

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

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

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.

REGULAR MEETING

January 20, 2009

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

none.

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

PLEDGE OF ALLEGIANCE

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

****Recognition of Kim Jordan, CEO of New Belgium Brewing Company, in honor of her award as CEO of the Year.**

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
- Address your comments to Council, not the audience.

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 18. 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. 24, 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 6, 2009 Regular Meeting.7. Second Reading of Ordinance No. 001, 2009, Appropriating Unanticipated Grant Revenue in the General Fund for the Police Services Victim Services Team.

The City has received a grant in the amount of \$34,000 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 6, 2009, appropriates the grant funds.

8. Second Reading of Ordinance No. 002, 2009, Appropriating Proceeds from the Issuance of City of Fort Collins, Colorado, Wastewater Utility Enterprise, Sewer Revenue Refunding Bonds, Series 2009, Scheduled to be Sold the Week of January 20, 2009, In the Maximum Aggregate Principal Amount of \$34,000,000 in the Wastewater Utility Fund.

This Ordinance, unanimously adopted on First Reading on January 6, 2009, appropriates the Wastewater Utility Fund proceeds from bonds issued by Ordinance No. 003, of the Board of the Wastewater Utility Enterprise, for the purpose of funding a major capital improvement project at the Mulberry Reclamation Facility. The improvements including both design and construction of the new facility will total approximately \$34 million.

9. Second Reading of Ordinance No. 003, 2009, Amending Section 2-428 of the City Code Expanding the Functions of the Transportation Board to Include the Establishment of a "Bicycle Advisory Committee."

This Ordinance, unanimously adopted on First Reading on January 6, 2009, establishes a Bicycle Advisory Committee (BAC). The BAC will be a citizen advisory committee which reports to the City of Fort Collins Transportation Board. BAC members will have interest in or knowledge of bicycling related issues. The BAC's role will be to review issues related to bicycling in the areas of engineering, enforcement, education, encouragement, environment, community, and economy, as noted in the 2008 Bicycle Plan.

10. First Reading of Ordinance No. 005, 2009, Appropriating Unanticipated Grant Revenue in the General Fund for the Natural Resources Radon Program and Authorizing the Transfer of Matching Funds.

The City has received a \$4,051 grant from the Colorado Department of Public Health and Environment for continuing radon education and outreach to encourage radon testing and mitigation through media advertising and low-cost test kit sales. The grant period is from October 1, 2008 through September 30, 2009.

11. First Reading of Ordinance No. 006, 2009, Appropriating Unanticipated Grant Revenue in the General Fund for Continuation of the Restorative Justice RESTORE Program.

A grant in the amount of \$15,000 has been received from the Bohemian Foundation for salaries associated with the continued operation of the RESTORE Program. The grant period is from December 1, 2008 to November 31, 2009.

12. First Reading of Ordinance No. 007, 2009, Appropriating Revenue in the Downtown Development Authority Debt Service Fund for Payment of Debt Service on Bond Series 2008A for the Year 2009.

This Ordinance will appropriate the tax increment revenue in the Downtown Development Authority Debt Service Fund for the payment of debt service for the year 2009 to the City of Fort Collins for the 2008A Taxable Subordinate Tax Increment Revenue Bonds.

13. Items Relating to a Volunteer Handicap Parking Enforcement Program.
- A. First Reading of Ordinance No. 008, 2009, Relating to Changes in the City of Fort Collins Traffic Code to Implement a Volunteer Handicap Parking Enforcement Program (the “Program”).
 - B. First Reading of Ordinance No. 009, 2009, Appropriating Prior Year Reserves in the Transportation Services Fund for the Volunteer Handicap Parking Enforcement Program

Under the current traffic code, citations for handicap parking space violations may only be written by a police officer or parking services officer who personally observes the violation and citations for handicap parking space violations cannot be delivered by mail. The changes proposed in Ordinance No. 008, 2009, will allow citizen volunteers to observe violations of handicap parking spaces, and provide evidence of the violation to a Parking Services enforcement officer. The officer will confirm vehicle ownership information with the Department of Motor Vehicles and issue a citation by mail to the owner of the offending vehicle. In Colorado, vehicle owners are *prima facie* responsible for parking citations, regardless of who was driving the vehicle.

Ordinance No. 009, 2009, appropriates the funds to implement the Program.

14. First Reading of Ordinance No. 010, 2009, Amending Ordinance No. 058, 2007, Which Amended the Zoning Map of the City of Fort Collins by Changing the Zoning Classification for that Certain Property Known as the Rigden Farm Tract A Rezoning.

An error was made in Ordinance No. 058, 2007. Section 2 of that Ordinance stated that the property should not be included in the Residential Neighborhood Sign District. Section 2 should have read that the property was to be included in the Residential Neighborhood Sign District. This Ordinance will correct that error.

