

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

Council Chambers  
City Hall West  
300 LaPorte Avenue  
Fort Collins, Colorado  
6 p.m.

Cablecast on City Cable Channel 14  
on the Comcast cable system

Darin Atteberry, City Manager  
Steve Roy, City Attorney  
Wanda Krajicek, City Clerk

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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.

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## **SPECIAL MEETING**

### **November 12, 2008**

1. Call Meeting to Order.
2. Roll Call.
3. Resolution 2008-106 Authorizing a Grant Agreement with the U.S. Department of Energy and Project Agreements with Colorado State University, Larimer County, the Governor's Energy Office, and Other Entities, to Receive Grant Funds for Development and Demonstration of a Coordinated and Integrated System of Mixed Distributed Electric Resources.

This project will modernize and transform a portion of the electrical distribution system in the City by developing and demonstrating a coordinated and integrated system of mixed distributed electric resources, including renewable generation (solar), rotary- and inverter-based generation, and demand response methods, that will reduce peak loads on multiple distribution feeders in the downtown area by up to 30% and deliver improved efficiency and reliability.

4. Resolution 2008-107 Declaring the Intent of the City of Fort Collins, Colorado to Issue Economic Development Revenue Bonds to Provide Financing for a Manufacturing Facility for Ambiance Incorporated, D/B/A Fort Collins Brewery; Prescribing Certain Terms and Conditions of Such Bonds; and Containing Other Provisions Relating to the Proposed Issuance of Such Bonds.

This Resolution declares the City's intent to authorize the issuance of an amount not to exceed \$5,000,000 of economic development revenue bonds for the Fort Collins Brewery project (a small manufacturing company) from the annual statewide allocation the City receives. This is not the receipt of dollars, but the intent to exercise the right to issue tax exempt bonds for purposes prescribed in the Internal Revenue Code by the federal government. Economic development revenue bonds are one type of bond that can be issued for private activity purposes. **This action does not authorize a bond issue.**

The urgency of this inducement resolution relates to expenses related to a land purchase on September 29, 2008. Fort Collins Brewery desires the ability to reimburse itself out of the tax exempt bond proceeds for expenditures that accrue before the issuance of the bonds. The Internal Revenue Code will permit such reimbursement provided that the public issuer (City of Fort Collins) adopts an inducement resolution and the expenditure accrued no earlier than 60 days prior to the date such resolution was adopted. In order to meet this requirement, the resolution needs approval prior to November 28, 2008.

The request for Council to authorize the actual bond issue will occur later this year. If the actual bond issue does move forward, it will not occur until 2009, with the source of the funds being the City's allocation for 2009. In fiscal year 2009, the City of Fort Collins is estimated to receive a private activity bond allocation of \$5,600,000. **If these bonds are authorized, they will not be an obligation of the City of Fort Collins.**

Fort Collins Brewery relocation and expansion on a site within the city limits will result in additional property taxes for the City as well as use tax on construction materials and equipment purchases.

5. Items Pertaining to the Annexation and Zoning of the Eagle View Natural Area.
- A. First Reading of Ordinance No. 138, 2008, Annexing Property Known as the Eagle View Natural Area First Annexation to the City of Fort Collins, Colorado.
  - B. First Reading of Ordinance No. 139, 2008 Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Eagle View Natural Area First Annexation to the City of Fort Collins, Colorado.
  - C. First Reading of Ordinance No. 140, 2008, Annexing Property Known as the Eagle View Natural Area Second Annexation to the City of Fort Collins, Colorado.

- D. First Reading of Ordinance No. 141, 2008, Amending the Zoning Map of the City of Fort Collins and Classifying for Zoning Purposes the Property Included in the Eagle View Natural Area Second Annexation to the City of Fort Collins, Colorado.

The above items will accomplish the annexation and zoning of approximately 86 acres of land solely owned by the City known as the Eagle View Natural Area and place the area into the POL – Public Open Lands Zone District. The annexations are in conformance with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins Comprehensive Plan, the Larimer County and City of Fort Collins Intergovernmental Agreement, the City of Fort Collins *Land Use Code*, and the *Fossil Creek Reservoir Area Plan*.

6. Items Relating to the City's Ownership, Administrative Control, and Maintenance of Certain Portions of Harmony Road.

- A. Resolution 2008-108 Authorizing the Mayor to Enter into a Modification and Ratification Intergovernmental Agreement with the Colorado Department of Transportation.
- B. First Reading of Ordinance No. 142, 2008, Amending Ordinance No. 067, 2005, to Clarify the Portion of Harmony Road that is Owned, Controlled and Maintained by the City.

In 2005, the City and the Colorado Department of Transportation (CDOT) executed a series of documents, including an intergovernmental agreement (the "IGA"), that transferred ownership, administrative control, and maintenance of Harmony Road to Fort Collins. The City and CDOT staff are recommending an amendment to the IGA to clarify the jurisdictional limits of the two entities. In addition, the City has agreed with CDOT to assume operation and maintenance responsibility for the traffic signal at the intersection of Harmony Road and the Harmony Transit Center. This is easier and more efficient for Fort Collins than for CDOT, and can be assumed under existing budgets.

7. Resolution 2008-100 Adopting the 2008 Update to the *Three Mile Plan for the City of Fort Collins*.

The *Three-Mile Plan* is a policy document that is required to ensure that the City complies with the regulations of the Colorado Revised Statutes. This is the 2008 update to the *Three-Mile Plan* for the City.

8. Resolution 2008-109 Accepting an Amended Petition, Finding Substantial Compliance, and Initiating Annexation Proceedings for the Portions of the Gateway Annexation Not Claimed by the Town of Timnath.

The proposed Resolution makes findings that the voluntary petition for annexation for the Gateway Annexation, containing a total of approximately 256.3 acres, substantially complies with the Municipal Annexation Act, accepts the petition, and determines that a hearing should be established regarding the annexation of the portions of the Gateway Annexation not claimed by the Town of Timnath, and directs that notices be given of the hearing. The hearing will be held at the time of second reading of the annexation and zoning ordinances scheduled for December 16, 2008. Not less than thirty days prior notice is required by State law. The annexation request is in conformance with the State of Colorado Revised Statutes as they relate to annexations, the City of Fort Collins Comprehensive Plan (*City Plan*), the Larimer County and City of Fort Collins Intergovernmental Agreements, the City of Fort Collins *Land Use Code*, and the *Harmony Corridor Plan*.

9. Other Business.

10. Adjournment.