt the recommendations from the Cultural Resources Board to disburse these funds.

20. Resolution 2008-065 Authorizing a Grant Agreement with the State of Colorado for the Power Trail.

This Resolution authorizes the City Manager to enter into a grant agreement with the State of Colorado Department of Natural Resources, Division of Parks and Recreation. The grant funds will enable the City to extend the Power Trail south of Harmony to Trilby Road.

21. Resolution 2008-066 Making Appointments to Various Boards and Commissions.

A vacancy currently exists on the Cultural Resources Board due to the resignation of Jack Steele. Applications were solicited and Councilmembers David Roy and Lisa Poppaw

conducted interviews. The interview team is recommending Anne Macdonald to fill the vacancy with a term to begin immediately and set to expire on December 31, 2010.

A vacancy currently exists on the Landmark Preservation Commission due to the resignation of Alyson McGee. Applications were solicited and Councilmembers David Roy and Lisa Poppaw conducted interviews. The interview team is recommending Sondra Carson to fill the vacancy with a term to begin immediately and set to expire on December 31, 2011.

A vacancy currently exists on the Senior Advisory Board due to the resignation of Judy Vasiliauskas. Applications were solicited and Councilmembers David Roy and Lisa Poppaw conducted interviews. The interview team is recommending Joan Deines to fill the vacancy with a term to begin immediately and set to expire on December 31, 2011.

A vacancy currently exists on the Women's Commission due to the resignation of Patricia Stewart. Applications were solicited and Councilmembers David Roy and Lisa Poppaw conducted interviews. The interview team is recommending Becky Goldbach to fill the vacancy with a term to begin immediately and set to expire on December 31, 2009.

Vacancies currently exist on the Youth Advisory Board due to the resignations of Matt Strauch and Scott Umbriet. Applications were solicited and Councilmembers Lisa Poppaw and David Roy conducted interviews. The interview team is recommending Vivian Acott and Lisa Parker to fill the vacancies with terms to begin immediately and set to expire on December 31, 2009 and December 31, 2010 respectively.

22. Routine Easements.

- A. Easement for construction and maintenance of public utilities from Reorganized Church of Jesus Christ of Latter Day Saints, for a right-of-way easement to install pad transformer to accommodate increased electric service, located at 220 East Oak. Monetary consideration: \$10.
- B. Easement for construction and maintenance of public utilities from 6617 South College LLC, for a right-of-way easement to install pad transformer to accommodate REA transfer for the southwest enclave annexation, located at 6617 South College. Monetary consideration: \$1000.
- C. Easement for construction and maintenance of public utilities from Margaret D. Wyatt, for a right-of-way easement to underground existing electric system, located at 6530 South College Avenue. Monetary consideration: \$3,800.
- D. Easement for construction and maintenance of public utilities from Janet E. Michaud, to install a 3 phase switch cabinet to underground existing electric system, located at 6805 South College Avenue. Monetary consideration: \$500.

END CONSENT

23. Consent Calendar Follow-up.
- a. This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
24. Staff Reports.
25. 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.

26. Resolution 2008-067 Authorizing and Directing Staff to Prepare an Urban Renewal Plan and Existing Conditions Study for the Prospect South Area. (10 minute staff presentation - 30 minute discussion)

The City Council established an Urban Renewal Authority (URA) to provide assistance to redevelopment projects in specified areas of the city. The Prospect South Area is identified as a Targeted Redevelopment Area in *City Plan*. Capstone Development Corporation is proposing a mixed-use redevelopment project, including student housing on the edge of CSU's Main Campus, along with transit oriented design features adjacent to the Mason Corridor, and storm water management for an historically flood prone site. The costs of redevelopment are significant and utilization of Tax Increment Financing (TIF) from the URA is needed to make the project financially feasible. Staff is seeking Council's authorization to proceed with the preparation of an Existing Conditions Survey and draft an Urban Renewal Plan for the Prospect South Area.

27. First Reading of Ordinance No. 088, 2008, Amending Chapter 20 of the City Code by Adding Regulations Pertaining Specifically to Dirt Yards and Dilapidated Fences. (10 minute staff presentation - 1 hour discussion)

This Ordinance addresses physical deterioration of properties that affect the well-being of neighborhoods in Fort Collins. The proposed regulatory tools would enhance the City's ability to provide the community with improved preventative measures.

28. Items Relating to the Boxelder Regional Stormwater Master Plan.
(20 minute staff presentation - 90 minute discussion)
- A. Resolution 2008-068 Authorizing Execution of an Intergovernmental Agreement Establishing the Boxelder Basin Regional Stormwater Authority as a Separate Governmental Entity and Approving the Boxelder Creek Regional Stormwater Master Plan.
 - B. First Reading of Ordinance No. 089, 2008 Amending Chapter 26 of the City Code to Reflect the Adoption of the Boxelder Regional Stormwater Master Plan.

As requested by City Council in 2004, City staff along with representatives from Larimer County, the Town of Wellington, and other agencies and interests, have prepared a proposed Boxelder Regional Stormwater Master Plan. The same group also studied options for implementation and is recommending a Regional Stormwater Authority.

Staff believes the proposed Boxelder Regional Stormwater Master Plan will be beneficial to the citizens of Fort Collins because it will protect the health, property, safety and welfare of the City; the ecological health of Boxelder Creek will be enhanced; pollution will be reduced; and is cost effective.

It is to the City's advantage to participate in the proposed regional authority because it makes already cost effective improvements more economical by sharing costs; it avoids substantial public infrastructure costs for road crossings; it equitably shares the cost between participating agencies; it provides economic benefits by removing undeveloped lands with frontage along I-25 from the floodplain; and it provides the means to begin to solve stormwater problems in areas that will likely be in the City limits in the future.

The interests of the City are protected by inclusion of language to ensure a holistic approach toward stormwater quality best management practices, stream stability, and habitat enhancement; by inclusion of an impact fee to equitably recover costs from properties when they develop; and by representation on the Authority Board to influence Authority direction.

29. Resolution 2008-069 Adopting a Policy Concerning the Approval of Metropolitan District Service Plans. (10 minute staff presentation - 30 minute discussion)

The City Council is being asked to consider adopting a policy regarding the formation of Metropolitan Districts. Metropolitan Districts are a common tool used in Colorado to assist in financing significant infrastructure related to developing property. In the past, the City of Fort Collins has not encouraged the use of Districts. Recently, the City has been asked to consider the use of Districts and staff has drafted a proposed policy on their use and presented the Policy to the Council Finance Committee and the entire City Council in a work session. The City's proposed Policy includes a variety of proposed restrictions on the use of Metropolitan Districts that are outlined in the Agenda Item Summary and Resolution 2008-069.

30. Pulled Consent Items.

31. Other Business.

- a. Cancellation of Regular Council Meeting of August 5, 2008.
- b. Adjourn to August 12, 2008 for Pre-Application Hearing for Loveland Commercial, North College and Willox.

32. 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.