15. Resolution 2009-004 Authorizing a Revocable Permit to Don Kehn Construction, Inc. for the Completion of Mining Reclamation Activities on Arapaho Bend Natural Area.

Arapaho Bend Natural Area was purchased on January 20, 1995. Prior to City ownership of the Arapaho Bend Natural Area, Kehn operated a sand and gravel mine on a portion of the property under a permit issued by the Colorado Division of Reclamation, Mining and Safety (CDRMS). Mining was completed prior to the City’s purchase; however reclamation of the mined area is not complete as required by the CDRMS. Approval of a revocable permit for up to five years gives Kehn access to 6.183 acres of the property to complete the required reclamation activities, which includes the backfilling of approximately one-half acre of gravel pond and revegetation of the site.

16. Resolution 2009-005 Making Findings of Fact and Conclusions Pertaining to the Appeal of the Water Board's August 28, 2008 Denial of the Floodplain Variance for a School in the Poudre River 500-year Floodplain.

On September 30, 2008, an amended Notice of Appeal was filed seeking to overturn the August 28, 2008 decision of the Water Board denying a floodplain variance for a school in the Poudre River 500-year floodplain at 720-750 East Vine Drive.

On January 6, 2009, City Council voted to remand the variance request back to the Water Board for further consideration. In order to complete the record regarding this appeal, the Council should adopt a Resolution making findings of fact and finalizing its decision on the appeal.

17. Resolution 2009-006 Approving the Execution of an Agreement to Modify and Amend an Intergovernmental Agreement Concerning the Implementation of an "E911" Emergency Telephone Service.

The City of Fort Collins is a party to an Intergovernmental Agreement ("IGA") dated November 14, 1990, which established a separate legal entity called the Larimer Emergency Telephone Authority ("LETA"). LETA is responsible for administering the operation of the emergency telephone service program (911) and defining the manner in which each of the parties will participate in the authority. On June 4, 2008, the LETA Board of Directors approved an agreement to modify and amend the original IGA. This Resolution approves the execution of the Agreement.

18. Resolution 2009-007 Updating the List of Names for Arterial and Collector Streets.

Section 24-91 of the City Code requires that all new arterials and collectors be named from the official list of street names approved by the City Council. The list is adopted by the City Council and names can be added only by resolution of the City Council. This Resolution represents an update to the official list of eligible street names in order to add four new names and delete three names that have been selected since the last update in February of 2006. This is not a request to name or rename a specific street. This action represents a clean-up of the official list in order to keep name selection opportunities as current as possible.

END CONSENT

19. Consent Calendar Follow-up.
- a. This is an opportunity for Councilmembers to comment on items adopted or approved on the Consent Calendar.
20. Staff Reports.
21. 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.

22. Items Relating to an Intergovernmental Agreement Between the City of Fort Collins and the Town of Timnath. (staff: Darin Atteberry, Steve Roy; 15 minute staff presentation; 30 minute discussion)

- A. First Reading of Ordinance No. 011, 2009, Approving an Intergovernmental Agreement Between Timnath and Fort Collins Regarding Growth Management Areas and Associated Issues Authorizing Disposition of Property as Provided Therein.
- B. First Reading of Ordinance No. 012, 2009, Appropriating \$1.2 Million in Prior Year Reserves in the Stormwater Fund and Self-Insurance Fund and Irrevocably Pledging an Additional \$800,000 in Undesignated Reserves to be Contributed to the Town of Timnath, Colorado for Improvements to the Boxelder Overflow Project.

Fort Collins and Timnath have negotiated a proposed intergovernmental agreement (IGA) to resolve certain differences that have arisen between them regarding a variety of planning and growth management issues. The IGA is intended to firmly establish the Growth Management Areas (GMA) for each municipality. In addition, the IGA authorizes the conveyance of an easement on Arapaho Bend Natural Area for a portion of the Boxelder Overflow Project, and the potential sale of the Vangbo Natural Areas property to Timnath. It also authorizes a contribution by Fort Collins to Timnath's Boxelder Overflow Project. The IGA terminates overlapping annexations by Timnath and Fort Collins in the vicinity of Harmony and I-25. Furthermore, the IGA makes clear that the Riverwalk property, at the southwest corner of I-25 and Harmony will stay within the Fort Collins' GMA.

23. Second Reading of Ordinance No. 004, 2009, Adopting the 2009 Classified Employees' Pay Plan. (staff: Janet Miller, Amy Sharkey; no staff presentation; 15 minute discussion)

Ordinance No. 004, 2009, adopted on First Reading on January 13, 2009 by a vote of 4-2 (Nays: Poppaw, Troxell), adopts the 2009 classified employees' pay plan. The 2009 Pay Plan establishes a structure for employee compensation. It is the framework that sets the

minimum and maximum pay for City positions. Funding for the 2009 Classified Employees' Pay Plan is included in the 2009 Adopted City Budget, as amended.

24. Pulled Consent Items.

25. Other Business.

26. 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.